

**REPORT OF THE  
TEXAS FORENSIC SCIENCE COMMISSION**

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
HOUSTON REGIONAL CRIME LABORATORY  
SELF-DISCLOSURE**

**APRIL 5, 2013**

## **EXHIBIT LIST**

<b>Exhibit A</b>	OIG Report
<b>Exhibit B</b>	Texas Rangers Report
<b>Exhibit C</b>	DPS Disclosure
<b>Exhibit D</b>	April Email Alert from Keith Gibson to Law Enforcement & Prosecutors
<b>Exhibit E</b>	Harris Co. DA Letter to Defendants
<b>Exhibit F</b>	Harris Co. Pub. Defender Letter
<b>Exhibit G</b>	Commission Memo to Prosecutors and Judges
<b>Exhibit H</b>	ASCLD-LAB Guiding Principles
<b>Exhibit I</b>	J. Salvador Performance Evaluations
<b>Exhibit J</b>	QAPs re: Salvador Re-Testing Cases

## **I. BACKGROUND AND STATUTORY AUTHORITY**

### **A. History and Mission of the Texas Forensic Science Commission**

In May 2005, the Texas Legislature created the Texas Forensic Science Commission (“TFSC” or “Commission”) by passing House Bill 1068 (the “Act”). The Act amended the Code of Criminal Procedure to add Article 38.01, which describes the composition and authority of the TFSC. *See* Act of May 30, 2005, 79<sup>th</sup> Leg., R.S., ch. 1224, § 1, 2005. The Act took effect on September 1, 2005. *Id.* at § 23.

The Act provides that the TFSC “shall investigate, in a timely manner, any allegation of professional negligence or misconduct that would substantially affect the integrity of the results of a forensic analysis conducted by an accredited laboratory, facility or entity.” TEX. CODE CRIM. PROC. art. 38.01 § 4(a)(3). The Act also provides that the TFSC shall develop and implement a reporting system through which accredited laboratories, facilities, or entities may report professional negligence or misconduct, *and* require all laboratories, facilities, or entities that conduct forensic analyses to report professional negligence or misconduct to the Commission. *Id.* at § 4(a)(1)-(2).

The term “forensic analysis” is defined as a 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. *Id.* at art. 38.35(4). The statute excludes certain types of analyses from the “forensic analysis” definition, such as latent fingerprint analysis, a breath test specimen, and the portion of an autopsy conducted by a medical examiner or licensed physician.<sup>1</sup>

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<sup>1</sup> For complete list of statutory exclusions, *see* TEX. CODE CRIM. PROC. art. 38.35(a)(4)(A)-(F) & (f).

The statute does not define the terms “professional negligence or misconduct,” though the Commission has defined those terms in its policies and procedures. (TFSC Policies & Procedures at 1.2.) The Commission also released guidance for accredited crime laboratories regarding the categories of non-conformances that may require mandatory self-reporting; this guidance is provided with the self-disclosure form located on the Commission’s website at <http://www.fsc.state.tx.us/documents/LABD.pdf>.

The TFSC has nine members—four appointed by the Governor, three by the Lieutenant Governor and two by the Attorney General. *Id.* at art. 38.01 § 3. Seven of the commissioners are scientists and two are attorneys (one prosecutor and one defense attorney). *Id.* The TFSC’s presiding officer is designated by the Governor. *Id.* at § 3(c).

The TFSC’s policies and procedures set forth the process by which it determines whether to accept a complaint, as well as the process used to conduct an investigation once a complaint is accepted. (See TFSC Policies & Procedures at § 3.0, 4.0.) The ultimate result of an investigation is the issuance of a final report.

#### **B. Attorney General Opinion No. GA-0866**

On January 28, 2011, the Commission asked Texas Attorney General Greg Abbott to respond to three questions regarding the scope of its jurisdiction under its enabling statute (TEX. CODE CRIM. PROC., art. 38.01). On July 29, 2011, the Attorney General issued the following legal guidance:

1. The TFSC lacks authority to take any action with respect to evidence tested or offered into evidence before September 1, 2005. Though the TFSC has general authority to investigate allegations arising from incidents that occurred prior to September 1, 2005, it is prohibited, in the course of any such investigation, from considering or evaluating evidence that was tested or offered into evidence before that date.

2. The TFSC's investigative authority is limited to laboratories, facilities, or entities that were accredited by the Texas Department of Public Safety ("DPS") at the time the analysis took place.
3. The Commission may investigate a field of forensic science that is neither expressly included nor expressly excluded on DPS' list of accredited forensic disciplines, as long as the forensic field meets the statute's definition of "forensic analysis" (*See* Article 38.35 of the Act) and the other statutory requirements are satisfied.

The Commission's investigation of the Texas Department of Public Safety, Houston Regional Crime Laboratory's ("DPS") self-disclosure falls within its statutory jurisdiction for the following reasons: (1) the negligence or misconduct occurred after the effective date of the Act; (2) DPS is accredited by ASCLD-LAB; and (3) controlled substance analysis is an accredited forensic discipline.

### **C. Limitations of this Report**

No finding contained herein constitutes a comment upon the guilt or innocence of any individual. A final report by the TFSC is not prima facie evidence of the information or findings contained in the report. TEX. CODE CRIM. PROC. art. 38.01 § 4 (e); FSC Policies and Procedures § 4.0 (d). The Commission does not currently have enforcement or rulemaking authority under its statute. The information it receives during the course of any investigation is dependent upon the willingness of concerned parties to submit relevant documents and respond to questions posed. The information gathered has not been subjected to the standards for admission of evidence in a courtroom. For example, no individual testified under oath, was limited by either the Texas or Federal Rules of Evidence (*e.g.*, against the admission of hearsay) or was subjected to formal cross-examination under the supervision of a judge. The primary purpose of this report is to encourage the development of forensic science in Texas.

## II. SUMMARY OF KEY FACTS AND DISCLOSURE TIMELINE

### A. Key Facts

The facts of this self-disclosure are straightforward. On January 26, 2012, DPS examiner Andrew Gardiner was attempting to diagnose a problem with his gas chromatograph-mass spectrometer (“GCMS”) as part of the normal course of his work in the laboratory. (See OIG Report at **Exhibit A**; Texas Rangers Report at **Exhibit B, 1.7**). To verify the problem he experienced was not with the sample itself but rather with his instrument, Gardiner attempted to run the sample on examiner Jonathan Salvador’s GCMS. *Id.* Salvador was out of the office at the time, assisting the drug section supervisor with routine evidence destruction duties. *Id.* In the process of troubleshooting his instrument, Gardiner determined he should run an alprazolam sample on his own instrument to assess how it would perform. *Id.* Gardiner noticed on Salvador’s sequence log that the sample directly above the sample he had just run on Salvador’s machine was alprazolam, so he decided to use that vial to run on his machine. *Id.* On the sequence log, the sample was labeled L2H-222396 item 1, and it was in location 18. *Id.* Gardiner attempted to retrieve the vial in location 18, but it was labeled L2H-222403. *Id.* Gardiner’s first thought was that Salvador had mistyped the label number or inadvertently swapped the vial’s location. *Id.* However, no other location in the tray contained vial L2H-222396, so it was apparent to Gardiner the sample’s location had not been switched accidentally. *Id.*

Gardiner then pulled the case folder for L2H-222396 and noticed Salvador had experienced difficulty analyzing a pharmaceutical exhibit that appeared to be a slow-release alprazolam tablet. The mass spectral data for L2H-222396 was insufficient to

report a positive finding, while case file L2H-222403 was complete and needed no further analysis. *Id.* Gardiner then sought input from colleague Haley Yaklin regarding her impression of whether Salvador had used the data from L2H-222403 to support the result for L2H-222396. *Id.* Ms. Yaklin agreed it looked suspicious, and both examiners decided to wait to see if Salvador would correct his own mistake during the review process over the next week. *Id.* On January 30, 2012, Gardiner observed that Salvador completed file L2H-222396 and submitted it for technical review (*See Exhibit B*). He also observed the data used to support the results in file L2H-222396 was the same data he saw in file L2H-222403. *Id.* Gardiner reported his concerns to section supervisor Severo Lopez on February 3, 2013, while the case was in administrative review. *Id.*

On February 3, 2012, Lopez pulled the case folder and evidence for L2H-222396 and re-tested the sample himself. He confirmed the evidence from L2H-222396 was in fact alprazolam, but that Salvador had used the evidence from L2H-222403 to generate the data supporting his results in L2H-222396. The report Salvador drafted for L2H-222396 was not issued outside the laboratory, and Lopez removed Salvador from casework immediately. On February 6, 2012, DPS management informed the Texas Rangers and the Office of Inspector General. On February 10, 2012, DPS suspended Salvador. (*See* DPS Disclosure Form at **Exhibit C**.) On July 24, 2012, DPS notified Salvador of the agency's intent to terminate his employment (*See* OIG Report at **Exhibit A**). On August 6, 2012, Salvador resigned from DPS.

#### **B. DPS Management Consults Texas Rangers and Office of Inspector General**

On February 6, 2012, DPS management reported the situation to the Texas Rangers and the Office of Inspector General. The Rangers assigned investigators on

February 7, 2012, and began interviewing crime lab management and staff on February 8, 2012.

The purpose of the Texas Rangers' investigation was to determine whether there was evidence of criminal activity by Salvador, and to report their conclusions to the Harris County District Attorney's office. The Rangers reviewed relevant case documents and interviewed Salvador, Gardiner, Yaklin, Lopez and Keith Gibson, the director and quality manager of the laboratory. (See **Exhibit B**.) The Rangers observed that Salvador was defensive throughout their interview and was "unable to provide a consistent, plausible reason explaining why or how the evidence from file L2H-222403 ended up being used to generate the results report which was submitted for file L2H-222396." (See **Exhibit B**.) Though Salvador "conceded he might have made a mistake," he denied that he engaged in any intentional wrongdoing. *Id.*

The Rangers reported their findings to the Harris County District Attorney's office. On May 5, 2012, the Harris County District Attorney's office presented the case to a Harris County grand jury. (See **Exhibit B**.) The grand jury returned a no-bill, and the Rangers closed their file on September 12, 2012. *Id.*

The DPS Office of Inspector General ("OIG") interviewed crime lab management and staff in April 2012, after the Rangers completed their investigation. (See **Exhibit A**.) The OIG's investigation was internal to DPS and administrative in nature. *Id.* OIG investigators reviewed relevant documents and interviewed Salvador, Gardiner, Yaklin, Lopez and Gibson. *Id.* The investigators concluded the following:

The evidence supports that on Thursday, 01-26-2012, at approximately 8:55 a.m., while performing his duty as a forensic scientist, Jonathan Salvador improperly acted with total disregard for policy and procedure by testing sample L2H-222403 and recording those results for sample L2H-222396. *Id.*



Both the OIG and Texas Ranger investigations focused narrowly on alleged wrongdoing by Salvador during the alprazolam incident. As discussed below, the Commission's investigation incorporated the work of the Rangers and OIG without duplicating efforts. Because conclusions regarding the specific incident were clear, the Commission focused its investigation on the circumstances and environment in the laboratory leading to the incident; lessons learned from the incident; and recommendations for DPS and other laboratories going forward. The Commission's work is intended to benefit Texas crime laboratories that may face similar circumstances, and also to educate the criminal justice system regarding challenges faced in cases involving high volume disciplines such as controlled substance.

### **III. COLLABORATIVE EFFORTS TO PROVIDE NOTICE TO AFFECTED DEFENDANTS AND MEMBERS OF CRIMINAL JUSTICE SYSTEM**

#### **A. Step One: DPS Notice to TFSC, ASCLD-LAB, Prosecutors and Submitting Law Enforcement Agencies**

On February 21, 2012, DPS management alerted the Commission, ASCLD-LAB, prosecuting attorneys and submitting law enforcement agencies about the alprazolam incident (*See Exhibit C*). The email communication advised affected parties that all evidence worked by Salvador in the previous 90 days would be re-analyzed. *Id.* On April 26, 2012, DPS management emailed a second notice to the agencies explaining that two additional errors were discovered in Salvador's work during the review of 148 cases constituting 90 days of work. (*See Exhibit D.*) DPS also identified 4,944 total drug cases by county (equaling 9,462 pieces of evidence) worked by Salvador during his employment from 2006-2012, and advised law enforcement and prosecutors they could request re-analysis of any case in which the evidence has not yet been destroyed. *Id.* On

June 30, 2012, DPS submitted a follow-up written disclosure to the Commission, including the results of re-testing conducted. (*See Exhibit C.*)

The Commission contacted submitting law enforcement agencies in an attempt to estimate the percentage of the 4,944 total cases for which evidence was destroyed as part of the normal course. Evidence submitted by DPS officers constituted a total of 1,978 cases, and only 21 of those cases were destroyed. Though the Commission did not receive answers from all agencies, staff estimate that between 50-75% of the evidence is available for re-testing, including evidence submitted by DPS officers.

On April 27, 2012, immediately after DPS released the re-testing results, the Texas District and County Attorneys' Association ("TDCAA") posted a notice on its website advising affected members of a suggested protocol for alerting stakeholders, including: (1) notifying the courts of the issue; (2) notifying the local criminal defense bar; (3) pulling all of the cases on the list provided by DPS and checking the disposition for convictions; (4) locating the evidence, and if it still exists, submitting it for retesting (DPS or local departments); and (5) for any case where re-testing yielded inconsistent results (or cases with now-destroyed evidence) requesting that the court appoint an attorney to take the case through a writ process if appropriate.

## **B. Step Two: Notice to Defendants**

### *1. Counties Affected*

Salvador performed casework for 36 Texas counties during his employment, including: Angelina; Austin; Brazoria; Brazos; Burleson; Chambers; Colorado; Fort Bend; Galveston; Grimes; Hardin; Harris; Hidalgo; Houston; Jackson; Jasper; Jefferson; Leon; Liberty; Madison; Matagorda; Montgomery; Nacogdoches; Newton; Orange; Polk;

Sabine; San Augustine; San Jacinto; Shelby; Trinity; Tyler; Walker; Waller; Washington; and Wharton.

The following table divides the counties into tiers by volume of cases. Commission staff tabulated the total number of cases using DPS case identification numbers. The vast majority of Salvador casework is concentrated in 23 counties. The numbers represent all cases worked by Salvador, including *both* felonies *and* misdemeanors. The table also includes cases with a wide range of dispositions, including but not limited to dismissals, plea agreements and jury convictions.

<b>TIER</b>	<b>COUNTIES BY TIER</b>
<b>ONE: &gt; 250 cases</b>	<b>5 Counties:</b> Fort Bend, Galveston, Harris, Liberty, Montgomery
<b>TWO: 101-250 cases</b>	<b>10 Counties:</b> Brazoria, Chambers, Grimes, Hardin, Jasper, Matagorda, Polk, Walker, Waller, Wharton
<b>THREE: 10-100 cases</b>	<b>8 Counties:</b> Austin, Jefferson, Newton, Orange, San Jacinto, Trinity, Tyler, Washington
<b>FOUR: &lt; 10 cases</b>	<b>13 Counties:</b> Angelina, Brazos, Burleson, Colorado, Hidalgo, Houston, Jackson, Leon, Madison, Nacogdoches, Sabine, San Augustine, Shelby

2. Responses of Harris, Galveston and Montgomery

The top three counties affected (by volume of cases) are Montgomery (1,287), Galveston (849), and Harris (327), in that order. In Harris County, the District Attorney sent letters to potentially affected defendants (*See Exhibit E*) informing them of the non-conformance and referring them to the Harris County Public Defender’s Office, which

will handle requests for re-testing and initiate the writ process where appropriate. The Harris County Public Defender then sent a letter to each defendant (*See Exhibit F*) alerting him or her that the office is available to assist with re-testing requests and related court filings.

The Montgomery County District Attorney has taken the position that all cases for which evidence still exists shall be re-tested by DPS. The District Attorney's office also sent notice to the last known address of each potentially affected defendant and/or defense counsel. In addition, the District Attorney suggested the most prudent course would be for the county to appoint specific counsel for the purpose of handling writs for affected cases. Since that time, Montgomery County has been working with DPS to achieve re-testing using a systematic approach that prioritizes cases in which defendants are serving or have served jail time.

In Galveston County, the District Attorney sent letters to potentially affected defendants. The Galveston County courts also appointed specific defense counsel to assist defendants with the writ process. The Galveston County District Attorney has adopted a general policy to dismiss charges in cases where no evidence is left to test or where evidence was ever left in Salvador's custody.

At its October 2012 meeting, the Commission concluded the policies established by the three most affected counties, while not identical, were all reasonable methods of ensuring defendants are: (1) notified of the issue in the crime lab; and (2) given access to designated counsel for assistance with re-testing and/or the writ-filing process. However, Commissioners were concerned the notice process may not be equally robust in the other 33 counties affected. Because courts, prosecutors and defendants in smaller counties may

not have access to the same resources as Montgomery, Galveston and Harris Counties, the Commission instructed its staff to work with TDCAA, the Texas Criminal Defense Lawyers' Association ("TCDLA"), the Texas Commission on Indigent Defense and the Innocence Project of Texas ("IPOT"), to determine whether a notice protocol could be offered to ensure affected defendants in smaller counties have the same notice and access to counsel as defendants in larger counties. Commissioners determined such a protocol could be used as a model in future cases involving high volume forensic analyses, such as in the controlled substance discipline.

On November 14, 2012, Investigative Panel Chair Dr. Sarah Kerrigan and the Commission's General Counsel held a conference call with representatives from the Texas Commission on Indigent Defense, the Harris County Public Defenders' Office, and IPOT. The group agreed to the following approach during the call:

1. Harris, Montgomery and Galveston Counties have notice methods in place already, using the Harris County Public Defender's Office as a contact point for Harris County defendants and court-appointed counsel in Montgomery and Galveston Counties for defendants in those counties. Those three counties should continue to implement their approaches as discussed.
2. For the remaining counties, IPOT will serve as the point of contact for assisting defendants with re-testing requests and the related writ-filing process as necessary. Because IPOT has extensive experience with high volume case screening, they are well positioned to review cases and work with courts and prosecutors in the various counties affected.
3. The Commission will request the list of affected defendants from DPS so that IPOT may send letters similar to the Harris County Public Defender's letter.
4. Using Harris County as a model, the Commission will put together a model notice letter and distribute it to affected prosecutors (*See Exhibit G.*)

5. The Commission on Indigent Defense will discuss the model notice with the judge responsible for the affected administrative region and ask for his support in distributing the notice to other affected judges.
6. IPOT will inform the Texas State Bar Committee on Indigent Defense and the Governor's Office regarding the collaborative process envisioned and seek their feedback. The Commission will seek similar input from DPS.

On November 16, 2012, the Commission's General Counsel met with TDCAA's Director of Government Relations, who agreed to assist with review of the model notice and distribution to TDCAA's affected members. The issue was also discussed during TDCAA's December 2012 conference for elected district and county attorneys. TDCAA canvassed its members to determine whether any additional information or assistance would be helpful, and provided updated contact information to the TFSC for counties in which prosecutor turnover occurred as a result of the November 2012 election.

On December 3, 2012, the Commission distributed the model notice to prosecutors and responded to emails and follow-up questions. On December 17, 2012, the Commission on Indigent Defense briefed the regional presiding judges on the non-conformance and the model notice. The regional presiding judges agreed to forward the memo describing the incident and the model notice to the judges in each of the affected counties in their region.

On January 18, 2013, DPS provided the list of defendants to the Commission for distribution to IPOT. IPOT is currently in the process of contacting affected defendants in the 33 counties outside of Harris, Galveston and Montgomery. To facilitate this process, IPOT developed a partnership with TCDLA to request volunteer attorneys who accept court appointments and will represent defendants in smaller counties. Assistance from TCDLA is critical in light of the resource limitations and lack of uniformity among

the 33 counties. In addition, IPOT prepared standardized notice and pleading documents to assist volunteer attorneys. IPOT is also tracking data on the number of defendants in each county who have been contacted by either IPOT or a volunteer attorney. IPOT will submit this data to the Commission at the end of the notification process.

#### **IV. TFSC INVESTIGATION**

##### **A. Statutory Requirement for Written Report**

An investigation under the TFSC’s enabling statute “must include the preparation of a written report that identifies and also describes the methods and procedures used to identify: (A) the alleged negligence or misconduct; (B) whether the negligence or misconduct occurred; and (C) any corrective action required of the laboratory, facility, or entity.” *Id.* at 4(a)(3)(b)(1). A TFSC investigation may include one or more: (A) retrospective reexaminations of other forensic analyses conducted by the laboratory, facility, or entity that may involve the same kind of negligence or misconduct; and (B) follow-up evaluations of the laboratory, facility, or entity to review: (i) the implementation of any corrective action required . . . ; or (ii) the conclusion of any retrospective reexamination under paragraph (A). *Id.* at 4(a)(3)(b)(2).

##### **B. TFSC Review Process**

On July 27, 2012, the Commission voted to elect a three-member investigative panel to review the DPS disclosure. Panel members include: Dr. Sarah Kerrigan (Chair), Dr. Nizam Peerwani, and Atty. Bobby Lerma. Commission staff reviewed thousands of pages of documents and audio/video material submitted by DPS over the course of the investigation and made those documents available to Commissioners for review. Panel members also held non-deliberative conference calls on December 20, 2012 and January 17, 2013, to assess whether sufficient documentary evidence had been gathered to allow

Commissioners to conduct substantive deliberations, and instructed staff regarding requests for additional information. Dr. Kerrigan and Commission staff visited the DPS Houston Regional Crime Laboratory on January 8, 2013, at which time they conducted interviews of Gardiner, Yaklin, Lopez, and Gibson. Dr. Kerrigan and staff also met with D. Pat Johnson, DPS Deputy Assistant Director of Law Enforcement Support, Crime Laboratory Service. General Counsel Lynn Garcia contacted Salvador and his attorney, informed them of the Commission's deliberative process and the timing of this report, and provided contact information and an opportunity to speak with the Commission at any time leading to the release of this report. The Commission has not been contacted by either party.

On October 5, 2012, Dr. Kerrigan and the investigative panel provided an update regarding the status of the investigation to the full Commission. On January 25, 2013, the full Commission deliberated regarding the contents of this report, voted to issue a finding of professional misconduct against Salvador, and instructed staff regarding the contents and recommendations to be provided in this report. The Commission's findings are reflected below.

### **C. Observations**

#### *1. Crime Laboratory Transparency and Cooperation*

The Commission commends DPS for its transparency in disclosing the issues described to the Commission, ASCLD-LAB, law enforcement and other stakeholders. The panel was particularly impressed by the honest and forthcoming nature of discussions with staff and management during the site visit. It is clear this incident affected the examiners and management at DPS in a profound way. Despite being



chronically understaffed, management worked hard to provide the Commission with follow-up information and additional data when requested.

## 2. Ethical Standards of Forensic Scientists

The act of using evidence in one case to support the results issued in another case is one of the most serious ethical violations that can occur in a crime laboratory. As set forth in ASCLD-LAB's *Guiding Principles of Professional Responsibility for Crime Laboratories and Forensic Scientists*, forensic scientists are obligated to conduct full and fair examinations. Conclusions must be based on "the evidence and reference material relevant to the evidence, not on extraneous information, political pressure, or other outside influences." (See **Exhibit H**.) In addition, forensic scientists must "honestly communicate with all parties (the investigator, prosecutor, defense and other expert witnesses) about all information relating to their analyses, when communications are permitted by law and agency practice." *Id.*

The specific incident involving the alprazolam analysis in case #L2H-222396 was investigated thoroughly by the Rangers and OIG, and nothing in the record provides an alternative explanation for Salvador's actions. Fortunately, DPS performs technical review on 100% of the controlled substance casework prior to administrative review and release to the submitting agency. This review ensures that results meet the reporting criteria and standards set by DPS. However, the misrepresentation of the data would not be identified during the technical review process. During interviews with the Rangers, it was clear Salvador struggled to maintain acceptable performance. It was well-recognized by those performing technical reviews, and his supervisor, that his work was frequently returned for administrative and technical corrections. Therefore, the Commission

decided it was more important to focus on the circumstances and environment in the laboratory leading up to the violation itself. The Commission's inquiry included a review of Salvador's performance over his six years at DPS. The Commission focused on identifying systemic issues that may have allowed the incident to occur so that improvements may be made to protect against future recurrence.

### 3. Low Case Output

Salvador's performance evaluations show he had difficulty maintaining adequate case output throughout the course of his employment. (See **Exhibit I**.) In his evaluations, drug section supervisor Severo Lopez noted a "lower case output than expected" for multiple years. Though DPS does not have a quota requirement, most examiners in the drug section are expected to complete between 85-100 cases per month, absent extraordinary circumstances. Salvador often had difficulty meeting the minimum expectation. He often "scrambled" toward the end of the month and was frequently concerned about whether he would meet expectations.

### 4. High Correction Rate

In addition to problems analyzing a sufficient number of cases per month, Salvador had problems with too many corrections. His evaluations stated that "more than 1 in 3 of Salvador's case folders were returned for corrections." *Id.* Most of the corrections were administrative in nature, but some technical corrections were noted as well. Salvador's evaluations also indicated that he should "pay careful attention to details especially when encountering difficult or unusual samples." *Id.* The evaluations further stated that he should "carefully explore and determine possible causes for negative results before reaching a conclusion of negative." *Id.* The evaluations instructed Salvador to

“avoid short cuts” and “strive to minimize clerical and technical errors on reports to less than 10% returned for correction.” *Id.*

Meetings with examiners further supported the conclusion that Salvador struggled with corrections and an overall understanding of the chemistry, especially in difficult cases. One examiner who performed a large percentage of the technical reviews on Salvador’s cases observed that he “just made so many mistakes.” While most of the mistakes were administrative, a few were technical. Examiners were consistent in their view that Salvador was very friendly and helpful, just not the right type of person for the job. More than one examiner shared concerns about Salvador’s high error rate and lack of understanding of the chemistry with the drug section supervisor.

In retrospect, examiners and management observed that Salvador might have been afraid to ask for help with the alprazolam analysis in case #L2H-222396, because he had been spoken to about two other analysis-related problems in the months before the alprazolam case. One involved the contamination of his instrument by tadalafil and another involved his failure to positively identify hydrocodone. There was a perception that Salvador simply “could not afford” to have another mistake, such as the failure to positively identify the alprazolam in L2H-222396.

Interviews with management further support the conclusion that the quality of Salvador’s work was not optimal. Issues with Salvador’s work were described as “very systemic.” At one point, the laboratory director maintained an error log to monitor the number of cases returned for correction per examiner. The log revealed that Salvador’s work was sent back for correction in more than 1 in 3 cases. Management tried to work with Salvador, conducting remedial training and providing coaching and counseling.

Salvador was very accepting of the criticism, and always corrected issues immediately and vowed to do better. When asked whether the quality of Salvador's work was acceptable under DPS standards, management described the quality of Salvador's work as "right on the edge" of acceptability.

Salvador's high error rate caused the drug section supervisor concern, which he shared with the laboratory director. The laboratory relied on the review process—both technical and administrative review—to provide a safety net for Salvador's work product. The drug section supervisor described his attempts at "compassion" toward Salvador because despite his limitations, Salvador's attitude was always positive, he accepted redirection, and was a valuable member of the laboratory—often volunteering for routine tasks and duties that other examiners preferred to avoid. It was clear management made good-faith efforts to help Salvador improve, and were completely shocked that Salvador would ever use evidence from one case to support the results in another.

When asked why Salvador's written evaluations do not appear to fully capture the concerns about Salvador shared by employees and management, management explained they tried to note the concerns in the written section of the evaluation, but conceded the evaluations may have been "too polite." When asked why he received "meets expectations" in the vast majority of the categories, the drug section supervisor explained that Salvador was always "on the line" between "meets expectations" and "needs improvement." The laboratory manager also explained that he and the section supervisor struggled in deciding which of the two categories was appropriate. When asked why Salvador was promoted despite the concerns regarding his lack of attention to detail and understanding of the chemistry, the section supervisor indicated that promotions at DPS

are standard based on years of service, and he did not feel it was appropriate to deny a promotion unless the person was totally inept, which Salvador was not. There was also a perception that forensic scientists at DPS are paid below their peers in the field, and thus they try not to deny people salary increases. The lab manager explained that in running a laboratory, management recognizes that “everyone has their strengths and weaknesses,” and the issues raised about Salvador’s work were never anything “catastrophic” until the incident with the alprazolam.

#### *5. Salvador’s Value in Other Areas of Laboratory Work*

As indicated above, there was consensus among management and examiners that Salvador was a major asset in the laboratory when it came to volunteering for difficult jobs that no one wanted to do. He was friendly and easy to work with, accepted criticism and direction well, and assisted during difficult projects such as when the laboratory moved buildings in 2011. Salvador’s easygoing and collegial demeanor contributed to management’s reluctance to more aggressively discipline or dismiss him before the alprazolam incident. Because he accepted criticism well, management tried very hard to work with him by providing verbal counseling and remedial on-the-job training.

#### *6. Perceptions Regarding Discipline*

Until recently, there was a perception in the laboratory (among both examiners and management) that it was extremely difficult to discipline or terminate an employee within the DPS system. During Director McCraw’s tenure, greater efforts have been made to re-vamp the evaluation system and roll out new evaluation procedures. Management will begin using a new evaluation form in the next evaluation cycle, beginning at the end of 2013. In addition, DPS top management has reminded all

laboratory managers and section supervisors—both verbally and in writing—of their obligation to accurately report employee performance on evaluations, and to use the various disciplinary tools and forms available.

#### *7. Laboratory Staffing Challenges*

During on-site interviews in January, the Commission observed that examiners displayed competence, diligence and great concern for the integrity and reliability of the work performed in the laboratory. While the Commission was impressed with the quality of the current examiners, the DPS Houston regional laboratory is operating under tremendous budgetary strain. Though the laboratory has new examiners in training for drug analysis, the drug chemistry section had only three people actively performing full-time casework during the Commission's on-site visit in January 2013. Two of the section's most experienced examiners were not working controlled substance cases at the time of the visit because they were being cross-trained to perform blood-alcohol analysis to alleviate the tremendous backlog in that area. As of April 5, 2013, the laboratory has an additional two examiners who just completed training and are performing supervised casework, while one additional examiner still in training. The under-resourcing of the crime lab has also impacted management's staffing decisions. Terminating an employee means hiring and training a replacement, which takes many months and is difficult to bear when the laboratory is already understaffed.

#### **D. Negligence/Misconduct Finding**

While the terms “professional negligence” and “professional misconduct” are not defined in the Commission’s enabling statute, the Commission has defined these terms in its policies and procedures, as follows:

“Professional Misconduct” means, after considering all of the circumstances from the actor’s standpoint, the actor, through a material act or omission, deliberately failed to follow the standard of practice generally accepted at the time of the forensic analysis that an ordinary forensic professional or entity would have exercised, and the deliberate act or omission substantially affected the integrity of the results of a forensic analysis. An act or omission was deliberate if the actor was aware of and consciously disregarded an accepted standard of practice required for a forensic analysis.” (TFSC Policies & Procedures at 1.2.)

“Professional Negligence” means, after considering all of the circumstances from the actor’s standpoint, the actor, through a material act or omission, negligently failed to follow the standard of practice generally accepted at the time of the forensic analysis that an ordinary forensic professional or entity would have exercised, and the negligent act or omission substantially affected the integrity of the results of a forensic analysis. An act or omission was negligent if the actor should have been but was not aware of an accepted standard of practice required for a forensic analysis.” (TFSC Policies & Procedures at 1.2.)

At its January 25, 2013 meeting, the Commission voted unanimously that Salvador’s actions in this case constituted “professional misconduct” as defined in the Commission’s policies and procedures. This conclusion was based on the following analysis: (1) by using the evidence in case #L2H-222403 to support the results issued in case #L2H-222396, Salvador failed to follow the standard of practice generally accepted at the time, both as expressed in DPS policies and procedures and in the ASCLD-LAB Guiding Principles of Professional Responsibility (*See Exhibit A, Exhibit H*); (2) the report generated by Salvador for case #L2H-222396 substantially affected the integrity of the results of the forensic analysis because it was based on evidence from case #L2H-

222403, thereby requiring the laboratory to re-analyze the evidence and re-issue a report. Though the re-analysis confirmed the initial scientific findings reported by Salvador, the results were based upon accurate supporting data from the case in question.

Salvador fraudulently misrepresented data after attempting analysis on a pharmaceutical drug exhibit. However, during the course of the Commission's investigation, there was no evidence to suggest that there were property control issues of a systemic nature that might preclude future re-testing of evidence.

#### **E. Results of DPS Re-Testing to Date**

Re-analysis of Salvador's casework during the 90-day period surrounding the incident resulted in four additional corrective actions, referred to by DPS as "Quality Action Plans" (QAPs). Following is a description of each QAP:

1. One exhibit containing two packets of powder, visibly different in color. Salvador reported that both contained Cocaine-HCl. Upon retesting, one contained Cocaine-HCl, and one contained Cocaine base (crack). Salvador had conducted the FTIR confirmation test on only the Cocaine-HCl item.
2. Smoking pipe exhibit. Salvador reported contained Tetrahydrocannabinol. Upon retest, 0.46 gram of Marihuana was scraped from the pipe bowl.
3. One completed item of evidence discovered unsealed in Salvador's work station.
4. Plant material identified as Marihuana despite only a faint color test; re-analysis indicated it was not Marihuana.

In addition, examiners who reviewed the cases during the 90-day period described "poor documentation, poor technique and poor decision-making" by Salvador. In the months since the initial 90-day re-analysis was performed, examiners have re-analyzed 440 additional cases. The laboratory also has 155 requests for re-testing pending as of April 5, 2013. The re-analysis of the 440 cases resulted in the following QAPs:



1. Weight of Cocaine exhibit reported by Salvador as 8.06 kg. Upon retest, the weight was corrected to 6.95 kg. The incorrectly reported weight was attributable to a math error, not a weighing error or a loss of weight.
2. Failure to properly identify mushrooms which contained psilocin, likely due to incorrect extraction method or insufficient sample.
3. Weight on a Cocaine exhibit incorrectly reported by Salvador as 33 gm. Upon retest, it was reported as 0.33 gm. This was not a weighing error, but a data entry error on the lab report.

The attached QAPs correspond to the cases cited above. (See **Exhibit J**.) The Commission will release an addendum to this report reflecting any additional QAPs when all re-analysis is completed.

#### **V. APPELLATE COURT DECISIONS IN SALVADOR CASES**

The Texas Court of Criminal Appeals has begun hearing applications for writs of habeas corpus in cases where Salvador analyzed the evidence. The Court releases its decisions on a weekly basis. Decisions may be accessed by clicking on the “Hand Down List” tab on the Court’s website at <http://www.cca.courts.state.tx.us>. As of this writing, all published decisions have involved cases from Galveston County, though the Commission anticipates cases from other counties will follow in the near future. To date, the Court has overturned convictions *both* in cases where the evidence was destroyed *and* in cases where there is still evidence remaining to re-test. The Court reasoned that because the evidence was in Salvador’s custody, “. . . custody was compromised, resulting in a due process violation.” (See *e.g.*, *Ex Parte Sereal*, No. 76,972 (Tex. Crim. App. 2013), *Ex Parte Hobbs*, No. AP-76,980 (Tex. Crim. App. 2013).)

The potential impact of these decisions on convictions obtained in Salvador cases is difficult to overstate. Though it is too early to tell whether every conviction for which a writ application is filed will be overturned, these decisions emphasize the absolutely

critical role played by forensic scientists in the criminal justice system. It is imperative that Texas crime laboratories use this experience as a tool for improving quality standards, especially with respect to identifying red flags in employee performance. As this case so powerfully demonstrates, the safety and security of our communities often depend upon the integrity and reliability of the work performed in our state's crime laboratories.

## **VI. LESSONS LEARNED AND RECOMMENDATIONS**

The Commission makes the following recommendations:

1. Texas crime laboratories should develop methods to reduce the likelihood of ethical violations. For example, laboratories should re-examine evidence at random (where possible) to ensure reported results are consistent, and to discourage examiners from taking short-cuts, even when there are severe backlogs.
2. Texas crime laboratories should ensure their evaluation systems effectively reflect staff performance. Evaluations containing consistent questions about an examiner's understanding of analytical processes, attention to detail, or tendency to take "short cuts" demand special attention.
3. Texas crime laboratories should review their hiring systems to flag issues early during the probation period. If current recruiting and probation programs are ineffective, management should initiate appropriate changes to strengthen them.
4. Laboratory management should be cautious not to allow an examiner's positive and collegial demeanor to mask inadequate or marginal performance. Though "compassion" is an admirable quality in many circumstances, the potential impact of a major non-conformance is simply too great to justify or minimize signs of underperformance in a crime laboratory.
5. Consequences of examiner underperformance should be clear and consistent. Government bureaucracy should not impede laboratory management's ability to make key hiring and termination decisions. Moreover, laboratory supervisors and managers, who are ultimately responsible for the performance of their employees, should have effective means to recommend changes in employment scope or status where necessary.

6. DPS should continue to provide re-analysis results for Salvador cases to the Commission. The Commission will publish final results in an addendum to this report.
7. Limited resources and the lack of centralization of legal representation pose a number of challenges regarding notification practices. In high volume cases where notice to defendants is particularly challenging, stakeholders in the criminal justice community should use the example set in this case, and work together to provide a common sense approach to notice. Such an approach should ensure actual notice is given to defendants to the extent possible, and that defendants are given a resource to consult regarding applicable legal remedies.
8. As the Commission gains more experience with crime laboratory self-disclosures and complaints, issues may emerge that were not anticipated, and for which no other agency appears to be in a position to coordinate a response. A glaring example in this case is the need to facilitate a uniform approach to communication with prosecutors and notice to defendants, especially considering: (a) numerous counties with disparate resources have been affected; (b) large volumes of evidence have been brought into question; and (c) many defendants are indigent with limited access to legal representation. Statewide policymakers and members of the Legislature should consider these issues when crafting future policies affecting the criminal justice system.
9. All laboratories should follow DPS's example by taking a proactive approach to disclosure, including but not limited to reporting facts that may rise to the level of negligence or misconduct.
10. The Texas Forensic Science Commission should sponsor a crime laboratory management training program for all publicly funded Texas laboratories addressing such issues as interviewing and selecting quality examiners, succession planning, leadership development, and performance management.
11. The Texas Legislature should adequately fund crime laboratories to support high quality examiners and reduce the impact of financial pressures on management decisions related to the hiring and termination of staff.

# EXHIBIT A



**OIG2012-0087**  
**ORIGINAL**

## Jolley, Judy

---

**From:** Maloy, Sandra  
**Sent:** Tuesday, August 07, 2012 8:46 AM  
**To:** Radney, Kent; Sanchez, Louis; Pressley, Adolphus  
**Cc:** Jolley, Judy; Ayala, Phillip  
**Subject:** FW: Resignation of Jonathan Salvador (OIG2012-0087)  
**Attachments:** image003.jpg

FYI and update.

Thank you,  
Sandra

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**From:** Platt, Stuart  
**Sent:** Monday, August 06, 2012 3:52 PM  
**To:** Maloy, Sandra  
**Subject:** Fwd: Resignation of Jonathan Salvador (OIG2012-0087)

Sent from my iPad

Begin forwarded message:

**From:** "Scarborough, Joanne" <[Joanne.Scarborough@dps.texas.gov](mailto:Joanne.Scarborough@dps.texas.gov)>  
**Date:** August 6, 2012 3:46:45 PM CDT  
**To:** "Hearn, Skylor" <[Skylor.Hearn@dps.texas.gov](mailto:Skylor.Hearn@dps.texas.gov)>  
**Cc:** "Steen, Philip" <[Philip.Steen@dps.texas.gov](mailto:Philip.Steen@dps.texas.gov)>, "MacBride, Cheryl" <[Cheryl.MacBride@dps.texas.gov](mailto:Cheryl.MacBride@dps.texas.gov)>, "Johnson, Pat" <[Pat.Johnson@dps.texas.gov](mailto:Pat.Johnson@dps.texas.gov)>, "Woodward, Tracy" <[Tracy.Woodward@dps.texas.gov](mailto:Tracy.Woodward@dps.texas.gov)>, "Cortez, Norma" <[Norma.Cortez@dps.texas.gov](mailto:Norma.Cortez@dps.texas.gov)>, HRServiceTeam2 <[HRServiceTeam2@dps.texas.gov](mailto:HRServiceTeam2@dps.texas.gov)>, "Platt, Stuart" <[Stuart.Platt@dps.texas.gov](mailto:Stuart.Platt@dps.texas.gov)>, "Maloy, Sandra" <[Sandra.Maloy@dps.texas.gov](mailto:Sandra.Maloy@dps.texas.gov)>, "Adkins, Phillip" <[Phillip.Adkins@dps.texas.gov](mailto:Phillip.Adkins@dps.texas.gov)>, "Fox, Duncan" <[Duncan.Fox@dps.texas.gov](mailto:Duncan.Fox@dps.texas.gov)>, "Murphy, Kathleen" <[Kathleen.Murphy@dps.texas.gov](mailto:Kathleen.Murphy@dps.texas.gov)>, "Lopez, Jeff" <[Jeff.Lopez@dps.texas.gov](mailto:Jeff.Lopez@dps.texas.gov)>, "Ramirez, Heather" <[Heather.Ramirez@dps.texas.gov](mailto:Heather.Ramirez@dps.texas.gov)>, "Yanez, Sophie (Director's Office)" <[Sophie.Yanez@dps.texas.gov](mailto:Sophie.Yanez@dps.texas.gov)>, "Wolridge, Connie (Deputy Director's Office)" <[Connie.Wolridge@dps.texas.gov](mailto:Connie.Wolridge@dps.texas.gov)>  
**Subject:** Resignation of Jonathan Salvador (OIG2012-0087)

Jonathan Salvador's resignation has been submitted to the Director and accepted. Please cause an HR-25 to be prepared to reflect: "Resignation" effective 08/06/12 at 5:00 p.m.

Joanne Scarborough  
Executive Assistant to the General Counsel  
Texas Department of Public Safety  
Phone: 512/424-2421, Fax: 512/424-5716  
[Joanne.Scarborough@dps.texas.gov](mailto:Joanne.Scarborough@dps.texas.gov)

---

**From:** Yanez, Sophie (Director's Office)  
**Sent:** Monday, August 06, 2012 3:31 PM

**To:** Jonathan Salvador  
**Cc:** Scarbrough, Joanne  
**Subject:** RE:

Mr. Salvador,

This email confirms receipt of your request to resign effective August 6, 2012 effective at 5:00 p.m. We will complete all necessary paperwork for your resignation, nothing further is required on your end.

Thank you,

**Sophie Yanez**  
Assistant to the Director  
**Texas Department of Public Safety**  
Office (512) 424-7771 Cell (512) 563-3912  
[sophie.yanez@dps.texas.gov](mailto:sophie.yanez@dps.texas.gov) (please note new email address)



---

**From:** Jonathan Salvador [<mailto:> [REDACTED]]  
**Sent:** Monday, August 06, 2012 2:54 PM  
**To:** Yanez, Sophie (Director's Office)  
**Subject:**

Dear Director Mcgraw and Ms. Yanez,

After much thinking, its with a heavy heart that I feel it is in the best interest of DPS and myself that I turn in my resignation and pass on the polygraph. Since I am unsure of the resignation process, please let me know what I need to do to move forward. Thank You for the opportunity to speak with you on August 3rd. I really do appreciate it.

Sincerely  
Jonathan Salvador

*Sent from my Motorola ATRIX™ 4G on AT&T*

# TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N. LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0001

512/424-2000

[www.txdps.state.tx.us](http://www.txdps.state.tx.us)



STEVEN C. McCRAW  
DIRECTOR  
DAVID G. BAKER  
CHERYL McBRIDE  
DEPUTY DIRECTORS



COMMISSION  
A. CYNTHIA LEON, CHAIR  
CARIN MARCY BARTH  
ADA BROWN  
ALLAN B. POLUNSKY  
JOHN STEEN

July 24, 2012

Jonathan Salvador  
Forensic Scientist  
Crime Laboratory Service  
12230 West Road  
Houston, Texas 77065

Dear Mr. Salvador:

This letter will address your status as an employee of the Department of Public Safety. The Department has completed complaint investigation OIG2012-0087. The investigation has been forwarded to me by your supervisors along with their recommendation that you be discharged.

## Alleged Misconduct

In February 2012, concerns arose regarding your analysis of drug evidence in case numbers L2H-222396 and L2H-222403. A review revealed that on or about January 26, 2012, you took an analytical result obtained from one case and used it to support a conclusion in another case. The method you used to obtain the result was not in accordance with good laboratory practice or the high standards of the Texas Department of Public Safety Crime Laboratory.

Following the discovery of the above referenced situation, as a precautionary measure approximately 100 other cases you worked were reanalyzed by other forensic scientists in the Houston DPS Crime Laboratory. Additional errors were discovered in three cases. In each of these cases the Department has notified the effected prosecutor and issued corrected reports. Following the discovery of these additional errors the Department has implemented a process to review your entire body of work since you began examining evidence in early 2006. This has involved providing notice to all the jurisdictions involved in the cases you have worked.

It is critical to the mission of the DPS Crime Laboratory Service that the scientific analysis of forensic evidence be of the highest quality possible. It is clear from the record that you have not performed your duties in a manner that meets Department standards. The failure to perform duties in accordance with good laboratory practice and Department policy has rendered you ineffective in your position as a forensic scientist.



### **Policies Violated**

The conduct described above violates Departmental regulations as set out below:

**General Manual, Chapter 5, Section 05.06.04, Competency to Perform Duty**

All members of the Department shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Duties shall be performed in a manner which will tend to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the Department. Incompetence may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for rank, grade or position; the failure to take appropriate action on the occasion of the crime, disorder, or other condition deserving police attention; or absent from duty without leave.

**General Manual, Chapter 6, Section 06.20.02(9)(b)(1) Standards of Ethical Conduct for State Employees: which states in part:**

(1) An employee shall perform his or her official duties in a lawful, professional and ethical manner befitting the state and the Department.

**DPS General Manual, Chapter 6, Section 06.10.01, General Order Nos. 4 and 10**

As a member of the Texas Department of Public Safety it shall be my duty:

4. To know and obey orders and instructions at all times.

10. To conduct myself at all times, both on and off duty, in such a manner that I may merit the voluntary commendation of all law-abiding citizens and visitors with whom I come in contact, both those with whom I meet in carrying out my duties and those I shall live among as a citizen in order that credit may be reflected upon the Texas Department of Public Safety.

Additionally, your conduct as alleged herein constitutes a violation of Public Safety Commission Rule 1.114, found at Title 37, Texas Administrative Code, Section 1.114, and restated in the Texas Department of Public Safety General Manual, Section 06.30.02:

Any of the infractions listed as follows may be deemed sufficient cause for discharge, suspension, demotion, or removal of any member of the Texas Department of Public Safety:

2. Violation of one or more of the ten general orders;

3. Violation of any rule, order, requirement, or failure to follow instructions contained in the department manual;

13. Any act on or off duty which reflects discredit to the Teas Department of Public Safety.

You are advised that the above described conduct on your part is sufficient grounds for termination of your employment with the Texas Department of Public Safety for just cause, as provided in Chapter 411 of the Texas Government Code and that I consider your actions to be unacceptable and in

direct violation of the General Manual provisions set forth above. Accordingly, I am authorized to discharge you pursuant to Texas Government Code, Section 411.007(e), which provides, in part:

An officer or employee of the department may not be discharged without just cause. The director shall determine whether an officer or employee is to be discharged. An officer or employee ordered discharged may appeal to the Commission, and during the appeal the officer or employee shall be suspended without pay.

#### **Preliminary Determination**

Pursuant to my authority under Section 411.007(e) of the Texas Government Code, I have made a preliminary determination that there is just cause for termination of your employment with the Texas Department of Public Safety.

#### **Opportunity to Respond**

You may now provide any information that you believe should bear on my final decision. Up until the expiration of five (5) days from the date upon which you receive this letter, I will refrain from making a final determination regarding your employment to give you an opportunity to contact me. The burden is entirely upon you to come forward and present evidence to me.

You may request a meeting with me by contacting my assistant, Sophie Yanez, at (512) 424-7771 or submit your position to me in writing. A written submission may be faxed to (512) 424-5708, mailed to me at P.O. Box 4087, Austin, Texas 78773-0110 or emailed to [Sophie.Yanez@dps.texas.gov](mailto:Sophie.Yanez@dps.texas.gov), but it must be received by the deadline set forth above. The purpose of this opportunity is to allow you to provide information to me. Therefore, any meeting you request will not be conducted as an adversarial evidentiary hearing.

If I have not heard from you upon the expiration of the time set out above, your employment will be terminated effective that date. In the event that I do discharge you, as an employee of the Department with more than one year of service, you will have the right to appeal my decision to the Public Safety Commission. Your rights regarding an appeal will be further explained to you at an appropriate time, if necessary.

You remain on suspension with pay pending my final determination in this matter. You will surrender all Department property to your supervisor immediately upon receipt of this letter. Further, you are to take no action for or on behalf of the Texas Department of Public Safety during the pendency of this matter.

In closing, I remind you that if you have compelling reasons for me to reconsider my preliminary determination, the burden is on you to present such reasons to me within the period set out above.

Sincerely,



Steven C. McCraw  
Director

**SCM:DPA:KTM:js**

**cc: Cheryl MacBride, Deputy Director, Services**  
**Skylor Hearn, Assistant Director, Law Enforcement Support**  
**Duane Steen, Regional Commander, Region 2**  
**Pat Johnson, Deputy Assistant Director, Crime Laboratory Service**  
**Norma Cortez, Director, Human Resource Management**  
**Stuart Platt, Inspector General, Office of Inspector General**  
**D. Phillip Adkins, General Counsel, Office of General Counsel**

Jonathan Salvador  
OIG2012-0087

**RECEIPT**

I acknowledge receipt of the original document dated July 24, 2012, signed by the Director of the Texas Department of Public Safety, regarding the status of my employment.

Signature: Jonathan Salvador Date/Time: 7/24/12 5:46pm  
(Jonathan Salvador)

Witness: [Signature] Date/Time: 7/24/2012 5:46pm

**Law Enforcement Support Division**  
**Formal Disciplinary Recommendations**

Complaint # OIG-2012-0087

Administrative Inquiry # \_\_\_\_\_

DSH 18.25 # \_\_\_\_\_

Other \_\_\_\_\_

**Employee – Region/Bureau:** Jonathan Salvador, Forensic Scientist, DPS Crime Lab, Houston

**Recommendation of Deputy Assistant Director/Deputy Administrator:**

**Decision of Assistant Director Skylor Hearn:**

Concur w/ invest. Support termination based on the totality of circumstances surrounding this incident.

**Recommendation of AD Hearn to the Deputy Director (Special Circumstance/Termination):**

Termination *SKH*  
6-19-12

*SKH*  
6-4-12

**Comments and/or recommendations by Deputy Director:**

I concur with termination recommendation *Chapman*  
6/20/12

**Decision by Director:**

Terminate employment  
SC MLC  
6/22/12

TEXAS DEPT. OF PUBLIC SAFETY  
OFFICE OF GENERAL COUNSEL

JUN 22 2012

TEXAS DEPT. OF PUBLIC SAFETY  
OFFICE OF GENERAL COUNSEL

JUN 04 2012

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
INTEROFFICE MEMORANDUM**

**TO:** Skylor Hearn, Assistant Director, Law Enforcement Support Division  
**FROM:** Office of Inspector General  
**DATE:** March 21, 2012  
**SUBJECT:** OIG2012-0087

**Concerning:** Jonathan Benjamin Salvador  
No ID #  
LES/Crime Lab Forensic Scientist III  
Houston/2

**Investigator:** Adolphus Pressley  
ID #07045  
CSS/OIG Lieutenant  
Houston

**Complainant:** Chain of Command

Please be advised that Office of Inspector General file number OIG2012-0087 has been assigned to this case. This case was assigned on February 7, 2012.

/jnj

**cc:** Philip Duane Steen, Regional Commander, Region 2



TEXAS DEPARTMENT OF PUBLIC SAFETY  
OFFICE OF INSPECTOR GENERAL  
REPORT OF INVESTIGATION



NUMBER: OIG-2012-0087

DATE: May 9, 2012

SUBJECT: Jonathan Salvador  
Forensic Scientist  
Texas Department of Public Safety Houston Laboratory  
Region 2

I CONCUR  
*Stuart Platt*  
STUART PLATT  
INSPECTOR GENERAL  
09 May 2012

BY: Adolphus Pressley, Lieutenant

ALLEGATION(S)

**Allegation I**

It is alleged that on Thursday, 01-26-2012, at approximately 8:55 a.m., while performing your duty as a forensic scientist, you improperly acted with total disregard for policy and procedure by testing sample L2H-222403 and recording those results for sample L2H-222396.

This allegation, if true, would constitute a violation of the following policies:

**Standard Operating Procedures for Controlled Substances DRN:CS-03-01, Version 9, Effective Date 06/09/2010 4.1 (2).** Which states in part, Compare the information on Evidence Sheet and Laboratory Submission Form to the physical evidence and make sure all information is consistent regarding the description of the evidence, condition of seals and case number. If any changes have occurred, such as leakage of the content, make a note on the worksheet.

**General Manual, Chapter 6, 06.20.02 (9 (b) 1) Standards of ethical conduct for state employees.** An employee shall: Perform his or her official duties in a lawful, professional, and ethical manner befitting the state and the Department.

**General Manual, Chapter 5, 05.06.02 Competency to Perform Duty.** All members of the Department shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their position. Duties shall be performed in a manner which will tend to establish and maintain the highest standards of efficiency in carry out the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the rank, grade, or position; the failure to take appropriate action on the occasion of a crime, disorder or other condition deserving police attention; or absent from duty without leave.

**General Manual, Chapter 6, 06.10.00 Ten General Orders: # 4.** To know and obey orders and instructions at all times.

## INVESTIGATION

On 02-03-2012, Regional Laboratory Manager for the Texas Department of Public Safety Regional Crime Laboratory Keith Gibson received an interoffice memorandum regarding questions surrounding case numbers L2H-222396 and L2H-222403. In the memorandum (**Attachment #1**), Texas Department of Public Safety Drug Section Supervisor Severo Lopez wrote Forensic Scientist Andrew Gardiner to bring to his attention that the same sample (L2H-222403) had been run twice for a different case (L2H-222396). Lopez documented in his memorandum sample L2H-222396 was reanalyzed via Gas Chromatography-Mass Spectrometry (GCMS) with the Alprazolam being the result. Lopez stated the Ion Chromatogram did not match the profile for the data included with Salvador's initial conclusions. Lopez, stated, moreover, the chromatogram and spectrum were virtually identical to data for an item in L2H-222403 which was run near the time of L2H-222396.

On 02-12-2012, OIG began investigating allegations made against Texas Department of Public Safety Forensic Scientist Jonathan Salvador. Due to possible criminal charges on Salvador, OIG paused and allowed the Rangers to complete their investigation before proceeding.

**Jonathan Salvador.** On 04-17-2012, The Office of Inspector General interviewed Jonathan Salvador. Salvador stated the allegation that he improperly acted with total disregard for policy and procedure by testing sample L2H-222403 and recording those results for sample L2H-222396 was not true. Salvador stated if a mistake was made, it was not intentional.

During the course of the interview, OIG requested Salvador demonstrate on video (**Attachment #2**), from his work space, the steps he took during the analysis of L2H-222396. Salvador gave detailed examples/explanations of him pulling the evidence from the evidence room, how he crushed, prepped and marked for identification L2H-222396 for analysis. Salvador explained how he entered the required data from L2H-222396 into the GCMS, and the method in which he placed vial L2H-222396 in the GCMS slot for analysis.

Salvador stated the mistake could have occurred while entering the data for L2H-222396 into the GCMS. Salvador stated while testing L2H-222396 he encountered a problem with the sample and returned to his work area that contained other vial samples. Salvador stated while at his work area he could have mistakenly picked up vial sample L2H-222403 in place of L2H-222396, placed it in the GCMS and unknowingly reported the results of L2H-222403 for L2H-222396. Salvador stated the mistake might have happened because during his testing of L2H-222396 he was distracted by Drug Section Supervisor Severo Lopez rushing him to assist with other lab related duties.

When specifically asked how he discarded previously run vial samples from the GCMS, Salvador stated he routinely left the vials from previously tested samples in the GCMS slots and when conducting a new test he would place the vials in open unused slots.

When asked by OIG how the information from vial sample L2H-222396 could be entered into the GCMS under slot number 18, when slot number 18 was already occupied by vial sample L2H-222403, Salvador stated he may have mistakenly copied and pasted the data from the previous entry of L2H-222403 during his attempt to enter the data for L2H-222396.



When questioned by OIG how he could have mistakenly entered vial sample L2H-222403 data in place of the data for vial sample L2H-222396 into the GCMS, when through his own admission during the interview he stated he had marked vial sample L2H-222396 for identification purposes. Salvador gave the same response that he may have mistakenly copied and pasted the data from the previous entry of L2H-222403 during his attempt to enter the data for L2H-222396.

When questioned how, after possibly making the mistake of copying and pasting L2H-222403 data for L2H-222396 and entering the wrong data into the GCMS, did he not catch the error when he had to physically remove vial numbered L2H-222403 from slot number 18 and replace it with vial number L2H-222396 in slot number 18, Salvador could not answer the question.

When asked by OIG, to explain how, after returning to his work space, could he have mistakenly picked up vial sample L2H-222403 in place of vial sample L2H-222396 and place it in the GCMS and unknowingly report the results of L2H-222403 for L2H-222396, when he stated as a routine practice he left the vials from previously run test samples in the GCMS slots, therefore eliminating the possibility of vial sample L2H-222403 being in his work space. Salvador could not provide an answer.

When asked by OIG, how he could have possibly confused sample L2H-222396 with any sample on the GCMS tray, when Gardiner and Yaklin statements indicated they both observed only vial sample L2H-222403 in the GCMS. Salvador could not provide an answer.

When asked by OIG to explain how after starting with 3 ½ pills for case number L2H-222396, with data collected during the investigation documented he had conducted three tests, and through his video recorded demonstration he demonstrated that he had physically crushed and prepped a pill prior to conducting the test on 01-26-2012, did he still have 1 ½ pills remaining, when in fact he should have only had ½ a pill remaining. Salvador stated on 01-26-2012, he had attempted to re-test a previously tested sample for L2H-222396. After OIG examined the L2H-222396 case file and discovered Salvador last tested L2H-222396 on 01-13-2012, therefore eliminating the possible retention of the previously tested sample, Salvador could not explain the overage of remaining pills.

When asked how, after allowing him to demonstrate his work methods and actions and after examining all of his statements in their totality, could he attempt to explain his actions as a possible mix-up in his handling of vial samples, Salvador abandoned the excuse that he could have made a mistake and stated he did not know what happened.

**Andrew Gardiner.** On 04-19-2012, The Office of Inspector General interviewed Andrew Gardiner. Gardiner reiterated statements made in his 02-08-2012, statement to Texas Ranger Jeff Wolf (**Attachment #3**). Gardiner stated that on 01-26-2012, he was attempting to diagnose a problem on his GCMS. He wanted to make sure the problem wasn't the sample he was running, so he went to put the sample on Salvador's GCMS. While loading the sample he also thought that he should run an Alprazolam sample on his instrument to see what his instrument would do on a different method and with a molecular weight compound. He noticed that sample on the sequence list above the sample he had just put on Salvador's instrument was Alprazolam, so he was going to use that vial to run on his instrument. Gardiner stated Salvador's sample was the only sample in the sequence, all other lines were blank. Gardiner stated he noticed in the sequence log that the sample was L2H-222396 item 1, and that it was in location 18. Gardiner stated he located vial location 18, and written on the vial was L2H-222403.7.2. Gardiner stated at first he thought Salvador must have mistyped or given an incorrect vial location, so he looked at every sample tray and none of them had L2H-222396 written

on the vial. Gardiner then went to look for the folders for each case. Gardiner observed L2H-222396 had poor quality for Alprazolam in it and it looked like Salvador was having trouble getting the sample to come out. Gardiner then checked the folder for L2H-222403 and item 7.2 was Alprazolam. Gardiner compared the spectra in the case folder from L2H-222403 to the spectra from L2H-222396 and determined that the spectra were the same. Gardiner called analyst Haley Yaklin over to show her what he had noticed and asked for her opinion. Yaklin agreed that it looked bad, and they agreed to give him the benefit of the doubt and to wait and see what Salvador did with the spectra he generated for L2H-222396 before saying anything to management. The next time Gardiner looked at the folder for L2H-222396 it was in administrative review, so he pulled it out and notified Severo Lopez of what he suspected had happened.

**Severo Lopez.** On 04-19-2012, The Office of Inspector General interviewed Severo Lopez. Lopez reiterated statements made in his 02-03-2012 statement to Texas Ranger Jeff Wolf. Lopez stated he retested L2H-222396 (**Attachment #3**), and the data generated from L2H-222396 matched the data (the footprint of the substance) from file L2H-222403. Lopez stated there was no doubt in his mind the results submitted by Salvador for file L2H-222396 was from a substance not associated with file L2H-222396. Lopez stated he believed Salvador had a difficult time generating the results on a commonly known substance (Alprazolam); and therefore, utilized the results from file L2H-222403 to generate the results needed to complete file L2H-222396.

**Haley Yaklin.** On 04-19-2012, The Office of Inspector General interviewed Haley Yaklin. Yaklin reiterated statements made in his 02-03-2012, statement to Texas Ranger Jeff Wolf (**Attachment #3**). Yaklin stated in late January, she was sitting at her desk when Gardiner approached her. Gardiner advised her he had gone over to Salvador's instrument to run a sample on it after experimenting with his own instrument. While at Salvador's instrument, Gardiner observed the sample list indicating Salvador was running a test on Alprazolam. Gardiner removed the sample and was going to run the sample on his instrument to see if his instrument was still not working properly. Upon removing the vial, Gardiner observed the vial was marked with a different number than the file being run on the instrument. Gardiner became concerned over what he had found and asked her to look at it. Yaklin stated she went over to Salvador's instrument and reviewed Salvador's sample run he had typed into his instrument. Yaklin stated she and Gardiner observed Salvador had only run one sample that day. Yaklin stated when only one sample is run it is extremely difficult to make an error such as testing the wrong sample. Yaklin stated Gardiner removed the vial from the slot allowing her to see the wrong vial was in fact being tested. After verifying what they had found, both agreed they needed to wait and see what Salvador submitted as his test results before jumping to any conclusions. Yaklin stated approximately one week later Salvador submitted file L2H-222396 for approval. Gardiner pulled the file and discovered the results were the same. Yaklin stated she advised Gardiner to wait until Salvador submitted his complete report for file L2H-222403, and compare the two reports to see if the results were the same. Yaklin stated after she spoke with Gardiner about what he had found in file L2H-222396 she had no other involvement looking at files or paperwork.

**Keith Gibson.** On 04-26-2012, The Office of Inspector General received a sworn written statement from Keith Gibson (**Attachment #4**). Gibson stated on or about 02-03-2012, Severo Lopez approached him and informed him that Andrew Gardiner had reason to believe that someone in the lab was falsifying results and that it would be best if he spoke with Gardiner directly. Gibson later spoke with Gardiner and he indicated that he believed Jonathan Salvador had taken an analytical result obtained from one case (L2H-222403) and used it to support a conclusion in another case (L2H-222396). The substance identified was Alprazolam, a pharmaceutical preparation. Gardiner

indicated that on 01-26-2012, he was in need of a high molecular weight compound to verify the operation of his instrument. He noticed that the computer attached to Salvador's instrument was displaying a spectrum for Alprazolam which is a high molecular weight compound. He decided to use that to test his own instrument and when he went to locate the vial indicated on the sample list it was not on the sample tray. He indicated that he searched the entire sample tray and was unable to locate a vial marked for L2H-222396 as was indicated on the sample list. He thought he had missed it and called another forensic scientist to verify that it was not present. Since he was uncertain about what was occurring, he made note of the case numbers and waited for them to be reported and progress through the review process. He retrieved both case files and compared the spectral data obtained by Salvador and found them to be remarkably similar. He reported his findings to Lopez and then to Gibson. Gibson stated he instructed Gardiner to write a statement while it was fresh in his mind.

Gibson asked Drug Section Supervisor Lopez to retrieve the evidence in both cases and reanalyze them. When Lopez went to retrieve the evidence, he found that it was still in the custody of Salvador and he had to ask for it. Lopez reports that he told Salvador that he needed the items for re-examination in anticipation of the upcoming accreditation. He also reports that Salvador appeared nervous and lingered around him during the reanalysis volunteering information. During his re-analysis of L2H-222396-1, Lopez attempted to reproduce the same conditions as Salvador during his testing of the sample so that the analysis would be comparable. Salvador lingered around Lopez while he was conducting the reanalysis. He volunteered that he had not extracted the tablet as indicated in the case file but instead dissolved the tablet directly in chloroform. Lopez modified his analysis and dissolved the tablet directly in chloroform. The resulting analysis showed multiple peaks in the GC data likely from the compounds used to make the tablet an extended release tablet and binders to keep the tablet together. In the interest of completeness, Lopez extracted the chloroform with an acidic solution and the extra compounds were still present, but their intensity was diminished. Comparison of the spectral data indicates Salvador's results could not have come from the same type of tablet using the indicated techniques.

Lopez also reanalyzed L2H-222403. He produced comparable spectra including the artifact present in the GC data at approximately ten minutes. Comparison of the spectral data indicates they could have come from the same type of tablet using the indicated techniques.

Gibson went on to state, due to the ongoing concerns in reference to this investigation further re-analysis of cases worked by Salvador were performed. These cases were completely reanalyzed by forensic scientists in the Houston Laboratory as they would a case just received. It was found that Salvador's documentation was generally incomplete in that he did not adequately describe what was present nor did he adequately document the actions that he performed. His technique consistently did not accurately weigh samples, nor did he cleanly extract samples that would have produced the same quality of data as the other reexamining scientists. In one case, he misidentified a plant substance as marihuana. In another, he failed to exert adequate effort to obtain identifiable marihuana from a smoking pipe. In a third case, he failed to observe the difference between a powder cocaine sample and a cocaine base (crack) sample and reported them both as powder. Gibson stated the Harris County District Attorney's Office was notified and corrected reports were issued for those cases. All reexamined cases will have supplemental reports issued.

## EVALUATION

All witnesses interviewed during this investigation cooperated fully and appeared truthful except for Jonathan Salvador. The Investigation revealed Salvador was not truthful during the investigation and his account of the events for 01-26-2012 contradicted known evidentiary facts and were not consistent with witness statements. Salvador's repeated attempts at deception when questioned about his actions were a clear attempt to impede and interfere with the Department's ability to ascertain the truth of the matter in question. Salvador failed to follow Standard Operating Procedures for testing of controlled substances. Evidence and supervisory statements also revealed Salvador demonstrated a failure to maintain sufficient competency to properly perform his duties and assume the responsibilities of his position. In Salvador's attempt to explain away the allegation made against him as a series of possible mistakes, those attempts exposed him to critical evaluation of his integrity, knowledge, competency, and overall inability to perform required duties for his position as a forensic scientist.

### Allegation I

The evidence supports that on Thursday, 01-26-2012, at approximately 8:55 a.m., while performing his duty as a forensic scientist, Jonathan Salvador improperly acted with total disregard for policy and procedure by testing sample L2H-222403 and recording those results for sample L2H-222396.

Classification: **Sustained**

Respectfully Submitted,

Adolphus Pressley Jr.  
Lieutenant  
Office of Inspector General

I CONCUR  
LOUIS SANCHEZ  
CAPTAIN

I CONCUR  
KR 5/9/12  
KENT RADNEY  
DEPUTY INSPECTOR GENERAL

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- 15. Employee Biographical Sketch**



# TEXAS DEPARTMENT OF PUBLIC SAFETY

## Personnel Complaint

Original  
 Amended  
 Correction  
 Addendum

Complaint No. **OIG2012-0087**

Date: **4/05/2012** *JK*

Complainant's full name (print or type) <b>Texas Department of Public Safety Office of Inspector General</b>	Complainant's address: <b>13706 Research Blvd, Austin TX 78780</b>	Telephone No.: <b>(512)424-5013</b>
Day & date of alleged misconduct: <b>Thursday, January 26, 2012</b>	Approximate time of alleged act(s) of misconduct: <b>8:55 A.M.</b>	
Location where incident occurred: <b>12230 West Road Houston, Texas 77065-4523</b>		
If a person was arrested print or type name of arrested person:	Arrested person's address:	Telephone No.:
Indicate relationship of arrested person to complainant: <b>None</b>		
Name or other identifying information relating to the DPS employee against whom the allegation(s) is/are being made: <b>Jonathan Salvador Forensic Scientist, Texas DPS Houston Laboratory</b> - Witness or Witnesses (if any) -		
<b>Andrew Gardiner</b>	<b>12230 West Road Houston, Texas 77065-4523</b>	<b>(281)817-1380</b>
<b>Haley Yarkin</b>	<b>12230 West Road Houston, Texas 77065-4523</b>	<b>(281)817-1380</b>
<b>Keith Gibson</b>	<b>12230 West Road Houston, Texas 77065-4523</b>	<b>(281)817-1380</b>
<b>Severo Lopez</b>	<b>12230 West Road Houston, Texas 77065-4523</b>	<b>(281)817-1380</b>
<p style="text-align: center;">Nature of Complaint(s)</p> <p>Clearly indicate the nature of your complaint. (Use reverse side of the form if more space is needed.)</p> <p style="text-align: center;"><b><u>Allegation I</u></b></p> <p><i>00 Thursday</i></p> <p>It is alleged that on <b>Friday, 01-26-2012</b>, at approximately <b>8:55 a.m.</b>, while performing your duty as a forensic scientist, you improperly acted with a total disregard for policy and procedures by testing sample <b>L2H-222403</b> and recording those results for sample <b>L2H-222396</b>.</p> <p>This allegation, if true, would constitute a violation of the following policies:</p> <p><b><u>Standard Operating Procedures for Controlled Substances DRN: CS-03-01, Version 2, Effective Date 06/09/2010 4.1 (2).</u></b> Which states in part, Compare the information on the Evidence Record Sheet and the Laboratory Submission Form to the physical evidence and make sure all information is consistent regarding the description of the evidence, condition of seals and case number. If any changes have occurred, such as leakage of the contents, make a note on the worksheet.</p>		



(Nature of Complaint - cont'd)

General Manual, Chapter 6, 06.20.02 (9 (b) 1) Standards of ethical conduct for state employees. An employee shall: Perform his or her official duties in a lawful, professional, and ethical manner befitting the state and the Department.

General Manual, Chapter 5, 05.06.02 Competency to Perform Duty. All members of the Department shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Duties shall be performed in a manner which will tend to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the Department. Incompetence may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for rank, grade, or position; the failure to take appropriate action on the occasion of a crime, disorder or other condition deserving police attention; or absent from duty without leave.

General Manual, Chapter 6, 06.10.00 Ten General Orders: #4. To know and obey orders and instructions at all times.

Copy received at 10:39 a.m./ p.m. on this 16 day of April, 2012<sup>2</sup>

Jonathan Salcedo 4/16/12  
Employee Signature Date

[Signature] 4/12/12  
Signature of person initiating C-1 Date

Response Waived:

Jonathan Salcedo 4/16/12  
Employee Signature Date

[Signature] 4/16/12  
Signature of Person making notification Date

You are reminded of your right to respond to the complaint in writing as per General Manual section 07.42.02.4a. You may waive this provision if you so desire. If a response has not been received within five (5) days, it will be assumed you chose to waive this provision.

You are further advised to refrain from contacting the complainant or witnesses in any way which might be interpreted as an attempt to discourage the complainant or witnesses from cooperating with the Department during the complaint investigation.

You are also reminded any employee who is the subject of an administrative complaint investigation shall cooperate fully and answer all questions posed to them by the investigator during such an investigation. Department employees questioned by a Department investigator concerning their knowledge of a complaint will fully cooperate and answer truthfully such questions as outlined in 07.42.04-7,8.

You are reminded to review the complaint and grievance procedures as found in General Manual Chapter 7A.



**GARRITY WARNING**

At this time, I, Lt. Adolphus Pressley and Lt David Rain water, Texas Department of Public Safety – Office of Inspector General, are going to ask you questions about **OIG-Administrative Investigation OIG2012-0087**. Jonathan Salvador, it is alleged that on **Friday, 01-26-2012**, at approximately 8:55 a.m., while performing your duty as a forensic scientist, you improperly exercised a total disregard for policy and procedures by testing sample L2H-222403 and recording those results for sample L2H-222396. I am not questioning you for the purpose of any criminal investigation, but only for the internal, administrative purposes of the Department. Accordingly, you are required and ordered to answer the questions that I ask you, as provided in the Department’s General Manual, Section 07.42.01(3) and 07.42.04(5e, 7, 8, and 11b).

During the course of this series of questions, your answers will be given pursuant to the Department’s policy, as noted above, that requires you, as a condition of continued employment, to truthfully answer all such questions as may be asked. Since these responses are required to be made, the Courts have generally held that such statements may not be used against you in a criminal proceeding arising out of the same factual situation, because you are compelled to give them. In addition, if your responses lead to additional information or evidence, the Courts have generally held that such additional matters are likewise not available for use in any criminal proceeding arising from the same factual situation.

Since this is an administrative, internal matter, you are required to answer all questions asked of you; and if you do not answer such questions, disciplinary action may be instituted against you separate and apart from the matter referenced above. You are reminded of the provisions of the Department’s General Order number 4, which provides that all employees are required “to know and obey orders and instructions at all times.” Department General Manual Section 06.10.01(4)

**DO YOU UNDERSTAND WHAT I HAVE JUST EXPLAINED TO YOU?**

YES   X                        NO                             Initials   JS  

**I, THE UNDERSIGNED, CERTIFY THAT I HAVE RECEIVED AND UNDERSTOOD THE ABOVE WARNING.**

Date:   4/16/12  

  Jonathan Salvador    
Signed

Time:   10:35 am  

  Jonathan Salvador    
Printed Name



# TEXAS DEPARTMENT OF PUBLIC SAFETY

## INTEROFFICE MEMORANDUM

**To:** Keith Gibson, Regional Lab Mgr.      **Date:** 02/03/2012  
**From:** Severo Lopez, Jr., Section Mgr.      **Division:** LESD  
**Subject:** Jonathan Salvador

A question regarding two different cases, L2H -222396 and L2H-222403 was brought to my attention by Andrew Gardiner. Mr Gardiner indicated that he believed he had proof that Jonathan Salvador had "dry-labbed" results for a case. He believes that the same sample was run twice to generate data for each of these. He explained that he had observed that the sample in question was not found on the instrument on which it was purportedly loaded in a sequence and run, but rather that another sample from another case was in its place on the auto sample tray. Details pertaining to his report are in his narrative.

I then took the following action:

I advised Keith Gibson of situation. I then secured the case folder L2H-222396. Mr. Salvador was still in the process of analyzing L2H-222403. I searched the information management system (LIMS DRAGNet). LIMS indicates evidence from L2H-222396 still in Mr. Salvador's custody. I approached Mr. Salvador about some other issues with the case folder such as an incorrect mass spectrum printed with a Total Ion Chromatogram and an incorrect extraction scheme listed on spectrum. I then asked for and obtained the evidence from Mr. Salvador. It was located in his temporary storage location (bench locker). Mr. Salvador asked why the sample was being re-analyzed. I explained that it was part of quality assurance measures. I immediately began re-analysis of evidence from L2H-222396. (See Case folder for L2H-222396)

Mr. Salvador remained nearby during my re-analysis at most of the time until his departure around 4:00pm making small talk. During this time I had the opportunity to ask him specific questions about his extraction and analysis. He indicated that item 1 in L2H-222396 was extracted direct in Chloroform(CHCl<sub>3</sub>), not Acid to Chloroform as indicated on spectral data). He also indicated that sample dissolves in CHCl<sub>3</sub>. This was verified by re-analysis. The sample was analyzed via Gas Chromatograph/Mass Spectrometry (GC/MS) with alprazolam being the result. However, the Ion Chromatogram does not match the profile for the data included with his initial conclusions. Moreover, the chromatogram and spectrum are virtually identical to data for an item in L2H-222403 which was run near the time of L2H-222396

# **TEXAS DEPARTMENT OF PUBLIC SAFETY INTEROFFICE MEMORANDUM**

**To:** Keith Gibson, Reg. Manager                      **Date:** 02/03/2012  
**From:** Severo Lopez, Drug Section Suprv.              **Division:** LESD  
**Subject:** L2H-222396

Regarding the questions surrounding L2H-222396 and L2H-222403 a question regarding same sample being run twice for each of these two different cases was brought to my attention by AG. Details pertaining to his report are in his narrative. So I took the following action:

- Advised KG of situation.
- Secured case folder L2H-222396. JS is still in process of analyzing L2H-222403
- Searched LIMS (DRAGNet). LIMS indicates evidence from L2H-222396 still in JS custody.
- Approached JS about other unrelated issues with case folder such as wrong mass spectrum printed with a TIC, Incorrect extraction scheme listed on spectrum.
- Secured evidence from JS. It was located in his temporary storage location (bench locker)
- Began re-analysis of evidence form L2H-222396. (See Case folder for L2H-222396)
- JS hovered nearby during my re-analysis at most of the time until his departure around 4:00pm making small talk.
- I had opportunity to ask him specific questions about his extraction and analysis.
- He indicated that item 1 in L2H-222396 was extracted direct in CHCl<sub>3</sub> (Not A>CHCl<sub>3</sub> as indicated on spectral data).
- He also indicated that sample dissolves in CHCl<sub>3</sub> which was verified by re-analysis.
- Sample was analyzed via GC/MS with alprazolam being the result. However, the Ion Chromatogram does not match the profile for the data included with his initial conclusions. Moreover, the chromatogram and spectrum are virtually identical to data for an item in L2H-222403 which was run near the time of L2H-222396.

February 3, 2012

On January 26<sup>th</sup> I was attempting to diagnose a problem on my GCMS, I wanted to make sure the problem wasn't the sample I was running, so I went to put the sample on Jonathan's GCMS. While loading the sample I also thought that I should run an alprazolam sample on my instrument to see what my instrument would do on a different method and with a high molecular weight compound. I noticed that the sample on the sequence list above the sample I had just put on Jonathans instrument was alprazolam (and was the only sample in the sequence, all other lines were blanks), so I was going to use that vial to run on my instrument. I noticed in the sequence log that the sample was L2H-222396 item 1, and that it was in location 18. I located the vial in location 18, and written on the vial was L2H-222403 7.2. At first I thought he must have mistyped or given an incorrect vial location, I looked at every sample vial on the tray and none of them had 222396 written on the vial. I then went to look for the folders for each case, L2H-222396 had a few spectra for item 1 in it, it looked like he was having trouble getting the sample to come out, I then checked the folder for 222403, and item 7.2 was alprazolam. I compared the spectra in the case folder from 222403 7.2, to the spectra from 222396, and determined that the spectra were the same. I called analyst Haley Yaklin over to show her what I had noticed and asked for her opinion. She agreed that it looked bad, and we agreed to give him the benefit of the doubt and to wait and see what Jonathan did with the spectra he had generated for 222396 before saying anything to management.

The next time I looked for the folder for 222396 it was in admin review, so I pulled it out and notified Severo of what I suspected had happened.

Andrew Gardiner

A handwritten signature in black ink, appearing to read "Andrew Gardiner", followed by a date "2/3/12". The signature is written in a cursive style.





TEXAS DEPARTMENT OF PUBLIC SAFETY  
TEXAS RANGER DIVISION

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REPORT OF INVESTIGATION

THIS REPORT IS THE PROPERTY OF TEXAS DPS-TEXAS RANGER DIVISION. NEITHER IT NOR ITS CONTENTS  
MAY BE DISSEMINATED OUTSIDE THE AGENCY TO WHICH LOANED.

1. TAMPER W/WRITTEN EVIDENTIARY REPORT 37.10(c)(2)(B) PC F3
2. HARRIS COUNTY, HOUSTON, TX, US
3. STATE OF TEXAS
4. 01/26/2012 (Thursday)

REPORT OWNER: JEFFREY WOLF, RANGER 10798, BRENHAM  
DIVISION: RA-2012-00087  
RANGER: CA10798120216234012A

FILE STATUS: ACTIVE  
TYPE: CRIMINAL

**SYNOPSIS:**

**1. 02/16/2012 Report Writer: JEFFREY WOLF, RANGER 10798, BRENHAM**

**RESTRICTED MATERIAL 03/21/2012 Approved by: 9619 JASON TAYLOR, LIEUTENANT**

On 02-07-2012, Texas Ranger Jeff WOLF was contacted by Texas Ranger Major Freeman MARTIN and instructed to make contact with Texas Ranger Grover "Frank" HUFF and Texas Department of Public Safety (DPS) Region 2 Crime Lab Manager Keith GIBSON regarding the investigation of a DPS employee. On 02-08-2012, Rangers WOLF and HUFF met with GIBSON, at which time it was alleged DPS Forensic Scientist III Jonathan Benjamin SALVADOR had falsified a government document, namely a DPS Drug Analysis Laboratory Report. In addition to meeting with GIBSON, Rangers WOLF and HUFF interviewed three witnesses regarding the incident in question. On 02-09-2012, Rangers WOLF and HUFF conducted a non-custodial interview with SALVADOR. As of this report date, no charges have been filed with the Harris County District Attorney's Office.

**2. 02/27/2012 Report Writer: JEFFREY WOLF, RANGER 10798, BRENHAM**

**RESTRICTED MATERIAL 03/29/2012 Approved by: 9619 JASON TAYLOR, LIEUTENANT**

On 02-17-2012, Texas Ranger Jeff WOLF made contact with the Harris County District Attorney's Office concerning this investigation. Ranger WOLF spoke with Harris County Assistant District Attorney (ADA) Tiffany DUPREE, and upon apprising her of the investigation, ADA DUPREE concurred no criminal action should be taken against Jonathan SALVADOR until the DPS Crime Laboratory was able to re-test SALVADOR'S previous 100 cases. DPS Region 2 Crime Lab Manager Keith GIBSON advised this would take approximately three to five weeks to occur. SALVADOR was placed on Suspension with the Department of Public Safety while the re-tests were being conducted.

04/18/2012 3:03 57 PM

**REPORT OF INVESTIGATION**

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<b>RANGER: CA1079812021623</b>	<b>Div File No:</b>	<b>STATUS: ACTIVE</b>
<b>TYPE: CRIMINAL</b>	<b>RA-2012-00087</b>	<b>BY: JEFFREY WOLF, RANGER 10798</b>
<b>1. TAMPER W/WRITTEN EVIDENTIARY REPORT 37.10(c)(2)(B) PC F3</b>		
<b>2. HARRIS COUNTY, HOUSTON, TX, US</b>		
<b>3. STATE OF TEXAS</b>		
<b>4. 01/26/2012 (Thursday)</b>		

**DETAILS:**

- 1.1** On 02-07-2012, Texas Ranger Jeff WOLF was contacted by Texas Ranger Major Freeman MARTIN. Major MARTIN advised Ranger WOLF he was contacted by Texas Department of Public Safety (DPS) Region 2 Crime Laboratory Manager Keith GIBSON. GIBSON was concerned over the possible criminal conduct of one of his employees. Major MARTIN advised Ranger WOLF that Texas Ranger Grover "Frank" HUFF would be assisting Ranger WOLF with the investigation.
- 1.2** On the afternoon of 02-07-2012, Ranger WOLF contacted Ranger HUFF to begin making preparations for a meeting with GIBSON. Ranger HUFF advised Ranger WOLF he had already spoken briefly with Major MARTIN and GIBSON regarding the incident. GIBSON was available to meet on 02-08-2012, at 10:00 AM.
- 1.3** On 02-08-2012, at approximately 10:05 AM, Rangers WOLF and HUFF met with GIBSON at the Texas Rangers Company "A" Headquarters. GIBSON stated DPS Crime Lab Supervisor Severo LOPEZ, Jr. came to GIBSON on 02-03-2012, and advised him of the following:

On 01-26-2012, DPS Crime Lab Forensic Scientist III Andrew GARDINER was conducting his monthly test run on his Gas Chromatograph Mass Spectrum (GCMS) instrument to confirm it was operating properly. After running the test, GARDINER was not happy with the results his instrument was displaying for the known standard he was testing. GARDINER decided to test the known standard on another GCMS instrument to compare and verify the substance he was testing. GARDINER approached Jonathan Benjamin SALVADOR'S GCMS instrument and was going to utilize it. GARDINER observed SALVADOR had been running a different compound (Alprazolam) than what GARDINER was attempting to test. In addition to testing his substance on SALVADOR'S instrument, GARDINER decided to also test SALVADOR'S substance on GARDINER'S instrument. While GARDINER was at SALVADOR'S work station, he observed SALVADOR was reportedly testing evidence from file #L2H-222396. However, when GARDINER went to retrieve the vial to test on his own instrument, he observed the vial SALVADOR was testing was from file #L2H-222403. GARDINER began

04/18/2012 3:03:57 PM

## REPORT OF INVESTIGATION

RANGER: CA1079812021623	Div File No:	STATUS: ACTIVE
TYPE: CRIMINAL	RA-2012-00087	BY: JEFFREY WOLF, RANGER 10798

1. TAMPER W/WRITTEN EVIDENTIARY REPORT 37.10(c)(2)(B) PC F3
2. HARRIS COUNTY, HOUSTON, TX, US
3. STATE OF TEXAS
4. 01/26/2012 (Thursday)

checking SALVADOR'S tray for the correct vial to test on his own instrument. After checking every vial on the tray, GARDINER realized SALVADOR did not have any vials from file L2H-222396 around the workstation. In addition to not finding any vials labeled L2H-222396, GARDINER observed the substance in the vial (Alprazolam) labeled L2H-222403 was supposedly the same substance SALVADOR was testing for in file L2H-222396 (also Alprazolam). GARDINER was having a difficult time believing what he discovered, so he asked fellow DPS Crime Lab Forensic Scientist III Haley YAKLIN to come over to SALVADOR'S work station and verify what he had found. Both GARDINER and YAKLIN agreed that it appeared SALVADOR was testing one substance, and then reporting it was another. To confirm GARDINER'S belief, he decided to wait until SALVADOR submitted the Official Report of his findings for file L2H-222396 to see if SALVADOR corrected his mistake. Upon file L2H-222396 being submitted for Tech Review (a review process conducted by Forensic Scientist peers before the report is submitted for Admin Review and then mailed out), GARDINER pulled the file and began reviewing it. During the review, GARDINER observed SALVADOR had not corrected the report, but had instead, submitted his findings from the vial labeled L2H-222403 to complete his report for file L2H-222396. Upon discovering this, GARDINER made contact with LOPEZ and advised him of the findings.

- 1.4 GIBSON stated upon learning the information from LOPEZ, GIBSON instructed LOPEZ to re-test the substances located in file L2H-222396 and compare the results with those submitted by SALVADOR. Upon LOPEZ conducting the re-testing of the substance two different ways, neither test yielded the same result as what SALVADOR had reported.
- 1.5 While Rangers WOLF and HUFF were speaking with GIBSON, GIBSON noted it was common practice for the Forensic Scientists to utilize each other's instrument to confirm and/or compare the results generated by their own instrument. It was also common practice, that if a Forensic Scientist was having problems with an instrument, they would utilize another Scientists' instrument to conduct their own tests. It should be noted on 01-26-2012, SALVADOR came into the Crime Laboratory and ran several test blanks (utilized to verify that the system is clean and ready to test substances) on his instrument before testing the Alprazolam

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in file L2H-222403. After starting the test, SALVADOR left the lab and assisted other DPS personnel with destroying dispositioned evidence.

- 1.6** After meeting with GIBSON, Rangers WOLF and HUFF made contact with DPS Crime Lab Supervisor (Drug Section) Severo LOPEZ, Jr. At approximately 2:05 PM, LOPEZ was interviewed at the Texas Rangers Company "A" Headquarters. This interview was recorded on a digital recorder before being downloaded to a compact disc. A copy of this interview is attached to this file as Exhibit 1.1. Exhibit 1.1 is a compact disc containing interviews from LOPEZ, GARDINER, and YAKLIN.
- 1.7** LOPEZ began by explaining to Rangers WOLF and HUFF that on 02-02-2012, Andrew GARDINER approached and informed him that he believed a fellow DPS Crime Lab Scientist was "Dry-Labbing" evidence. LOPEZ explained "Dry-Labbing" was a term used within the Forensic Community describing when a Forensic Scientist was either generating results without actually conducting the analysis, or without properly conducting the analysis. LOPEZ continued to explain GARDINER had found the same sample had been run for two different cases, and had located evidence indicating SALVADOR had been having a difficult time analyzing the evidence for the case which was allegedly "Dry-Labbed", thus providing a motive for why SALVADOR would "Dry-Lab" the evidence and incidentally create a false report.
- 1.8** According to LOPEZ, SALVADOR was attempting to test a substance which was quite common. SALVADOR knew prior to testing the substance what the substance was, due to being familiar with it. However, even if a Forensic Scientist knows what a substance is, it still must be tested and have the data generated to support the conclusion.
- 1.9** On 02-03-2012, GARDINER and LOPEZ met again and finished discussing GARDINER'S findings. LOPEZ instructed GARDINER to meet with GIBSON and explain his findings to GIBSON. After GARDINER met with GIBSON, LOPEZ and GIBSON met again and discussed what GARDINER discovered and decided LOPEZ would re-test the substance listed in file L2H-222396. When LOPEZ asked SALVADOR how he tested the substance

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(Alprazolam) in file L2H-222396, SALVADOR explained he conducted a Chloroform test without acid, even though SALVADOR'S test indicated he had used acid in the test. LOPEZ attempted to test the sample utilizing Chloroform without acid, but this did not yield the same result which SALVADOR listed on his Official Report. When LOPEZ and GIBSON discussed the results, GIBSON suggested LOPEZ re-test the sample from L2H-222396 utilizing acid (as SALVADOR indicated he did on his Official Report). Upon LOPEZ conducting the Chloroform test with acid, he noted it still did not match the results submitted by SALVADOR for the sample tested in L2H-222396. LOPEZ continued to state that while he was re-testing the sample from file L2H-222396, SALVADOR was lingering around him in a very awkward way. According to LOPEZ, SALVADOR suggested to him the substance was difficult to extract, and LOPEZ might want to try a substance from a different file.

**1.10** LOPEZ continued to state the data generated (the footprint of the substance) from file L2H-222403 matched the data (the footprint of the substance) submitted by SALVADOR in file L2H-222396. LOPEZ also stated there was no doubt in his mind the results submitted by SALVADOR for file L2H-222396 were from a substance not associated with file L2H-222396. According to LOPEZ, he was almost certain the results submitted by SALVADOR were from L2H-222403. LOPEZ believed SALVADOR was having a difficult time generating the results on a commonly known substance (Alprazolam), and therefore, utilized the results from file L2H-222403 to generate the conclusions needed to complete file L2H-222396. For additional details from this interview, refer to Exhibit 1.1 - audio recorded interview with LOPEZ.

**1.11** Upon concluding the interview with LOPEZ, Rangers WOLF and HUFF conducted an interview with DPS Crime Lab Forensic Scientist III Andrew GARDINER. GARDINER was interviewed on 02-08-2012, at approximately 3:05 PM, at the Texas Rangers Company "A" Headquarters. This interview was recorded on a digital recorder before being downloaded to a compact disc. A copy of this interview is attached to this file as Exhibit 1.1.

**1.12** GARDINER began by explaining he was having maintenance

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issues with the instrument he was working on. He went to the instrument issued to Jonathan SALVADOR to verify the results his instrument was generating were the same another instrument would generate. While at SALVADOR'S instrument, GARDINER noted SALVADOR was testing Alprazolam, a substance with a different chemical make-up than the substance GARDINER was attempting to test. GARDINER decided it would be wise to also run SALVADOR'S substance on GARDINER'S instrument in order that GARDINER might be able to ascertain if his instrument was working properly. GARDINER noticed SALVADOR'S sample log identified the substance as being labeled 222396, and it was entered into the computer as being in location 18 in SALVADOR'S sample tray. GARDINER then went to location 18 on the sample tray, but found a vial labeled 222403 in location 18. According to GARDINER, sometimes an item is accidentally entered into the computer as being in the wrong location. Therefore, GARDINER began checking other locations on the sample tray in an effort to locate the vial labeled 222396. GARDINER stated there were 100 vial locations on a sample tray, and he checked every single location on the tray, but was unable to locate a vial labeled 222396. GARDINER assumed at this point SALVADOR might have made a data entry error on the computer and was actually testing a substance from file L2H-222403, and accidentally typed in L2H-222396 on the computer.

- 1.13 Per GARDINER, "at this point it was starting to look a little bit fishy." GARDINER stated he located SALVADOR'S file folder which was labeled L2H-222403, and upon looking at it, GARDINER discovered it was complete and needed no further analysis. GARDINER then located SALVADOR'S file folder labeled L2H-222396, and upon inspecting it, GARDINER observed the file was incomplete, but it did contain several Spectral Sheets in the folder which "didn't look very good." According to GARDINER, the sheets appeared as though SALVADOR was "having a difficult time generating good quality data" to put into the file folder. GARDINER acknowledged the Spectral Sheets in the file folder were not good enough to use for casework. GARDINER stated he was not sure what to do, so he asked DPS Crime Lab Forensic Scientist Haley YAKLIN to come over and take a look at it. After YAKLIN looked at it, GARDINER and YAKLIN agreed to allow SALVADOR adequate time to correct the mistake, in case it was inadvertent.

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**1.14** The following Monday (01-30-2012), GARDINER observed file L2H-222396 had been completed and submitted for Technical Review. GARDINER retrieved the file and upon reviewing it, GARDINER observed the data in the file was the same data he had seen on the computer on 01-26-2012. GARDINER then compared the data from file L2H-222396 with the data from file L2H-222403 which had also been completed and submitted for Technical Review, and observed the data from the two files was "exactly the same."

**1.15** After discovering the error with the two files, GARDINER contacted LOPEZ via e-mail and requested to meet with him regarding the findings. GARDINER also added YAKLIN did not inspect the sample tray, but did confirm the sample in location 18 was labeled as 222403, and SALVADOR'S computer identified the sample as 222396. GARDINER also commented on the fact that it would be feasible for a Forensic Scientist to mislabel a sample location on the sample tray, meaning the scientist identified the sample as coming from location 19 when it actually came from location 18. However, to use sample 222403's vial to mistakenly generate sample 222396's data when there was not even a vial labeled 222396 in the sample tray, was not feasible.

**1.16** It should also be noted that according to GARDINER'S statement, SALVADOR was prone to making a lot of mistakes. GARDINER admitted SALVADOR was a friend of his, but joked when a Forensic Scientist is conducting a peer review of a file submitted by SALVADOR, one would need a whole note pad of sticky notes to mark the corrections needed within the file.

**1.17** For additional details regarding the interview conducted with GARDINER, refer to Exhibit 1.1 - audio recorded interview with GARDINER.

**1.18** After interviewing GARDINER, Rangers WOLF and HUFF conducted an interview with DPS Crime Lab Forensic Scientist III Haley YAKLIN. YAKLIN was interviewed on 02-08-2012, at approximately 4:12 PM, at the Texas Rangers Company "A" Headquarters. This interview was recorded on a digital recorder before being downloaded to a compact disc. A copy of this interview is attached to this file as Exhibit 1.1.

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**1.19** YAKLIN began by explaining back in late January, she was sitting at her desk when GARDINER approached her. GARDINER advised her he had gone over to SALVADOR'S instrument to run a sample on it after experiencing trouble with his own instrument. While over at SALVADOR'S instrument, GARDINER had seen the sample list indicating SALVADOR was running a test on Alprazolam. GARDINER removed the sample and was going to run the sample on his own instrument to see if his instrument was still not working properly. Upon removing the vial (sample), GARDINER observed the vial was marked with a different sample than the file being run on the instrument. GARDINER became concerned over what he had found and asked YAKLIN to come and take a look at it.

**1.20** YAKLIN stated she went over to SALVADOR'S instrument and reviewed SALVADOR'S sample run he had typed into his instrument. YAKLIN stated she and GARDINER observed SALVADOR had only run one sample that day. When only one sample is run, it is extremely difficult to make an error such as testing the wrong sample. According to YAKLIN, GARDINER removed the vial, allowing YAKLIN to see the wrong vial was in fact being tested.

**1.21** After verifying what she found, YAKLIN and GARDINER agreed they needed to wait and see what SALVADOR submitted as his test results before jumping to any conclusions. According to YAKLIN, GARDINER spoke with her approximately one week later and advised her SALVADOR completed his report and submitted the file (L2H-222396) for approval. GARDINER pulled the file and discovered the results were the same as on 01-26-2012. YAKLIN recommended GARDINER wait until SALVADOR submitted his completed report for file L2H-222403, and then compare the two reports to see if they were in fact the same. Then, if the two reports were the same, GARDINER would have no choice but to talk to LOPEZ about what they had found. After YAKLIN spoke with GARDINER regarding what GARDINER found in the submitted report (L2H-222396), YAKLIN stated she had no other involvement with looking at the files or paperwork. YAKLIN confirmed what GARDINER stated during his interview; that SALVADOR was prone to making mistakes when conducting the analysis and reporting the findings. These mistakes included, but were not limited to, clerical errors.

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**1.22** For additional details regarding the interview conducted with YAKLIN, refer to Exhibit 1.1 - Audio recorded interview with YAKLIN.

**1.23** After interviewing YAKLIN, Rangers WOLF and HUFF contacted LOPEZ and requested he re-test the Alprazolam which was tested in File L2H-222403. Investigators would have it to compare to the results from LOPEZ' re-test of L2H-222396, and the results which SALVADOR submitted as his own findings for both files.

**1.24** On 02-09-2012, Rangers WOLF and HUFF met with LOPEZ at the Texas Rangers Company "A" Headquarters and received the results from his re-test of file L2H-222403. After receiving these results, Rangers WOLF and HUFF coordinated with LOPEZ and GIBSON and arranged to interview SALVADOR on the afternoon of 02-09-2012.

**1.25** At approximately 3:15 PM, Rangers WOLF and HUFF met with DPS Crime Lab Forensic Scientist III Jonathan Benjamin SALVADOR - A/M, DOB: 04-08-1968, at the Texas Rangers Company "A" Headquarters. This interview was recorded on a digital video recorder before being downloaded to a compact disc (DVD). A copy of this interview is attached to this file as Exhibit 1.2.

**1.26** Prior to beginning the interview, Ranger WOLF advised SALVADOR that he was not under arrest and was free to leave the interview at any time he desired to do so. Ranger WOLF also advised SALVADOR the purpose of the interview was part of a criminal investigation being conducted by Rangers WOLF and HUFF, and was not an administrative interview.

**1.27** Rangers WOLF and HUFF presented the two files in question (L2H-222396 and L2H-222403) to SALVADOR and asked SALVADOR if he was familiar with the cases. SALVADOR reviewed the two files and stated he remembered both cases, and had recently finished them. Ranger WOLF observed SALVADOR was extremely nervous, and while attempting to discuss the initial analysis procedure, SALVADOR stated he was extremely distraught over this, and even if the investigation turned out okay, he was probably going to lose his job.

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**1.28** SALVADOR briefly explained the process of identifying and analyzing a known drug such as Alprazolam. He continued by stating it was normally a relatively easy process once the pill has been diluted down and separated. However, according to SALVADOR, while attempting to dilute the Alprazolam from file L2H-222396, the pill did not separate as anticipated, but instead became a cloudy emulsion. This made the substance difficult to analyze, so SALVADOR stated he added more chloroform to help the substance separate some more. After diluting the compound more, SALVADOR attempted to test the Alprazolam. The results identified the substance as Alprazolam, but it also generated an unacceptable specter sheet, meaning the exhibit would need to be re-tested.

**1.29** According to SALVADOR, he spoke with another lab employee who recommended conducting the test by utilizing a different method. SALVADOR admitted conducting the test utilizing the recommended method, but upon doing so, again ended up with an unacceptable specter sheet which meant the substance would need to be re-tested again.

**1.30** SALVADOR explained he again had to get another pill from the submitted drug evidence and begin the process all over again (for the third time), leaving only a half (.5) of a pill remaining. Coincidentally, while testing that final full pill, SALVADOR stated the testing worked just as it was supposed to and he ended up getting the anticipated result for the Alprazolam.

**1.31** SALVADOR continued to appear nervous, but acted as though he had no idea why he was being interviewed by Rangers WOLF and HUFF. At this point, Ranger WOLF informed SALVADOR what GARDINER discovered on 01-26-2012, at SALVADOR'S work station. SALVADOR responded by saying "That's impossible. I mean, I'm not going to call my co-workers a liar. I'm not. Could it be an error on my part? Sure." Ranger WOLF stated to SALVADOR if it was an error, that was okay. Ranger WOLF then asked SALVADOR to explain how the error could have been made, to which SALVADOR replied "I don't know."

**1.32** After stumbling for a reason as to why the wrong vial was

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being tested, SALVADOR commented if it was anything, it had to be he accidentally listed the wrong vial number to be tested. (However, the vial number was somewhat irrelevant, due to the fact there were no vial numbers present at the instrument which would have coincided with the substance reportedly being tested.) SALVADOR then became very defensive with Rangers WOLF and HUFF, and stated he would never falsely report the findings of a test.

- 1.33** As the interview continued, SALVADOR stated it was also possible he had accidentally tested the Alprazolam in file L2H-222403, while meaning to test the Alprazolam in file L2H-222396. SALVADOR also made several references to "Jesse", a DPS Crime Lab employee who was found guilty of stealing drug evidence from the DPS Crime Lab several years ago, and SALVADOR continually compared himself to "Jesse." Ranger WOLF found this awkward, as the circumstances surrounding this investigation were completely different from the circumstances involved in "Jesse's" investigation.
- 1.34** At this point, Ranger HUFF again questioned SALVADOR about having any doubts as to whether or not the results submitted by him in file L2H-222396 were from another file. SALVADOR again confirmed "in his mind" there was no doubt. SALVADOR then covered his face with both his hands and held them there for approximately 27 seconds, as if in disbelief.
- 1.35** Ranger WOLF decided to prepare a timeline for SALVADOR to better explain why his results for file L2H-222396 were suspicious. While Ranger WOLF was preparing this timeline, SALVADOR again covered his face for almost 30 seconds and asked "Am I going to lose my job?" Ranger HUFF again explained to SALVADOR that we were there to simply investigate whether or not a criminal act had been committed. The timeline which Ranger WOLF prepared during the interview detailed the following information:

## Time Line of Events:

01/10/2012 - evidence for file #L2H-222396 was pulled for analysis by SALVADOR  
01/12/2012 - Alprazolam for file #L2H-222396 was first tested by SALVADOR

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01/19/2012 - evidence for file #L2H-222403 was pulled for analysis by SALVADOR  
01/20/2012 - 2 of 3 Alprazolam exhibits were examined for file #L2H-222403  
01/25/2012 - the final Alprazolam exhibit was examined for file #L2H-222403 (Conducted at 4:46 PM)  
01/26/2012 - the final test was conducted on the Alprazolam exhibit for file #L2H-222396 (Conducted at 9:20 AM/this was the only test conducted by SALVADOR on 01-26-2012). This was also the date GARDINER observed the vials belonging to file #L2H-222403 being re-tested, with the re-generated results being utilized to complete file L2H-222396.

- 1.36** When Rangers WOLF and HUFF presented the timeline, SALVADOR stated "I can't explain it. I don't know what to tell you. I don't know if anybody walked over to my instrument and took the vial." However, the vial SALVADOR was reportedly testing on 01-26-2012, came from location 18 on his vial tray, and that vial was still present at the workstation when GARDINER went over to the instrument and first noticed the discrepancies.
- 1.37** Ranger HUFF then presented SALVADOR with the results he submitted for file L2H-222396, and asked him to compare them with the results which he had for the Alprazolam tested in file L2H-222403 on 01-25-2012. SALVADOR viewed the two reports and concluded they looked identical, with the only difference being the "Abundance."
- 1.38** As the interview continued, SALVADOR remained defensive and was unable to provide a consistent, plausible reason explaining why or how the evidence from file L2H-222403 ended up being used to generate the results report which was submitted for file L2H-222396. SALVADOR did recognize the Alprazolam results from files L2H-222396 and L2H-222403 looked identical to the results of the re-test which were generated by LOPEZ after LOPEZ re-tested file L2H-222403. SALVADOR also acknowledged the results generated during LOPEZ' re-test of file L2H-222396 were completely different than those submitted by SALVADOR.
- 1.39** Towards the end of the interview, SALVADOR stated "I can't and I won't say I 'dry-labbed' because I didn't. At least

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in my belief system I didn't. I wouldn't do that." SALVADOR also conceded he might have made a mistake, but he refused to admit to "dry-labbing" the evidence because he has seen too many people go down after admitting that they "dry-labbed."

**1.40** For additional details regarding the interview with SALVADOR, refer to Exhibit 1.2.

**1.41** Also, attached to this file are the following:

A. Exhibit 1.3 - photocopy of the DPS Crime Lab file L2H-222396

B. Exhibit 1.4 - photocopy of the DPS Crime Lab file L2H-222403

C. Exhibit 1.5 - photocopy of the re-tests conducted by LOPEZ for file L2H-222396

D. Exhibit 1.6 - photocopy of the re-tests conducted by LOPEZ for file L2H-222403

E. Exhibit 1.7 - photocopy of the written statement by Andrew GARDINER dated 02-03-2012

F. Exhibit 1.8 - interoffice Memorandum from Severo LOPEZ to Keith GIBSON dated 02-03-2012

Exhibits 1.3, 1.4, 1.5, 1.7, and 1.8 were received by Ranger WOLF from GIBSON on 02-08-2012, at the Texas Rangers Company "A" Headquarters. Exhibit 1.6 was received by Ranger WOLF from LOPEZ on 02-09-2012, at the Texas Rangers Company "A" Headquarters.

**2.1** On 02-17-2012, Texas Ranger Jeff WOLF made contact with Harris County Assistant District Attorney (ADA) Tiffany DUPREE. Ranger WOLF advised ADA DUPREE of the details of the investigation involving Jonathan Benjamin SALVADOR.

**2.2** Ranger WOLF further advised ADA DUPREE DPS Crime Lab Manager Keith GIBSON notified Ranger WOLF that SALVADOR'S employment was currently suspended pending the investigation. SALVADOR

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had not conducted any forensic analysis since the allegations had been made.

**2.3** According to GIBSON, the DPS Crime Lab was in the process of re-testing SALVADOR'S previous 100 cases to check for additional errors in his recent cases. GIBSON advised this would probably take three to five weeks to occur. Ranger WOLF and ADA DUPREE agreed these re-tests should be completed before taking any criminal action against SALVADOR.

**2.4** On 03-01-2012, Ranger WOLF traveled to the Harris County District Attorney's Office and provided ADA DUPREE with copies of the documents and interviews pertaining to this investigation. As of 03-20-2012, this investigation was still ongoing.

**PHYSICAL DESCRIPTION:**

**1.1 Jonathan Benjamin SALVADOR A/M [REDACTED] 43 yoa**

Hair: Black      Eyes: Brown      Weight: 185      Height: 0' 0"

SSN: [REDACTED]      SID:      DL/ID: [REDACTED] US

AKA:

Home : [REDACTED]      Work : Texas Department of Public  
Safety - Crime Lab  
12230 West Road  
Houston, TX 77065 US  
(281) 517-1380

**OFFENSES**

**1.1 1. TAMPER W/WRITTEN EVIDENTIARY REPORT 37.10(c)(2)(B) PC F3**  
**2. HARRIS COUNTY, HOUSTON, TX, US**  
**3. STATE OF TEXAS**  
**4. 01/26/2012 (Thursday)**

**INVESTIGATORS/PUBLIC OFFICIALS:**

**1.1 Jeffrey WOLF , Ranger, Texas Rangers Company "A"**  
**975 Hwy 290/Post Office BOX 119**

04/18/2012 3 03 58 PM

**REPORT OF INVESTIGATION**

<b>RANGER: CA1079812021623</b>	<b>Div File No:</b>	<b>STATUS: ACTIVE</b>
<b>TYPE: CRIMINAL</b>	<b>RA-2012-00087</b>	<b>BY: JEFFREY WOLF, RANGER 10798</b>
<b>1. TAMPER W/WRITTEN EVIDENTIARY REPORT 37.10(c)(2)(B) PC F3</b>		
<b>2. HARRIS COUNTY, HOUSTON, TX, US</b>		
<b>3. STATE OF TEXAS</b>		
<b>4. 01/26/2012 (Thursday)</b>		

Brenham, TX 77834

- 1.2 Freeman MARTIN , Major, Texas Rangers Company "A"**  
12230 West Road  
Houston, TX 77065  
(281) 517-1400
- 1.3 Grover HUFF , Ranger, Texas Rangers Company "A"**  
1923 Sam Houston  
Liberty, TX 77575  
(409) 336-4627

**WITNESSES:**

- 1.1 Keith GIBSON - W/M - [REDACTED] 47 yoa**  
**Home :** [REDACTED] **Work :** Texas Department of Public Safety - Crime Lab  
12230 West Road  
Houston, TX 77065 US  
(281) 517-1380
- 1.2 Severo LOPEZ - H/M - [REDACTED] 47 yoa**  
**Home :** [REDACTED] **Work :** Texas Department of Public Safety - Crime Lab  
12230 West Road  
Houston, TX 77065 US  
(281) 517-1384
- 1.3 Andrew GARDINER - W/M - [REDACTED] 33 yoa**  
**Home :** [REDACTED] **Work :** Texas Department of Public Safety - Crime Lab  
12230 West Road  
Houston, TX 77065 US  
(281) 517-1392

**REPORT OF INVESTIGATION**

<b>RANGER:</b> CA1079812021623	<b>Div File No:</b>	<b>STATUS:</b> ACTIVE
<b>TYPE:</b> CRIMINAL	RA-2012-00087	<b>BY:</b> JEFFREY WOLF, RANGER 10798
1. TAMPER W/WRITTEN EVIDENTIARY REPORT 37.10(c)(2)(B) PC F3 2. HARRIS COUNTY, HOUSTON, TX, US 3. STATE OF TEXAS 4. 01/26/2012 (Thursday)		

1.4 Haley YAKLIN - W/F - [REDACTED] 27 yoa

Home :

Work : Texas Department of Public  
Safety - Crime Lab  
12230 West Road  
Houston, TX 77065 US  
(281) 517-1389

**CUSTODY OF EVIDENCE:**

- 1.1 Evidence** Audio CD containing recorded interviews  
**Date/Time** 2/8/2012 2:05:00 PM  
**Address** 12230 West Road, Houston, Texas  
**Location** Texas Rangers Office  
**By:** Ranger Jeffrey WOLF , Texas Rangers Company "A"  
**Recovery Value:** \$0.00  
**Note:** With Severo LOPEZ, Andrew GARDINER, and Haley YAKLIN
- 1.2 Evidence** Audio/Video DVD containing the interview with Jonathan SALVADOR  
**Date/Time** 2/9/2012 3:15:00 PM  
**Address** 12230 West Road, Houston, Texas  
**Location** Texas Rangers Office  
**By:** Ranger Jeffrey WOLF , Texas Rangers Company "A"  
**Recovery Value:** \$0.00  
**Note:**
- 1.3 Evidence** Photocopy of DPS Crime Lab file L2H-222396  
**Date/Time** 2/8/2012 10:05:00 AM  
**Address** 12230 West Road, Houston, Texas  
**Location** Texas Rangers Office

04/18/2012 3 03:58 PM



**REPORT OF INVESTIGATION**

<b>RANGER: CA1079812021623</b>	<b>Div File No:</b>	<b>STATUS: ACTIVE</b>
<b>TYPE: CRIMINAL</b>	<b>RA-2012-00087</b>	<b>BY: JEFFREY WOLF, RANGER 10798</b>
<b>1. TAMPER W/WRITTEN EVIDENTIARY REPORT 37.10(c)(2)(B) PC F3</b>		
<b>2. HARRIS COUNTY, HOUSTON, TX, US</b>		
<b>3. STATE OF TEXAS</b>		
<b>4. 01/26/2012 ( Thursday )</b>		

**By:** Ranger Jeffrey WOLF , Texas Rangers Company "A"

**Recovery Value:** \$0.00

**Note:**

**1.4 Evidence** Photocopy of DPS Crime Lab file L2H-222403

**Date/Time** 2/8/2012 10:05:00 AM

**Address** 12230 West Road, Houston, Texas

**Location** Texas Rangers Office

**By:** Ranger Jeffrey WOLF , Texas Rangers Company "A"

**Recovery Value:** \$0.00

**Note:**

**1.5 Evidence** Photocopies of the re-tests of file L2H-222396 conducted by Severo LOPEZ

**Date/Time** 2/8/2012 10:05:00 AM

**Address** 12230 West Road, Houston, Texas

**Location** Texas Rangers Office

**By:** Ranger Jeffrey WOLF , Texas Rangers Company "A"

**Recovery Value:** \$0.00

**Note:**

**1.6 Evidence** Photocopies of the re-tests of file L2H-222403 conducted by Severo LOPEZ

**Date/Time** 2/9/2012 12:00:00 PM

**Address** 12230 West Road, Houston, Texas

**Location** Texas Rangers Office

**By:** Ranger Jeffrey WOLF , Texas Rangers Company "A"

**Recovery Value:** \$0.00

**Note:**

**REPORT OF INVESTIGATION**

<b>RANGER: CA1079812021623</b>	<b>Div File No:</b>	<b>STATUS: ACTIVE</b>
<b>TYPE: CRIMINAL</b>	<b>RA-2012-00087</b>	<b>BY: JEFFREY WOLF, RANGER 10798</b>
<b>1. TAMPER W/WRITTEN EVIDENTIARY REPORT 37.10(c)(2)(B) PC F3</b>		
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<b>3. STATE OF TEXAS</b>		
<b>4. 01/26/2012 (Thursday)</b>		

**1.7 Evidence**      Written statement prepared by Andrew GARDINER  
**Date/Time**      2/8/2012 10:05:00 AM  
**Address**      12230 West Road, Houston, Texas  
**Location**      Texas Rangers Office  
**By:**      Ranger Jeffrey WOLF , Texas Rangers Company "A"  
**Recovery Value:** \$0.00  
**Note:** Dated 02-03-2012 by GARDINER.

**1.8 Evidence**      Interoffice Memorandum prepared by Severo LOPEZ,  
addressed to Keith GIBSON  
**Date/Time**      2/8/2012 10:05:00 AM  
**Address**      12230 West Road, Houston, Texas  
**Location**      Texas Rangers Office  
**By:**      Ranger Jeffrey WOLF , Texas Rangers Company "A"  
**Recovery Value:** \$0.00  
**Note:** Dated 02-03-2012 by LOPEZ

**END OF REPORT**



**OIG2012-0087**

**Tab 5**  
**1 DVD in file**



**OIG2012-0087**

**Tab 6  
1 CD in file**



**OIG2012-0087**

**Tab 7  
1 CD in file**





## AFFIDAVIT

STATE OF TEXAS

COUNTY OF HARRIS

Before me, the undersigned authority in and for the State of Texas, on this day, personally appeared Keith A. Gibson, who, after being by me duly sworn, deposed and said:

My name is Keith A. Gibson. I am 47 years of age and my date of birth is [REDACTED]

I am the Regional Laboratory Manager for the Texas Department of Public Safety Regional Crime Laboratory located in Houston, Texas. On or about February 03, 2012, Severo Lopez, Drug Section Supervisor Houston Regional Crime Laboratory approached me and informed me that Forensic Scientist Andrew Gardiner had reason to believe that someone in the lab was falsifying results and that it would be best if I spoke with Gardiner directly. I later spoke with Gardiner and he indicated that he believed Forensic Scientist Jonathan Salvador had taken an analytical result obtained from one case (L2H-222403) and used it to support a conclusion in another case (L2H-222396). The substance identified was Alprazolam, a pharmaceutical preparation. Gardiner indicated that on September 26<sup>th</sup>, 2012, he was in need of a high molecular weight compound to verify the operation of his instrument. He noticed that the computer attached to Salvador's instrument was displaying a spectrum for Alprazolam which is a high molecular weight compound. He decided to use that to test his own instrument and when he went to locate the vial indicated on the sample list, it was not on the sample tray. He indicated that he searched the entire sample tray and was unable to locate a vial marked for L2H-222396 as was indicated on the sample list. He thought he had missed it and called another Forensic Scientist to verify that it was not present. Since he was uncertain about what was occurring, he made note of the case numbers and waited for them to be reported and progress through the review process. He retrieved both case files and compared the spectral data obtained by Salvador and found them to be remarkably similar. He reported his findings to Lopez and then to me. I instructed him to write a statement while it was fresh in his mind. I asked Drug Section Supervisor Lopez his assessment then instructed him to retrieve the evidence in both cases and re-analyze them. When he went to retrieve the evidence, he found that it was still in the custody of Salvador and he had to ask for it. Lopez reports that he told Salvador that he needed the items for re-examination in anticipation of the upcoming accreditation. He also reports that Salvador appeared nervous and lingered around him during the re-analysis volunteering information that may be incorrect in the case file.

All cases in the drug section are reviewed for technical completeness. The reviewing Forensic Scientist will examine the documentation present in the case file. They check to see that the documentation on the worksheets is complete and that the reported results are supported by analytical data. Gardiner waited until the questioned case (L2H-222396) had passed technical review then went and retrieved the case file. He also retrieved the case file for L2H-222403.

L2H-222396 Item 1 is a white pentagon shaped tablet marked: G / 0.5 Pharmaceutical information indicates it is an extended release tablet containing 0.5 milligrams of Alprazolam. An extended release tablet will typically coat the drug of interest with another compound so that the drug is available only after the extending compound is dissolved in the stomach or intestines. These extending agents may add foreign compounds to the spectral data and require extra time during analysis so that the extending compounds can be removed.

L2H-222403 Item 7.2 is a blue round tablet marked with a G inside of a pentagon on one side and a 2 on the other side. Pharmaceutical information indicates it is an extended release tablet containing 2.0 milligrams of alprazolam.

Analysis is typically performed on Gas Chromatograph coupled with a mass spectral analyzer (GCMS). The gas chromatograph (GC) will separate a sample based on its size and chemical composition. The sample is dissolved in an easily evaporated solvent such as chloroform or methanol. A syringe is used to inject it into a port that has been heated to 250 degrees Celsius. This causes the sample to vaporize and it is pushed into a coated metal tube or column by a non-reactive gas. The length and temperature of the column will cause the different components of the sample to separate with smaller compounds typically traveling faster and leaving the column earlier. As the compounds exit the column they enter the mass spectral analyzer where they are bombarded by a stream of electrons which causes them to fragment. These fragments are then detected by the analyzer and a graph of their size is produced. The resulting data has two components. The first is the separation which is indicated by a graph of how many particles are detected over time. The second is a graph of the size of the fragments detected at one point in time. These two components allow an analyst to identify a compound based on the time it takes to exit the column and the fragmentation pattern in the analyzer. The fragmentation of a compound will always be the same. The time it takes to exit the column will have a variance of a few seconds. Rarely will the number of particles detected over time be the same due to differences in technique, variations caused by temperature, the amount of time that the sample is allowed to extract, and other factors.

When analyzing pharmaceutical tablets, the analyst will typically crush the tablet and dissolve it in either a basic or acidic solution. Chloroform (CHCl<sub>3</sub>) is then added to the solution. The chloroform will sink to the bottom of the test tube and dissolve the compound of interest from the water into itself. This is also known as an extraction. The chloroform is then removed from the tube and placed into a sample vial. The sample vial information is entered into the sample table and the vial placed on the sample tray. The sample tray is numbered so that the proper vial will be injected by the sampler.

Documentation indicates that Salvador initially extracted L2H-222396-1 from an acidic solution into chloroform and caused it to be injected on the instrument assigned to him. The GC data has an elevated base line indicating that he may have also injected water from the solution into the column. Salvador later recanted and said that he did not extract the tablet but dissolved it directly in chloroform. A statement not supported by the data. Salvador printed the wrong mass spectral data for this analysis giving him the impression that the compound was not alprazolam as the pharmaceutical data indicated. He attempted another analysis on the instrument assigned to Forensic Scientist Amanda Ramos. The GC data from this analysis showed contamination from other compounds such as cocaine and heroin. He failed to include this data in the case file. The third attempt indicates an extraction from acidic solution into chloroform and has GC data without any signs of other compounds. He used this data to support his identification of alprazolam. Later, he told Drug Section Supervisor Lopez that he had not, in fact, extracted the tablet from an acidic solution but dissolved it directly in chloroform.

Documentation indicates that Salvador extracted L2H-222403-7.2 from an acidic solution and caused it to be injected on the instrument assigned to him. The GC data does not indicate the presence of other compounds. He used this data to support his identification of alprazolam.

The data from Salvador's third analysis of L2H-222396-1 and his analysis of L2H-222403-7.2 are remarkably the same. The mass spectral data is generally the same without signs of interferences. The total number of particles detected is within 30% of each other. The GC data is free from signs of contamination, interferences, and other artifacts. There is one artifact present and it occurs at the same location in both graphs.

During his re-analysis of L2H-222396-1, Drug Section Supervisor Lopez attempted to reproduce the same conditions as Salvador so that the analysis would be comparable. Salvador lingered around Lopez while he was conducting the re-analysis. He volunteered that he had not extracted the tablet as indicated in the case file but instead dissolved the tablet directly in chloroform. Lopez modified his analysis and dissolved the tablet directly in chloroform. The resulting analysis showed multiple peaks in the GC data likely from the compounds used to make the tablet an extended release tablet and

binders to keep the tablet together. In the interest of completeness, Lopez extracted the chloroform with an acidic solution and the extra compounds were still present, but their intensity was diminished. Comparison of the spectral data indicates they could not have come from the same type of tablet using the indicated techniques.

Lopez also re-analyzed L2H-222403-7.2 He produced comparable spectra including the artifact present in the GC data at approximately ten minutes. Comparison of the spectral data indicates they could have come from the same type of tablet using the indicated techniques.

A further re-analysis of cases worked by Salvador was performed. These cases were completely re-analyzed by Forensic Scientists in the Houston Laboratory as they would a case just received. It was found that Salvador's documentation was generally incomplete in that he did not adequately describe what was present nor did he adequately document the actions that he performed. His technique consistently did not accurately weigh the samples, nor did he cleanly extract samples that would have produced the same quality of data as the other re-examining scientists. In one instance he misidentified a plant substance as marihuana. In another he failed to exert adequate effort to obtain identifiable marihuana from a smoking pipe. In a third case, he failed to observe the difference between a powder cocaine sample and a cocaine base (crack) sample and reported them both as powder. The prosecutors were notified and corrected reports were issued for these cases. All re-examined cases will have supplemental reports issued.

I have read the above statement consisting of 3 page(s), which is based on my personal knowledge, and it is true and correct.

*Keith A Gibson*

Subscribed and sworn to before me, the undersigned authority on this the 4 day of MAY A.D. 2012.

*[Signature]*  
Notary





## **EXAMINATION OF CONTROLLED SUBSTANCES, DANGEROUS DRUGS AND RELATED COMPOUNDS**

### **1 Scope**

To describe a basic analytical scheme, utilizing screening tests, extraction techniques, and instrumental analytical procedures, for the isolation and identification of controlled substances, dangerous drugs and other compounds such as clandestine laboratory reagents and precursors.

### **2 Safety**

1. Use caution when handling any unknown substance or chemical.
2. For hazardous materials or possible hazardous materials, use appropriate personal protective equipment.
3. Material Safety Data sheets are available in the laboratory if additional information is needed about a chemical.
4. Use proper lifting techniques and caution when handling heavy items.
5. Use caution and proper technique when using sharp instruments to cut into evidence packaging.

### **3 Related Documents**

Evidence Record Sheet (Lab-22)

Laboratory Submission Form (Lab-6)

Controlled Substance Worksheet (LAB-CS-01)

Controlled Substance Worksheet Instructions (CS-03-01A)

Marihuana Worksheet (LAB-CS-02, optional)

Examination and Destruction of Excess Quantity Controlled Substances (CS-03-02)

### **4 Procedure**

Document the observations and examinations on the approved controlled substances worksheets (LAB-CS-01 or LAB-CS-02). Other supplemental documents may be used.

#### **4.1 Retrieval and Initial Examination of the Evidence**

1. Retrieve the evidence following laboratory policy concerning barcodes and the transfer of the items to the analyst.
2. Compare the information on the *Evidence Record Sheet* and the *Laboratory Submission Form* to the physical evidence and make sure all information is consistent regarding the description of the evidence, condition of seals and case number. If any changes have occurred, such as leakage of the contents, make a note on the worksheet.



3. If there is reason to believe that specific types of evidence may be found on particular items, other examiners may be requested to assist in the description, collection, and analysis of that material (i.e. hair/fiber, blood, body fluids, residue, etc.) and care should be taken to preserve trace evidence for analysis by other sections. Examine the evidence, preferably with gloved hands.
4. Mark each exhibit of evidence clearly with the laboratory case number and analyst's initials. Small items may need to be repackaged in order to place identifying marks upon them.
5. Write a brief description of each item.
6. For tablets and capsules, record the physical description, including any significant markings and logos. These markings and logos may be compared with pharmaceutical reference literature. Record the reference(s) used for comparison.
7. The use of abbreviations is acceptable as long as they are obvious or a key is available.
8. Record the number of individual items received. Large numbers of tablets or capsules may be approximated by using weight calculations.
9. Record any repackaging done by the analyst or any significant changes to the exhibit.
10. Evidence contents will be visually inspected. Separate (sub-divide) exhibits with multiple items if the contents of these items appear to be different and are to be analyzed.
11. If individual items and/or containers are not numbered or are numbered incorrectly, the numbering should be resolved. When necessary, the analyst may contact the submitting officer for clarification. Documentation of corrective action must be included in the case folder.
12. If plants are submitted, they should be air dried in a secure area of the laboratory where possible.
13. Care must be exercised to avoid cross-contamination if more than one item of evidence is open at the same time.
14. If the entire evidence exhibit and/or sub-evidence exhibit is consumed during its analysis:
  - a) *a remaining analytical sample will need to be retained as evidence if determined to be positive; and*
  - b) *document analytical sample disposition.*

#### **4.2 Procedure for Weighing Samples**

1. Use the appropriate balance for the amount of sample to be weighed.
2. Clean the balance pan (if necessary) and zero the balance prior to weighing the sample.



3. Record the tare weights when used. If the source of the tare weight is not obvious, make notes describing how the tare was calculated. Also, make appropriate notes if an estimated tare weight is used.
4. If before analysis and tare weights are not in the same units, the tare must be converted for determination of the net weight:
  - a) *Conversion factor used should be 28.4 g/oz or 454.4 g/lb.*
  - b) *Convert tare weight to same units as the before analysis weight; do not truncate values*
  - c) *Subtract tare weight from before analysis weight to determine net weight*
5. Record the net weight of the sample, excluding the weight of any packaging.
  - a) *If cigarettes or cigarette butts require analysis and the net weight is critical for determining the penalty group, separate the plant matter from the cigarette paper to determine the net weight.*
  - b) *If whole marijuana plants are submitted, remove the mature stalk and roots if present and record the net weight of the remaining plant material.*
  - c) *If a net weight cannot be determined, an appropriate footnote will be used.*
  - d) *If the net weight is less than 0.01 gram, it may be recorded as trace.*
6. Document all weights, and information used to calculate weight (excluding weight of any packaging). The volume of liquid samples may be recorded.
7. The analyst should determine the tare weight in a manner appropriate for that case. The method used will be documented on the worksheet. Where it is impractical or unnecessary to determine a tare weight, the analyst may report the gross weight with an appropriate footnote.

#### **4.3 Evidence Sampling Techniques**

- A. When multiple items of a suspected controlled substance are submitted as one exhibit to the laboratory for analysis (other than commercially-prepared tablets and capsules), the analyst must use discretion and sample the number of items for testing that is sufficient for that particular case.
  1. For exhibits equal to or greater than two kilograms containing cocaine, heroin, or methamphetamine, evidence exhibits must be sampled using at a minimum the approved statistical sampling plan, where:
    - a) *Each of the samples selected will be presumptively tested.*
    - b) *Individual confirmatory tests shall be performed on at least 20% of the samples selected using the sampling plan. The remaining samples selected must also be subjected to confirmatory testing, however testing may be performed by composite preparation.*
    - c) *Quantitation will be performed by preparing a composite sample from at least all samples used in individual confirmatory tests.*





2. For exhibits containing substances other than cocaine, heroin, or methamphetamine, or are less than two kilograms of cocaine, heroin, or methamphetamine, the minimum number of items sampled shall be determined by either the non-statistical method or the approved statistical sampling plan. The sampling plan used must be documented on the worksheet including the confidence level and percent positives expected.
- a) **Non-statistical method (NSM)** - A sufficient number of items must be selected to attain the maximum applicable weight limit as delineated in the Texas Controlled Substances Act. The selected evidence will be separately identified as a sub-evidence exhibit with results, number of items, and weight reported; the remaining non-analyzed evidence will be reported with results as "No Analysis", number of items, and weight.
- b) **Statistical sampling plan (SSP)** - The statistical sampling plan is based on the hypergeometric distribution that will be used to determine the minimum number of items or samples to be tested in order to prove that 90% of the total number of items in an evidence exhibit or population will be positive for the respective drug with a 95% confidence level. The following table prescribes the minimum number of items randomly selected from a population to be tested.

Total Number of Items in an Evidence Exhibit (Population)	Required Number of Consecutive Positives
≤ 10	All
11-13	10
14	11
15-16	12
17	13
18	14
19	15
20-26	16
27	17
28-29	18
30-37	19
38-39	20
40-48	21
49-58	22
59-69	23
70-88	24
89-109	25



Total Number of Items in an Evidence Exhibit (Population)	Required Number of Consecutive Positives
110-159	26
160-279	27
280-939	28
940+	29

3. Regardless of the sampling technique used, if one or more negative samples are found mixed with items containing a controlled substance, or if preliminary testing does not give consistent results, then each item in the exhibit must be analyzed separately.
4. Except for suspected marijuana, if the individual samples selected from a multi-item exhibit are similar in physical appearance and yield the same results from presumptive testing, then confirmatory testing will be performed on individual samples or a composite of those samples.
5. For suspected marijuana, each sample that is selected from a multi-item exhibit must be examined microscopically. If all the samples yield a positive microscopic result, presumptive testing may be performed either on each of the selected samples or on composites of the selected samples.

**B. Liquid Samples**

1. Take care to ensure that a homogeneous sample is collected for analysis.
2. If two layers are present, separate into two exhibits and analyze each layer as a separate sample.

**C. Powdered (Solid) samples**

1. Take care to ensure that a homogeneous sample is collected for analysis.
2. If more than one color or type of substance is present, either homogenize the sample by grinding in a clean mortar with a clean pestle or physically separate the particles to be analyzed separately.

**D. Tablets and capsules**

1. If the tablets or capsules appear to be clandestine or counterfeit in origin, or if they appear to have been altered, follow the sampling plan for analysis.
2. If the tablets and capsules appear to be commercially-prepared pharmaceuticals and there is no reason to suspect tampering or counterfeiting, then one tablet or capsule may be analyzed.

**4.4 Basic Analytical Scheme**

The basic analytical scheme for the analysis of suspected controlled substances, dangerous drugs and other related compounds consists of sample preparation and extraction or isolation procedures in various combinations with the following tests and instrumentation.



Reference specific analytical tests and special preparatory or extraction procedures used that are located elsewhere.

The analyst must determine the appropriate sampling techniques, methods of recovery, extraction procedures and instrumental analysis to be used for identification of a compound on a case-by-case basis.

**A. Required Analytical Procedures**

**1. Number of tests that are required**

- a) *One confirmatory instrumental test (either FTIR or GC/MS) and at least one different positive test (including TLC, GC, GC/MS, FTIR, UV/VIS, Microcrystalline, preliminary pharmaceutical examination, or Presumptive [Color/Odor] Test) is required for identification of an unknown substance.*
- b) *Microscopic identification is required, and at least one other positive test (Duquenois-Levine, TLC, GC, GC/MS, or FTIR) is required to indicate the presence of THC and/or Cannabinoids in marijuana samples, excluding seeds.*
- c) *For dextropropoxyphene, the optical rotation of the sample must be determined by physical test or by information direct from the pharmaceutical manufacturer, Physicians Desk Reference, or Diccionario de Especialidades Farmacéuticas.*

2. Each test will be conducted from an independent sample when possible. In cases with a limited sample, more than one test may be performed using the same sample.
3. If positive results can only reasonably be obtained from GC/MS, then appropriate standards may be run to use the retention time as the second positive test.
4. For exhibits that contain an insufficient amount of material for two independent samples or the entire evidence exhibit will be consumed during analysis, a method blank must be prepared using the same parameters as the evidence sample and analyzed before the evidence sample (e.g., when packaging is rinsed to sample the contents of an exhibit). Blanks can be prepared and analyzed, if desired, for other instrumental techniques as well.
5. If a sample contains multiple controlled substances, the analyst must attempt to identify the controlled substance with the highest penalty. Performing additional tests to confirm the presence of additional controlled substances with equal or lesser penalties is at the discretion of the analyst.
6. Each test will be documented.
7. Quantitate all solids that weigh two (2) kilograms or more and liquids with a volume of four (4) Liters or more containing Cocaine, Methamphetamine, or Heroin.
8. An exception to the quantitation of liquids is when clandestine laboratory exhibits contain less than 1% cocaine, heroin, or methamphetamine. The procedures used to analyze and report such exhibits must be documented.



9. When an identified controlled substance is listed in two or more penalty groups, quantitation may be necessary to facilitate the establishment of the appropriate penalty group for that exhibit.
- B. Sample Preparation and Basic Extraction Procedures
  1. Determined by the type and amount of sample present, as well as analytical technique or instrumental analysis to be performed.
  2. Document the sample preparation and extraction technique(s) used to isolate the compound of interest.
  3. Neat samples are undiluted samples that require little or no preparation prior to analysis.
  4. Incorporated in a KBr pellet for Infrared spectrophotometry
    - a) Usually solids
    - b) Useful for some pharmaceuticals (such as antibiotics), some vitamins, and some dilutants
  5. Direct in a vapor cell or as a thin film between salt cells for infrared spectrophotometry of liquid samples
  6. Dilute with a suitable solvent for GC/MS or use headspace analysis procedures
  7. "Dry" extractions with organic solvents
  8. The extraction solvent used to prepare marijuana samples will be petroleum ether unless documented in the case file.
  9. Organic solvent / activated base
  10. Partitioning between aqueous and organic phases
    - a) Aqueous acid / organic solvent extractions
    - b) Aqueous base / organic solvent extractions

*Note: For extraction schemes, "acid" means 0.2 N aqueous sulfuric acid solution, and "base" means 1 M aqueous sodium carbonate solution, unless otherwise documented in the case file.*

  11. Column chromatography
  12. Distillation procedures
  13. Micro-diffusion cleanup procedure
  14. Preparatory thin layer chromatography
  15. Derivative analysis, including:
    - a) Acetic anhydride, benzoyl chloride or phenyl isothiocyanate (PIT)  
Amphetamine and methamphetamine



*MDA derivatives*

b) *Bis(trimethylsilyl)trifluoroacetamide (BSTFA)*

*GHB*

*LSD*

*Psilocybin from mushrooms*

16. It should be noted that specific extraction schemes given in these Standard Operating Procedures are examples of commonly accepted procedures. However, there are numerous methods described within the training manual which have been validated and are equally acceptable.

C. Proceed to the appropriate approved analytical tests

**4.5 Concluding Examination and Return of the Evidence**

1. Record an after analysis weight for all reported substances except for marijuana, other plant material, and cases greater than one kilogram. If the after analysis weight is less than 0.01 grams, "trace" should be indicated. Make a note if the entire sample is consumed in analysis.
2. Document the number of tablets or capsules used in analysis, the number remaining, or the after analysis weight.
3. The gross inventory weight will be recorded for DPS retained cases of five pounds or more.
4. All original exhibits should be re-packaged in the original container if possible. The evidence should be re-sealed in a manner that would detect tampering. If samples are taken from an exhibit for preservation, the samples will be packaged appropriately and sealed in a manner that would detect tampering.
5. The evidence should be transferred to the evidence custodian or filed in the laboratory vault until its final disposition.

**5 Literature and Supporting Documentation**

Frank RS, Hinkley SW, and Hoffman CG. Representative Sampling of Drug Seizures in Multiple Containers. *J For Sci.* 1991. 36, pp. 350-357.



- N. Data generated during the analytical process should be included in the case file. When instrumental analyses are conducted, relevant operating parameters must be documented. Instrument charts and graphs of standards and controls performed during analyses that are batched may be more appropriately kept in a central location as specified in the laboratory's procedure manuals.
- O. The following data must be documented in the case record:
1. Identification of the methodology or analytical techniques employed
  2. Description of, the condition of, and unambiguous identification of the item(s) tested;
  3. Reference to the date of sampling and sampling plan used as prescribed by discipline procedures;
  4. Dates of examination must be included in the documentation that includes at least the start and end date of the examination;
  5. Deviations from, additions to, or exclusions from the procedures, and information on specific test conditions; and
  6. Disposition of the evidence.
- P. Documentation photographs or sheets of printed images
1. Each documentation photograph should bear the laboratory case number, date taken, and the initials of the analyst, except as applied to batch photographs or photographs electronically inserted into examination documentation.
  2. No case information should be placed on the back of a photograph.
  3. Photographs smaller than 8"x9" must be attached or inserted on a Laboratory Information Sheet (LAB-08).
  4. If the laboratory generates batch documentation photographs each photograph must be marked or they must be organized as a batch within a properly sealed container that is labeled with the case number, date taken, number of photographs, and the individual who can attest to its contents.
  5. If documentation photographs are organized as a batch or are maintained electronically, a hardcopy contact sheet representative of the photographs, labeled with the case number, initials, and filenames (if applicable) must be included in the case file.

#### **4.5 Administrative Documentation**

- A. Administrative documents must have the laboratory case number.
- B. Administrative documents that are generated or amended by laboratory personnel must include the date and their signature or initials.
- C. Multi-paged administrative documents which are bound together, in some manner, may be identified by a unique identifier on the front page of the document.



- ii. *Marking the item may significantly destroy, damage, deface, or interfere with forensically significant areas of the evidence,*
  - iii. *The nature or texture of the item prevents it from being marked,*
  - iv. *When markings on the exhibit may significantly compromise the monetary or intrinsic value of the article, such as with rare artifacts or jewelry, or*
  - v. *When the exhibit may be returned to the owner, such as with jewelry or law enforcement firearms.*
2. Documented in the examination documentation.
  3. Correlated to the outermost evidence container in DRAGNet, and
  4. Either returned to the original bar coded container or independently tracked in DRAGNet.
- C. When evidentiary material is collected from an evidence exhibit (e.g., cutting, tape lift, scraping, ESDA lift), the new sub-evidence exhibit must be traceable to the original evidence exhibit(s) from which it was collected. In addition, the sub-evidence exhibit must be:
1. Packaged and handled in such a manner to minimize or prevent loss, deterioration, and contamination,
  2. Marked, labeled, or tagged with the unique case number and a evidence exhibit identifier (the identifying markings may be placed on the proximal evidence container of the sub-evidence exhibit),
  3. Documented and correlated with the original evidence exhibit in examination documentation, and
  4. Either returned to the original container or independently bar coded in DRAGNet. Multiple sub-evidence exhibits may be identified and packaged together under one bar code.
- D. When the entire evidence exhibit and/or sub-evidence exhibit is consumed during analysis, any remaining analytical sample is considered evidence.
- E. When evidence can only be recorded, collected, or preserved by photography, the examiner will designate representative photograph(s) to be evidentiary photograph(s). Evidentiary photographs must be handled as evidence. Negatives or digital files that were used to produce evidentiary photographs must be retained and stored. Duplicate copies of evidentiary photographs may be prepared for the submitting agency and/or as documentation photographs.
- F. No evidence shall be stored in a case folder.
- G. Upon completion of the examination of evidence, the container is properly sealed and transferred to a secure storage area.
- H. The laboratory will usually return non-DPS evidence to the customer. Evidentiary photographs and other sub-evidence exhibits may remain in the custody of DPS.



- M. Sexual assault kits must be stored refrigerated upon receipt by the laboratory until all examinations are completed unless the following conditions are met:
  - 1. All liquid specimens have been removed and/or appropriately processed (i.e. blood tube into dried stains and/or evidence transfer for toxicological screening).
  - 2. Swabs are packaged in non-airtight containers.
  - 3. After examination, the sexual assault kit may be stored at room temperature.
- N. Wet items (e.g. fresh plant material or moist clothing) will be air-dried as soon as practical.

**5.5 Evidence Screening and Examination**

- A. During processing or examination, evidence will be kept in a manner to protect it from loss, deterioration, and contamination.
  - 1. In the event of temporary interruptions or examinations that extend no longer than a week, unsealed evidence containers may be left unattended in a secure examination area, however diligent effort should be made to minimize this need.
  - 2. Unsealed evidence containers, evidence extracts, or evidence exhibits can be stored in a secure short term storage area while the examination is ongoing, however they must be handled in such a manner to preserve its integrity.
  - 3. When evidence exhibits are simultaneously examined by multiple examiners while in the presence of the examiner who has custody, there must be sufficient documentation of activities/observations of the individuals involved.
  - 4. The processes of verification or case review of evidence do not necessarily require documentation of change of custody if the examiner continues to maintain control of the evidence. If it is necessary for the reviewer to enter a properly sealed container or seal the evidence container to accomplish review, change of custody must be documented and a transaction in DRAGNet must be made.
- B. Each evidence exhibit must be:
  - 1. Marked, labeled, or tagged with a unique case number and evidence exhibit identifier, except as applies to excess quantity controlled substances.
    - a) *Single exhibit cases only require marking with the case number representing the evidence exhibit identifier and no additional correlation is necessary in DRAGNet.*
    - b) *All markings or identifiers will be made in such a manner that the evidentiary value of the item is not compromised;*
    - c) *Under the following circumstances, the identifying markings may be placed on the proximal evidence container:*
      - i. *If the evidence is too small for an identifying mark,*





- ii. *Marking the item may significantly destroy, damage, deface, or interfere with forensically significant areas of the evidence,*
  - iii. *The nature or texture of the item prevents it from being marked,*
  - iv. *When markings on the exhibit may significantly compromise the monetary or intrinsic value of the article, such as with rare artifacts or jewelry, or*
  - v. *When the exhibit may be returned to the owner, such as with jewelry or law enforcement firearms.*
2. Documented in the examination documentation,
  3. Correlated to the outermost evidence container in DRAGNet, and
  4. Either returned to the original bar coded container or independently tracked in DRAGNet.
- C. When evidentiary material is collected from an evidence exhibit (e.g., cutting, tape lift, scraping, ESDA lift), the new sub-evidence exhibit must be traceable to the original evidence exhibit(s) from which it was collected. In addition, the sub-evidence exhibit must be:
1. Packaged and handled in such a manner to minimize or prevent loss, deterioration, and contamination,
  2. Marked, labeled, or tagged with the unique case number and a evidence exhibit Identifier (the identifying markings may be placed on the proximal evidence container of the sub-evidence exhibit),
  3. Documented and correlated with the original evidence exhibit in examination documentation, and
  4. Either returned to the original container or independently bar coded in DRAGNet. Multiple sub-evidence exhibits may be identified and packaged together under one bar code.
- D. When the entire evidence exhibit and/or sub-evidence exhibit is consumed during analysis, any remaining analytical sample is considered evidence.
- E. When evidence can only be recorded, collected, or preserved by photography, the examiner will designate representative photograph(s) to be evidentiary photograph(s). Evidentiary photographs must be handled as evidence. Negatives or digital files that were used to produce evidentiary photographs must be retained and stored. Duplicate copies of evidentiary photographs may be prepared for the submitting agency and/or as documentation photographs.
- F. No evidence shall be stored in a case folder.
- G. Upon completion of the examination of evidence, the container is properly sealed and transferred to a secure storage area.
- H. The laboratory will usually return non-DPS evidence to the customer. Evidentiary photographs and other sub-evidence exhibits may remain in the custody of DPS.





TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

Document Awareness Form

LAB-QA-16 Rev.03 (06/2007)

By signing below, the employee acknowledges having been informed of the approved revision of controlled documents for which they are responsible. Further, it is the responsibility of the employee to ensure that any working copies of the respective documents have been updated.

<b>Laboratory</b>	Houston	<b>Date</b>	11/14/11
<b>Authorized for Implementation by:</b>			
Keith Gibson		Andrew McWhorter	
	Quality Manager 01/20/12		Technical Leader/Section Supervisor
<b>Relevant Document(s)</b>	ASCLD/LAB Guiding Principles of Professional Responsibility for Crime Laboratories and Forensic Scientists; DPS General Manual Chapter 6 - Professional Conduct; LOG-01-01 Section 3C		

Name	Signature	Date
D. Kristi Wimsatt		1-23-12
Tammy Bires		1-24-12
Jennifer Watson		1/24/12
Tanya Dean		01/23/12
Jennifer Pollock		01/24/12
Valerie Huebner		24 JAN 12
Clare Browder		01/24/12
Jennifer Moreno		1-23-12
Angelina Temple		01/23/12
Andrea Smith		1/23/12
John Jackson		1/24/12
Jenna Simons		01/24/12
Devin Crago-Stasicha		02/02/12
Jessica McClure		1/23/12 - Jan 1-24-12
Severo Lopez		1/25/12
Minh Nguyen		1/25/12
Robert Prince		1-26-12
Andrew Gardiner		1/24/12
Jonathon Salvador		1/25/12



TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

Document Awareness Form

LAB-QA-16 Rev.03 (08/2007)

<b>Laboratory</b>	Houston	<b>Date</b>	11/14/11
<b>Relevant Document(s)</b>	ASCLD/LAB Guiding Principles of Professional Responsibility for Crime Laboratories and Forensic Scientists; DPS General Manual Chapter 6 - Professional Conduct; LOG-01-01 Section 3C		

Name	Signature	Date
Haley Yaklin	<i>Haley Yaklin</i>	1/24/12
Brian Nacu	<i>Brian Nacu</i>	1-25-12
Fayth Davis	<i>Fayth Davis</i>	2-1-12
Carolina Perez	<i>Carolina P3</i>	2-1-12
Susan Brady	<i>S. Brady</i>	2-1-12
Meredith Maley	<i>Meredith Maley</i>	2/1/12
Andrea Williams	<i>Williams</i>	2/1/12
Laurie Raesz	<i>Laurie Raesz</i>	2-1-12
Idie Yarbrough	<i>Idie Yarbrough</i>	2-1-12
Vanessa L Walters		
Alexis Meeker	<i>Alexis Meeker</i>	1/24/12
Ashley Clements	<i>Ashley Clements</i>	2-1-12
Adam Vinson	<i>Adam Vinson</i>	1-3-12
Jennifer Johnson	<i>Jennifer Johnson</i>	1/31/12
Jennifer Duncan	<i>Jennifer Duncan</i>	1/31/12
Amanda Ramos	<i>Amanda Ramos</i>	01-24-12
Shane Windsor	<i>Shane Windsor</i>	2/2/12

at Boni

*[Signature]*

2/2/12





TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

Quality Action Plan

LAB-QA-04 Rev 03 (09/2006)

Lab	Houston	Discipline	Controlled Substances	Incident Date	11/18/11	Page 1 of 1
<b>Manner of Identification</b>						
<input type="checkbox"/> Observation <input type="checkbox"/> Audit <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Other Re-exam						
<b>Area(s) Impacted (Check All That Apply):</b>						
<input checked="" type="checkbox"/> Evidence <input type="checkbox"/> Safety <input type="checkbox"/> Reagent <input type="checkbox"/> Contamination <input checked="" type="checkbox"/> Quality Control <input type="checkbox"/> Equipment <input checked="" type="checkbox"/> Test Result <input type="checkbox"/> Proficiency <input type="checkbox"/> Process <input checked="" type="checkbox"/> Client Relations <input type="checkbox"/> Other						
<b>Incident Description:</b>						
During the re-analysis related to Quality Action Plan Incident 01/26/12, L2H-220627 was re-analyzed. The re-analysis chemist found that exhibit 2 does contain visually identifiable marihuana contrary to what was originally reported by Forensic Scientist Jonathan Salvador.						
Requestor	Andrew Gardiner, Forensic Scientist <i>Andrew Gardiner</i>			Date	03/02/12	
<b>Explanation/Root Cause:</b>						
L2H-220627 is a pipe containing charred plant matter. Forensic Scientist Jonathan Salvador's initial analysis was reported as 0.02grams containing tetrahydrocannabinol. During the re-examination, the analyst was able to remove 0.46grams of charred plant matter that has sufficient features to identify marihuana.						
Investigator	Keith Gibson, Quality Manager <i>KA Gibson</i>			Date	04/11/12	
<b>Action Plan:</b>						
Forensic Scientist Jonathan Salvador was removed from casework. A Supplemental report was issued and the District Attorney's office contacted.						
Investigator	Keith Gibson, Quality Manager <i>KA Gibson</i>			Date	04/11/12	
<b>Approval</b>						
Quality Manager	Keith A. Gibson, Quality Manager <i>KA Gibson</i>			Date	04/11/12	
Additional Comments:	Houston Quality Assurance Specialist			Date	4/11/12	
Quality Assurance				Date		



TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

Quality Action Plan

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Lab	Houston	Discipline	Controlled Substances	Incident Date	12/03/11	Page 1 of 1
<b>Manner of Identification</b>						
<input type="checkbox"/> Observation <input type="checkbox"/> Audit <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Other Re-exam						
<b>Area(s) Impacted (Check All That Apply):</b>						
<input checked="" type="checkbox"/> Evidence <input type="checkbox"/> Safety <input type="checkbox"/> Reagent <input type="checkbox"/> Contamination <input checked="" type="checkbox"/> Quality Control <input type="checkbox"/> Equipment <input checked="" type="checkbox"/> Test Result <input type="checkbox"/> Proficiency <input type="checkbox"/> Process <input checked="" type="checkbox"/> Client Relations <input type="checkbox"/> Other						
<b>Incident Description:</b>						
During the re-analysis related to Quality Action Plan Incident 01/26/12, L2H-221614 was re-analyzed. The re-analysis chemist found that exhibit 2 does not contain marihuana as was originally reported by Forensic Scientist Jonathan Salvador.						
<b>Requestor</b> <u>Andrew Gardiner</u> <i>[Signature]</i> Date <u>02/03/12</u>						
<b>Explanation/Root Cause:</b>						
Forensic Scientist Jonathan Salvador failed to properly identify the plant substance as NOT marihuana. His worksheet indicates he identified THC via a color test, but the test results were "faint", not consistent with what would be expected from marihuana, and not identified through mass spectral data.						
<b>Investigator</b> <u>Keith Gibson, Quality Manager</u> <i>[Signature]</i> Date <u>04/02/12</u>						
<b>Action Plan:</b>						
Forensic Scientist Jonathan Salvador was removed from casework. A Supplemental report was issued and the District Attorney's office contacted.						
<b>Investigator</b> <u>Keith Gibson, Quality Manager</u> <i>[Signature]</i> Date <u>04/10/12</u>						
<b>Approval</b>						
Quality Manager <u>Keith A. Gibson, Quality Manager</u> <i>[Signature]</i> Date <u>04/10/12</u>						
Additional Comments: <u>Houston Quality Assurance Specialist Janessa Walker</u> <u>4/13/12</u>						
Quality Assurance _____ Date _____						



TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

Quality Action Plan

LAB-QA-04 Rev.03 (09/2008)

Lab	Houston	Discipline	Controlled Substances	Incident Date	02/03/12	Page 1 of 1
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Manner of Identification

Observation     Audit     Complaint     Other \_\_\_\_\_

Area(s) Impacted (Check All That Apply):

Evidence     Safety     Reagent     Contamination     Quality Control  
 Equipment     Test Result     Proficiency     Process     Client Relations  
 Other \_\_\_\_\_

Incident Description:

During the investigation related to Quality Action Plan incident 01/26/12, it was discovered that the analyst still had the evidence in an unsealed condition in his temporary evidence storage location.

Requestor Keith Gibson, Quality Manager  Date 02/03/12

Explanation/Root Cause:

The analyst failed to seal the evidence and return it to evidence storage as required by policy. A week had elapsed and the evidence was not returned to the vault.

Investigator Keith Gibson, Quality Manager  Date 02/03/12

Action Plan:

The staff was reminded at the February staff meeting to make sure that evidence is properly sealed and returned to the vaults when they have completed their analysis. The current case was used as an example.

Investigator Keith Gibson, Quality Manager  Date 02/10/12

Approval

Quality Manager Keith A. Gibson, Quality Manager  Date 02/10/12

Additional Comments: Processed 04/11/12

Houston Quality Assurance Specialist Janene Walter 4/13/12

Quality Assurance \_\_\_\_\_ Date \_\_\_\_\_





TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

Quality Action Plan

LAB-QA-04 Rev 03 (08/2008)

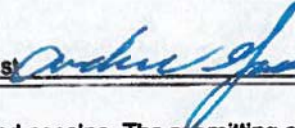
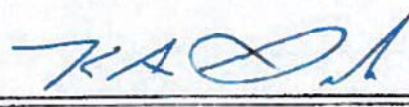

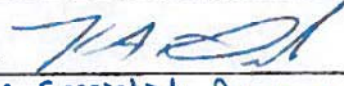
Lab	Houston	Discipline	Controlled Substances	Incident Date	02/03/12	Page 1 of 1
<b>Manner of Identification</b>						
<input type="checkbox"/> Observation <input checked="" type="checkbox"/> Audit <input type="checkbox"/> Complaint <input type="checkbox"/> Other _____						
<b>Area(s) Impacted (Check All That Apply):</b>						
<input type="checkbox"/> Evidence <input type="checkbox"/> Safety <input type="checkbox"/> Reagent <input type="checkbox"/> Contamination <input checked="" type="checkbox"/> Quality Control <input type="checkbox"/> Equipment <input type="checkbox"/> Test Result <input type="checkbox"/> Proficiency <input checked="" type="checkbox"/> Process <input type="checkbox"/> Client Relations <input type="checkbox"/> Other _____						
<b>Incident Description:</b>						
During the investigation related to Quality Action Plan Incident 01/28/12, it was discovered that during the Technical Review of L2H-222396 the reviewer failed to note that the mass spectrum data on the bottom of the printed copy did not come from the Total Ion Chromatogram (TIC) displayed on the top portion of the printed copy.						
<div style="text-align: right; font-size: 2em; color: blue;">KAG</div>						
Requestor		Keith Gibson, Quality Manager			Date 02/03/12	
<b>Explanation/Root Cause:</b>						
While preparing the spectral data for printing, the analyst failed to double click the peak of interest to retrieve the mass spectral data. When he printed, the TIC was from the current case and the mass spectrum was from another case.						
<div style="text-align: right; font-size: 2em; color: blue;">KAG</div>						
Investigator		Keith Gibson, Quality Manager			Date 02/03/12	
<b>Action Plan:</b>						
The proper TIC and mass spectrum were produced and placed in the case file. The staff were reminded at the February staff meeting to make sure they review all printed copies of data for completeness and to make sure they know what they are reviewing. The current case was used as an example.						
<div style="text-align: right; font-size: 2em; color: blue;">KAG</div>						
Investigator		Keith Gibson, Quality Manager			Date 02/10/12	
<b>Approval</b>						
Quality Manager		Keith A. Gibson, Quality Manager			Date 02/10/12	
Additional Comments: Processed 04/11/12 <div style="color: blue; font-style: italic;">Houston Quality Assurance Specialist</div> <div style="text-align: right; color: blue;">4/11/12</div>						
Quality Assurance		_____			Date _____	



TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

Quality Action Plan

LAB-QA-04 Rev.03 (09/2008)

Lab	Houston	Discipline	Controlled Substances	Incident Date	01/17/12	Page 1 of 1
<b>Manner of Identification</b>						
<input type="checkbox"/> Observation <input type="checkbox"/> Audit <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Other Re-exam						
<b>Area(s) Impacted (Check All That Apply):</b>						
<input checked="" type="checkbox"/> Evidence <input type="checkbox"/> Safety <input type="checkbox"/> Reagent <input type="checkbox"/> Contamination <input checked="" type="checkbox"/> Quality Control <input type="checkbox"/> Equipment <input checked="" type="checkbox"/> Test Result <input type="checkbox"/> Proficiency <input type="checkbox"/> Process <input checked="" type="checkbox"/> Client Relations <input type="checkbox"/> Other						
<b>Incident Description:</b>						
During the re-analysis related to Quality Action Plan Incident 01/26/12, L2H-222395 was re-analyzed. The re-analysis chemist found that both items do not contain hydrochloride as was originally reported by Forensic Scientist Jonathan Salvador. One item is cocaine base.						
Requestor <u>Andrew Gardiner, Forensic Scientist</u>  Date <u>03/09/12</u>						
<b>Explanation/Root Cause:</b>						
L2H-222395 contains two plastic bags with suspected cocaine. The submitting officer also requested a test for the base form of cocaine. Forensic Scientist Jonathan Salvador failed to visually note the difference in the two samples and performed a composite analysis. His results indicated cocaine hydrochloride. During re-analysis it was noted that one sample was white and the other beige. The analyst sub-exhibited as required by policy and found that one item was cocaine base and the other cocaine hydrochloride.						
Investigator <u>Keith Gibson, Quality Manager</u>  Date <u>04/11/12</u>						
<b>Action Plan:</b>						
Forensic Scientist Jonathan Salvador was removed from casework. A Supplemental report was issued and the submitting officer contacted.						
Investigator <u>Keith Gibson, Quality Manager</u>  Date <u>04/11/12</u>						
<b>Approval</b>						
Quality Manager <u>Keith A. Gibson, Quality Manager</u>  Date <u>04/11/12</u>						
Additional Comments: <u>Houston Quality Assurance Specialist Janessa Walker 4/18/12</u>						
Quality Assurance _____ Date _____						



TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

Quality Action Plan

LAB-QA-04 Rev 03 (06/2006)

Lab	Houston	Discipline	Controlled Substances	Incident Date	01/26/12	Page 1 of 1
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Manner of Identification

Observation     Audit     Complaint     Other

Area(s) Impacted (Check All That Apply):

Evidence     Safety     Reagent     Contamination     Quality Control  
 Equipment     Test Result     Proficiency     Process     Client Relations  
 Other

Incident Description:

Forensic Scientist Andrew Gardiner indicated that he had some concerns about the validity of testing on L2H-222396 exhibit - 1. On 01/26/12 he was looking for high molecular weight sample to run on his instrument as a check and noted that Forensic Scientist Jonathan Salvador's instrument was currently running an alprazolam sample. He consulted the screen and noted that L2H-222396-1 should be in vial location 18 but when he went to retrieve the vial, a vial marked for L2H-222403 exhibit 7.2 was in its place. Further examination of the sample tray did not reveal a vial marked for L2H-222396. He waited until the cases were awaiting administrative review then he retrieved them and noted that the spectral data for the two cases was remarkably the same including the Total Ion Chromatogram and total counts. Management was notified. Drug Section Supervisor Severo Lopez retrieved the case files and related evidence and retested the samples. While both case samples contained alprazolam, L2H-222396 contained a significant amount of impurities not present in Salvador's spectral data.

Requestor Severo Lopez, Drug Section Supervisor *[Signature]* Date 02/03/12

Explanation/Root Cause:

The sample vial from L2H-222403 was substituted for L2H-222396. Whether it was intentional or accidental is uncertain. During an interview, Forensic Scientist Jonathan Salvador would not admit that the event had occurred and made statements leading the investigator to believe that Forensic Scientist Salvador was aware of the switch but failed to correct it.

Investigator Keith Gibson, Quality Manager *[Signature]* Date 02/09/12

Action Plan:

Forensic Scientist Jonathan Salvador was removed from casework. His cases in process were withheld and re-analyzed. 90 days of cases were re-analyzed and supplemental reports issued. The affected District Attorneys and the Forensic Science Commission were notified by Deputy Assistant Director D. Pat Johnson. Affected jurisdictions were advised that his cases would be re-analyzed if requested or needed for other purposes. The re-analysis revealed poor documentation, poor technique, and poor decision making. A summary spreadsheet was prepared. Three reporting errors were discovered and are subjects of other action plans. A new policy regarding the re-examination of evidence has been prepared.

Investigator Keith Gibson, Quality Manager *[Signature]* Date 4/13/12

Approval

Quality Manager Keith A. Gibson, Quality Manager *[Signature]* Date 4/13/12

Additional Comments: Houston Quality Assurance Specialist *[Signature]* Date 4/13/12

Quality Assurance \_\_\_\_\_ Date \_\_\_\_\_



## **EVIDENCE RE-EXAMINATION**

### **1 Scope**

Establish re-examination frequency for the Houston Crime Laboratory

### **2 Policy**

#### **2.1 Controlled Substances**

- A. The Controlled Substances section will be subject to re-examination every quarter with a goal of every month.

### **3 Supporting Documentation**

- A. A re-examination log will be maintained.

**Case Discrepancies**

**From Amanda Ramos**

12H-221610

On case I found weight discrepancies between my results and Jonathan's results.

Jonathan's results:

- EX. 0.001 Tare weight: 8.0 lbs Net weight 40.40 lbs of Marijuana
- EX. 0.002 Tare weight: 0.18 lbs Net weight 3.32 lbs of Marijuana
- EX. 0.003 Tare weight: 6.0 lbs Net weight 26.30 lbs of Marijuana
- EX. 0.004 Tare weight: 20.14 grams Net weight 445.90 grams of Marijuana

Amanda's results:

- EX. 0.001 Tare weight: 8.0 lbs Net weight 41.70 lbs of Marijuana
- EX. 0.002 Tare weight: 0.2124 lbs Net weight 3.19 lbs of Marijuana
- EX. 0.003 Tare weight: 6.0 lbs Net weight 26.90 lbs of Marijuana
- EX. 0.004 N Tare weight: 23.76 grams Net weight 438.78 grams of Marijuana

**Assessment/Impact**

JS total weight lower

Poor technique

**From Minh Nguyen**

Out of 29 cases of JS for re-analysis, 22 cases were analyzed up to today and no significant discrepancy was detected.

**From Brian Nacu**

Case #	Discrepancy
219750	Did not note repackaging on worksheet, extra peaks in his PCP
220606	extra peaks in JS spectra
220609	extra peaks in JS spectra
220610	extra peaks in JS spectra
220611	extra peaks in JS spectra
220612	extra peaks in JS spectra
220613	extra peaks in JS spectra
220614	extra peaks in JS spectra
220624	weight discrepancy
220635	extra peaks in JS spectra, scott doesn't match
220643	fewer peaks in JS spectra

poor technique

Dirty solvent or injection port

Dirty solvent or injection port

Dirty solvent or injection port

Dirty solvent or injection port

Dirty solvent or injection port

Dirty solvent or injection port

Dirty solvent or injection port

??

Poor documentation;

Not significant

220734	Did not note repackaging on worksheet	Poor documentation
220821	weight discrepancy, scott documentation different from observed, extra peaks in spectra	Poor documentation
221233	Did not note repackaging on worksheet, extra peak in JS spectra	Dirty solvent or injection port; Poor documentation
221331	Ex 2-1, 2-3 wt., extra peaks in JS spectra	
221604	Ex 3-1 wt. discrepancy	
221605	Scott documentation from observed	Poor documentation
221608	Scott documentation from observed	Poor documentation
221641	Did not note repackaging	Poor documentation
221645	Did not note repackaging	Poor documentation
222387	weight discrepancies	??
222401	Extra peak in Ex 2-3 spectra	
222402	Extraction procedure incorrect	Poor documentation
	From Haley Yarkin	
		Dirty solvent or injection port; Poor documentation
220615	JS has extra peak at 6.5, did not note repackaging	Dirty solvent or injection port
220616	JS has multiple extra peaks in his spectrum	Dirty solvent or injection port
220617	JS has extra peak at 6.5	Dirty solvent or injection port
220618	JS has extra peak at 6.5	Dirty solvent or injection port
220620	JS has extra peak at 6.5, JS noted that exhibit was repackaged but it was not	Dirty solvent or injection port; Poor documentation
220632	JS has extra peak at 6.5	Dirty solvent or injection port
220634	JS has extra peak at 6.5 on both exhibits, small weight discrepancy	Dirty solvent or injection port; Poor documentation
220636	large weight discrepancy	???
220638	JS has extra peak at 6.5, did not note repackaging	Dirty solvent or injection port; Poor documentation
220645	JS has extra peaks in Carisoprodol exhibit, Cocaine found on one of the Hydrocodone tablets	
220663	did not note repackaging on exhibit 2-5	Poor documentation
220751	tablets were clandestine Alprazolam and he called them pharm and only analyzed one tablet, mine had extra peaks in each spectrum and his didn't	Poor observation

221075	large weight discrepancy, JS did not note plastic bags that were found with each exhibit	Poor documentation
221581	weight discrepancy (! had more than he originally had)	Poor technique
221583	weight discrepancy (! had more than he originally had on one exhibit)	Poor technique
221597	did not note repackaging	Poor documentation
221632	did not note repackaging of cigar, weight discrepancy (he may have included the cigar paper but didn't not it)	Poor documentation
221674	did not note Ziploc (not sure if this was originally there or if he repackaged into it)	Poor documentation
222392	UV looks slightly different, JS has extra peaks in his spectrum	Poor technique
222404	weight discrepancy on exhibit 2-2	Poor technique
222417	JS called it Heroin and wrote that he say +p on Marquis but the Marquis is actually +y from the Diphenhydramine interference	Poor observation
222629	JS wrote bbb on Co(SCN)2 test and it is actually +pb	Poor observation
From Andrew Gardiner		
L2H-220627	JS reported 0.02g THC. I was able to scrape 0.46g out of the same pipe and was able to get a microscopic exam. Weight Change from .02 to .46. Result change from THC to Marijuana	Poor effort to scrape residue from pipe
L2H-221614	JS called exhibit 2 marijuana. Exhibit 2 is NOT marijuana	Unexplainable
L2H-222395	JS reported both bags of cocaine as cocaine HCl. One bag was cocaine base	poor observation - exhibits were visibly different
L2H-220622	JS ran vial 32 for tablet 2 and tablet 5. One of my tablets was positive for Heroin. None of his were. Possibly hiding the Heroin to avoid questions.	poor technique - did not identify or comment on dark stain - did note it;







TEXAS DEPARTMENT OF PUBLIC SAFETY

CRIME LABORATORY  
Evidence Record Sheet

LAB-22 Rev. 02 (09/2009)

Laboratory Case Number

L2H-222403-18

AF     DNA     NIB     TE  
 BAITOX     FTM     PHOTO  
 CS     LP     QD

Date Received

12/29/11

1:41 PM



Resubmission     Additional Evidence

Date Completed A: 2/3/12  
 Section & Analysis by SA DAVIS  
 Reviewed: Tech: \_\_\_\_\_ Adm: \_\_\_\_\_  
 Report Distributed: \_\_\_\_\_  
 Date Completed B: \_\_\_\_\_  
 Section & Analysis by \_\_\_\_\_  
 Reviewed: Tech: \_\_\_\_\_ Adm: \_\_\_\_\_  
 Report Distributed: \_\_\_\_\_  
 Date Completed C: \_\_\_\_\_  
 Section & Analysis by \_\_\_\_\_  
 Reviewed: Tech: \_\_\_\_\_ Adm: \_\_\_\_\_  
 Report Distributed: \_\_\_\_\_

In Person

Andrew Saum

Received by Meredith Maley *mm*

Description: Property Sealed 11.5x9x12.5 Brown Box; Property Sealed 18.5x18x16.5 Brown Box;

Transfer Log (for court, return from court, at court, bar code unavailable, etc.)

Date	To	From	Items\Exhibits\Comments

Forward Date To: \_\_\_\_\_ Items: \_\_\_\_\_  
 U.S. Mail    \_\_\_\_\_ By \_\_\_\_\_  
 In Person    \_\_\_\_\_  
 UPS

Return Date  All  Items: \_\_\_\_\_  
 U.S. Mail    \_\_\_\_\_ By \_\_\_\_\_  
 In Person    \_\_\_\_\_  
 UPS

Destruction Date	Method	Transported by:	Witness	Witness
	<input type="checkbox"/> Burning	<input type="checkbox"/> Hand Carry		
	<input type="checkbox"/> Flushing	<input type="checkbox"/> Other:		
	<input type="checkbox"/> Contractor			
<input type="checkbox"/> Excess	<input type="checkbox"/> Burning	<input type="checkbox"/> Hand Carry		
	<input type="checkbox"/> Flushing	<input type="checkbox"/> Other:		
	<input type="checkbox"/> Contractor			

Court Record (Whenever evidence is introduced or transferred at the courthouse, use the Transfer Log above)

Date	Witness	T/A	City	CDFO	Outcome	Miles	Hours

Notes

CaseFile information entered: Submitting Officer-Agency-County-Offense Date-Agency Number- 1 names

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY SERVICE  
Laboratory Submission Form**

# L2H-222403

Received  
12/29/11 01:42 PM  
Texas DPS Houston  
Crime Laboratory *MM*

Agency Case Number 11-6444  
Offense PCS - 28-200g  
Date of Offense 12/26/2011  
County of Offense GALVESTON

Agency LEAGUE CITY POLICE DEPT  
Case Contact Person

Date Evidence Rec'd

Name ANDREW SAUM

Title EVIDENCE TECHNICIAN

Mailing Address 500 W. WALKER ST.

Phone 281-338-4290 Fax 281-338-4124

City, State Zip Code LEAGUE CITY, TX 77573

Email Address ANDREW.SAUM@LCPD.COM

Suspect	Victim	Name (Last, First Middle)	Race	Sex	DOB	DL# / SS# / ID#
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Moch, Jacob Edwards	w	m	3/18/1986	SS# [REDACTED]
<input type="checkbox"/>	<input type="checkbox"/>					
<input type="checkbox"/>	<input type="checkbox"/>					
<input type="checkbox"/>	<input type="checkbox"/>					

**Description of Evidence Submitted**

Exhibit #	Number of Items	Description of Evidence	Origin	Exam Requested
1	1	3 Orange 20MG Tablets	Suspect Vehicle	Tadalafil
2	2	22 White Oval Pills "Watson 853"	Suspect Vehicle	Acetaminophen
3	3	7 Blue & White Packages Marked A Suboxone	Suspect Vehicle	Suboxone
4	4	88 Blue Round Tablets "DAN 5620"	Suspect Vehicle	Diazepam
5	5	2 Prescription Pill Bottles Containing Baggles w/ White Powder Substance - 8.3g	Suspect Vehicle	Cocaine
6	6	40 White Round Pills "SOMA 300"	Suspect Vehicle	Carisprodal

For some non-drug cases, it may be appropriate to attach a copy of the offense report. Please include brief case synopsis, unusual examination(s) requested, and/or relevant case priority information.  
Arresting Officer: J. COWARD

Are known standards (blood, saliva, hair, inked prints, clothing, fabrics, etc.) submitted for comparison?  Yes  No  
Have any of these exhibits been previously analyzed by a laboratory?  Yes  No If so, What Exhibit #'s?



**TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY SERVICE  
Laboratory Submission Form**

**L2H-222403**

Received  
12/29/11 01:42 PM  
Texas DPS Houston  
Crime Laboratory *MM*

Agency Case Number 11-6444  
Offense PCS - 28-200g  
Date of Offense 12/26/2011  
County of Offense GALVESTON  
Agency LEAGUE CITY POLICE DEPT

Date Evidence Rec'd

**Case Contact Person**

Name ANDREW SAUM

Title EVIDENCE TECHNICIAN

Mailing Address 500 W. WALKER ST.

Phone 281-338-4290 Fax 281-338-4124

City, State Zip Code LEAGUE CITY, TX 77573

Email Address ANDREW.SAUM@LCPD.COM

Suspect	Victim	Name Last, First Middle)	Race	Sex	DOB	DL# / SS# / ID#
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Moch, Jacob Edwards	w	m	3/18/1986	SS# [REDACTED]
<input type="checkbox"/>	<input type="checkbox"/>					
<input type="checkbox"/>	<input type="checkbox"/>					
<input type="checkbox"/>	<input type="checkbox"/>					

**Description of Evidence Submitted**

Exhibit #	Number of Item	Description of Evidence	Origin	Exam Requested
1	7.1	Pill Bottle: 24 Whole White Oblong Pills "GG249"; 10 Half White Oblong Pills "2090V"	Suspect Vehicle	Alprazolam
2	7.2	Pill Bottle w/ "Alprazolam" printed on label: 22 Blue Round Tablets	Suspect Vehicle	Alprazolam
3	8	6lbs Marijuana - 5 1lb bags 1 1lb jar	Suspect Vehicle	Drug
4				
5				
6				

For some non-drug cases, it may be appropriate to attach a copy of the offense report. Please include brief case synopsis, unusual examination(s) requested, and/or relevant case priority information.  
Arresting Officer: J. COWARD

Are known standards (blood, saliva, hair, inked prints, clothing, fabrics, etc) submitted for comparison?  Yes  No  
Have any of these exhibits been previously analyzed by a laboratory?  Yes  No If so, What Exhibit #'s?



TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

Controlled Substances Worksheet

LAB-CS-01 Rev 02 (07/2006)

Lab Case # L2H- 222403

Date Started 1/19/2012

Analyst GA

Date Completed 2/3/2012

Page 3 of 3

Gross Inventory Wt \_\_\_\_\_

11.5X9X12.5 Brown Box (Exhibit# 1-7.2); 18.5X18X16.5 Brown Box (Exhibit# 8)

Exhibit 1-7.2: individual 9X12 White Env

Exhibit #	# Items	# Analyzed	# Exams	Balance ID	Weights			Marquis	SNP	Co(SCN) <sub>2</sub>	Microscopic	Duquenois	TLC	FTIR	GC / MS	UV		Other Tests	Class	
					Before Analysis	Tare	Net									After Analysis	Acid			Base
7.1B	35	1	3	HOBAL 211		8.01 g	7.75 g										+ID	3	Contains Alprazolam	
pill bottle ----> 26 Whole, 9 Partial White Rectangular Tablets (2090 V)																				
7.2	27	1	3	HOBAL 211		7.59 g	7.25 g										+DC	3	Contains Alprazolam	
pill bottle ----> 22 Round Blue Tablets (G / 2)																				
2mg Alprazolam																				
8A	5	5	11	HOBAL 200	5.20 lb	0.50 lb	4.70 lb												7	Marihuana
5- Heat Sealed Bags ----> PS																				
8B	1	1	3	HOBAL 211		24.71 g													7	Marihuana (5-heat-sealed bags)
Mason Jar ----> Plant Substance																				

Additional Notes

HOBAL 211

(Mason Jar)



TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

Controlled Substances Worksheet

LAB-CS-01 Rev. 02 (07/2006)

Lab Case # L2H- 222403

Date Started 1/19/2012

Date Completed 2/3/2012

Analyst JA

Page 2 of 3

11.5X9X12.5 Brown Box (Exhibit# 1-7.2); 18.5X18X16.5 Brown Box (Exhibit# 8)

Exhibit 1-7.2: individual 9X12 White Env

Exhibit #	# Items	# Analyzed	# Exams	Weights			Balance ID	Before Analysis	Tare	Net	After Analysis	Marquis	SNP	Co(SCN) <sub>2</sub>	Microscopic	Duquenois	TLC	FTR	GC / MS	UV		Other Tests	Class	
				Acid	Base																			
5A	8	8	12	5.69 g	1.76 g	3.93		3.89 g					+B	+M								+DC	4	Contains Cocaine
Pill Bottle ----> 8 Black Ziploc Bags ----> White Substance																								
↳ Exhibit 5B																								
Empty Baggie ----> No Analysis																								
5B	2	2	5	2.42 g	0.44 g	1.98 g		1.96 g					+B	+M								+DC	4	(8-Ziploc Bags) Contains Cocaine
2 Black Ziploc Bags ----> White Substance																								
6	40	1	6			18.42 g		18.38 g						+GG	+M							+Phamm	14	(2-Ziploc Bags) Contains Carisoprodol
White Plastic Bottle ----> White Tablets (SOMA 350)																								
Used Officer Count																								
Bottle Label: Meda Pharmaceuticals SOMA (Carisoprodol) 350 mg RX Only																								
7.1A	24	1	4			6.11 g		13.90 g						+M								+DC GCMS Blank	3	Contains Alprazolam (GG249 Tablets)
pill bottle ----> 23 Whole, 1 Partial White Rectangular Tablets (GG249)																								
2mg Alprazolam																								
Additional Notes																								

HOBAL 211



TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

Lab Case # **L2H- 222403**

Date Started **1/19/2012**

Analyst *J*

Date Completed **2/3/2012**

Controlled Substances Worksheet

LAB-CS-01 Rev.02 (07/2008)

Gross Inventory Wt

Page **1 of 3**

11.5X9X12.5 Brown Box (Exhibit# 1-7.2); 18.5X18X16.5 Brown Box (Exhibit# 8)

Exhibit 1-7.2: Individual 9X12 White Env

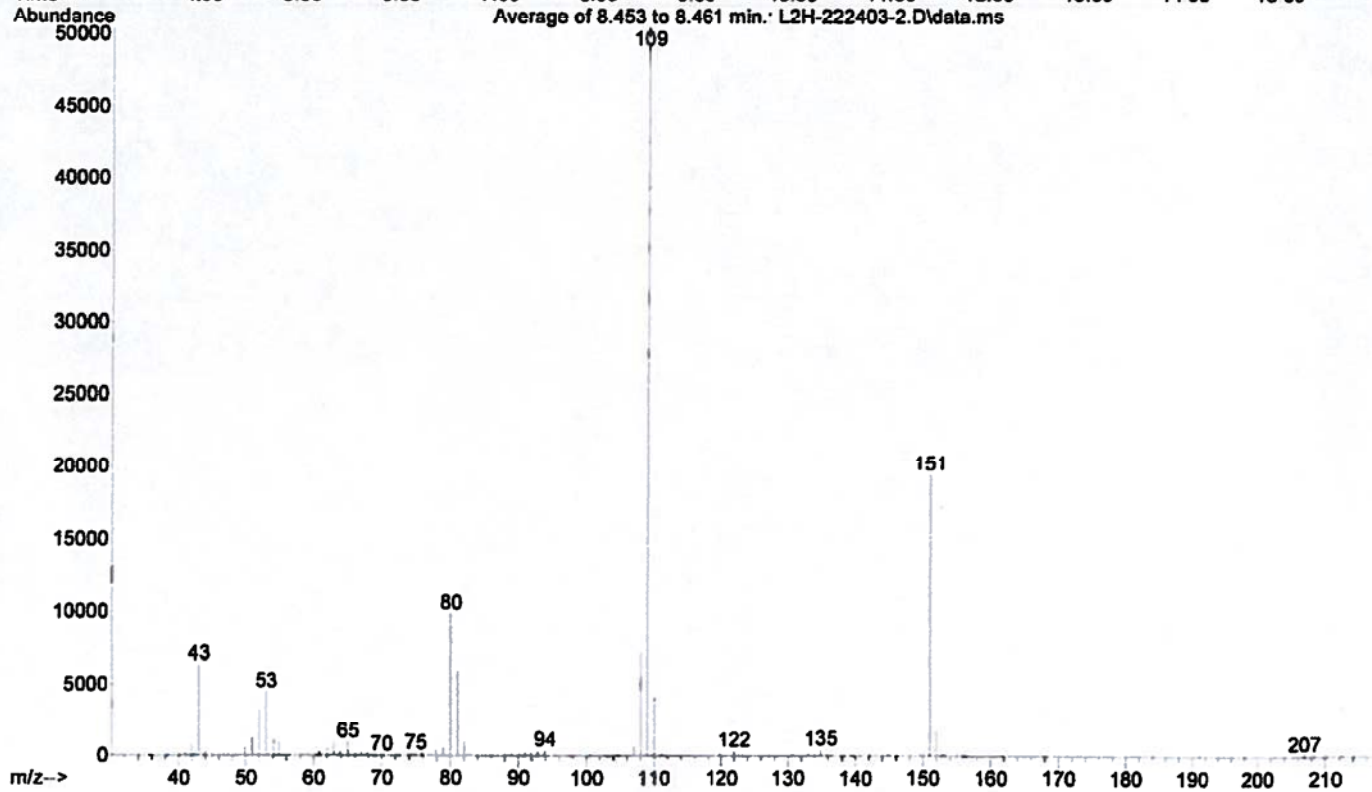
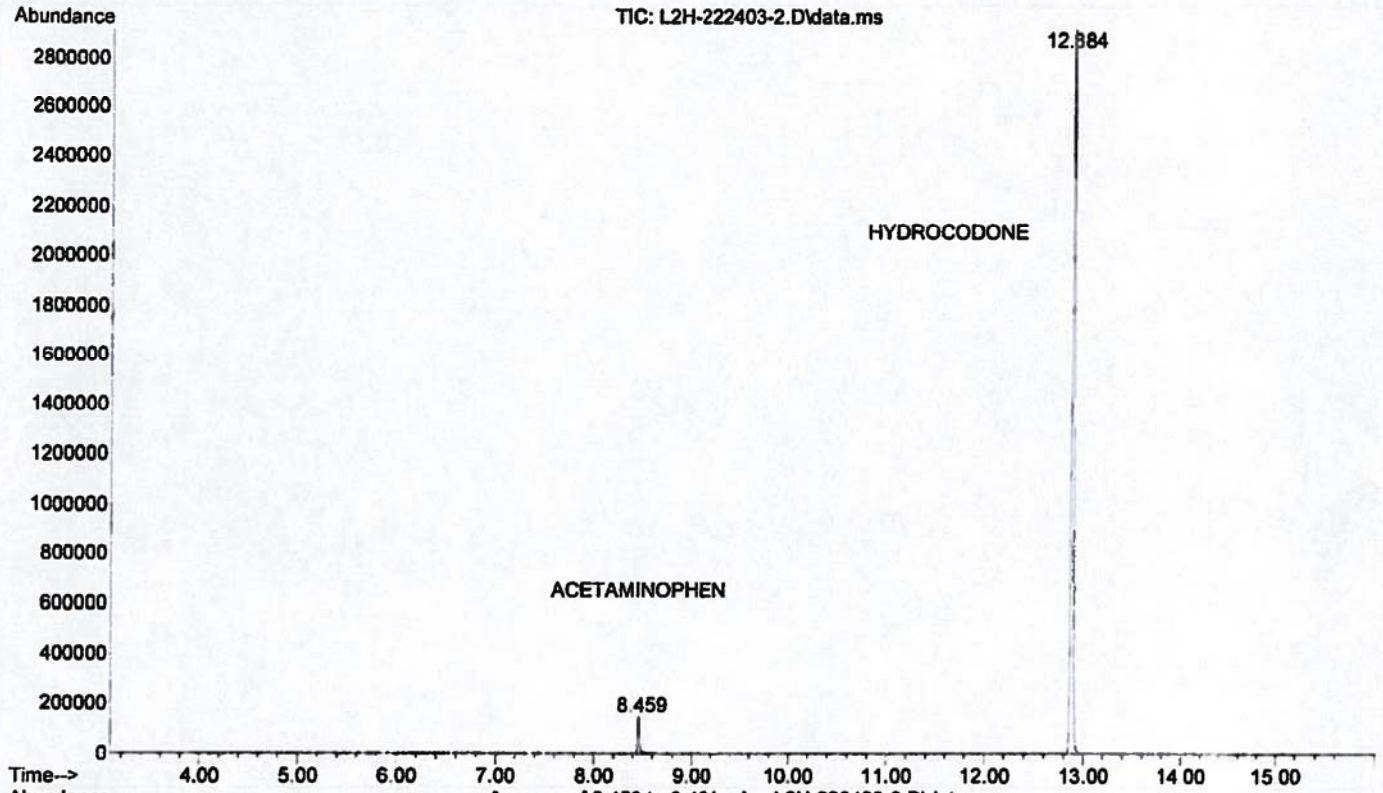
Exhibit #	# Items	# Analyzed	# Exams	Weights			Marquis	SNP	Co(SCN) <sub>2</sub>	Microscopic	Duquenois	TLC	FTIR	GC / MS	UV		Other Tests	Class
				Balance ID	Before Analysis	Tare									Net	After Analysis		
1	3	0	1														+DC	14
Ziploc Bag → blister pack → 3 yellow orange Tablets (C20)																		
20mg Tadalafil (Cialis)																		
2	22	1	3											+M			+DC	10
pill bottle → Yellow Tablets (WATSON 853)																		
325mg Acetaminophen, 10mg Hydrocodone																		
3	7	4	5														+Pharm	14
7 sealed packets → orange damp piece of paper 0.05gX7=0.35g																		
Packet label: Suboxone(Buprenorphine and Naloxone) Sublingual Film 8mg/2mg																		
4	88	1	3											+M			+DC	3
pill bottle → blue tablets (DAN 5620 / 10)																		
Used Officer Count																		
10mg Diazepam																		
Additional Notes																		

9x3- 1<sup>st</sup> Confirmatory test - Chemist used 1 film  
2<sup>nd</sup> Confirmatory test - Chemist combined 3 films

HOBAL 211

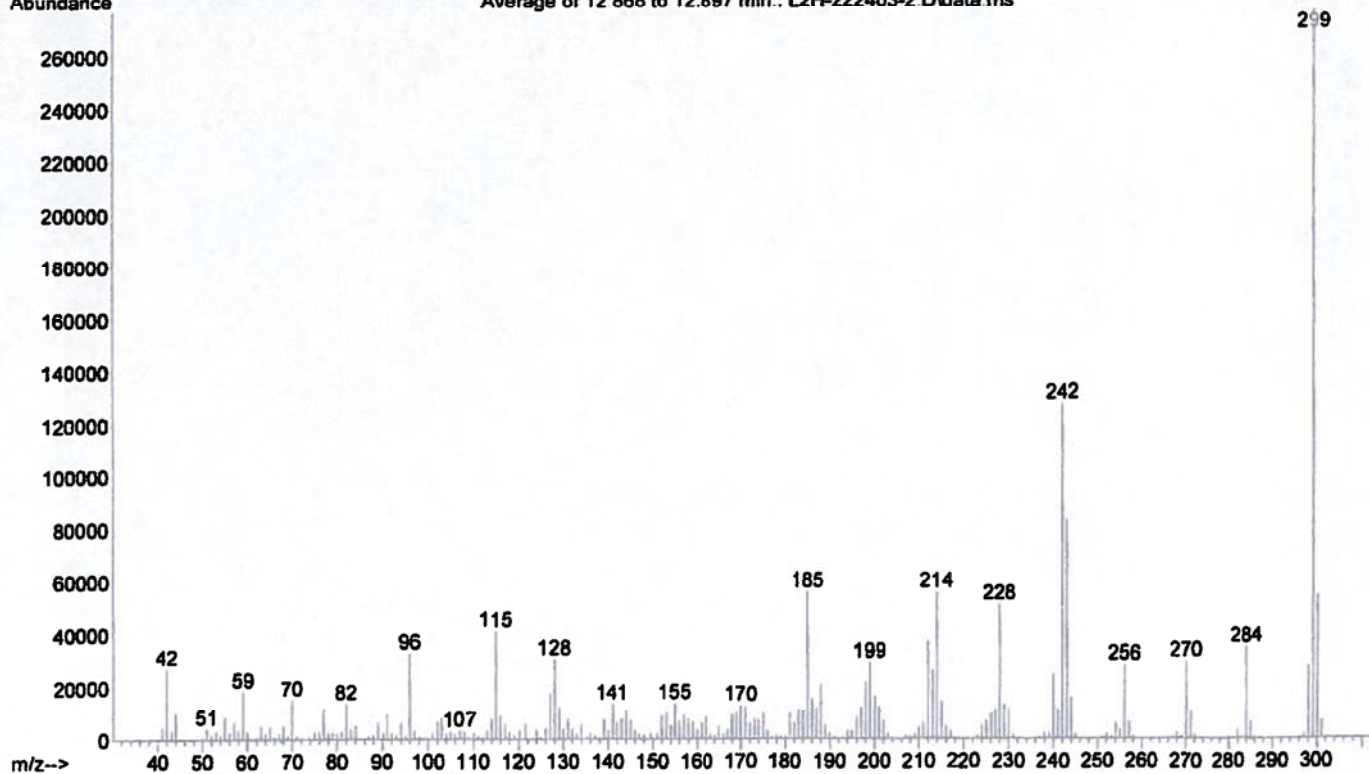
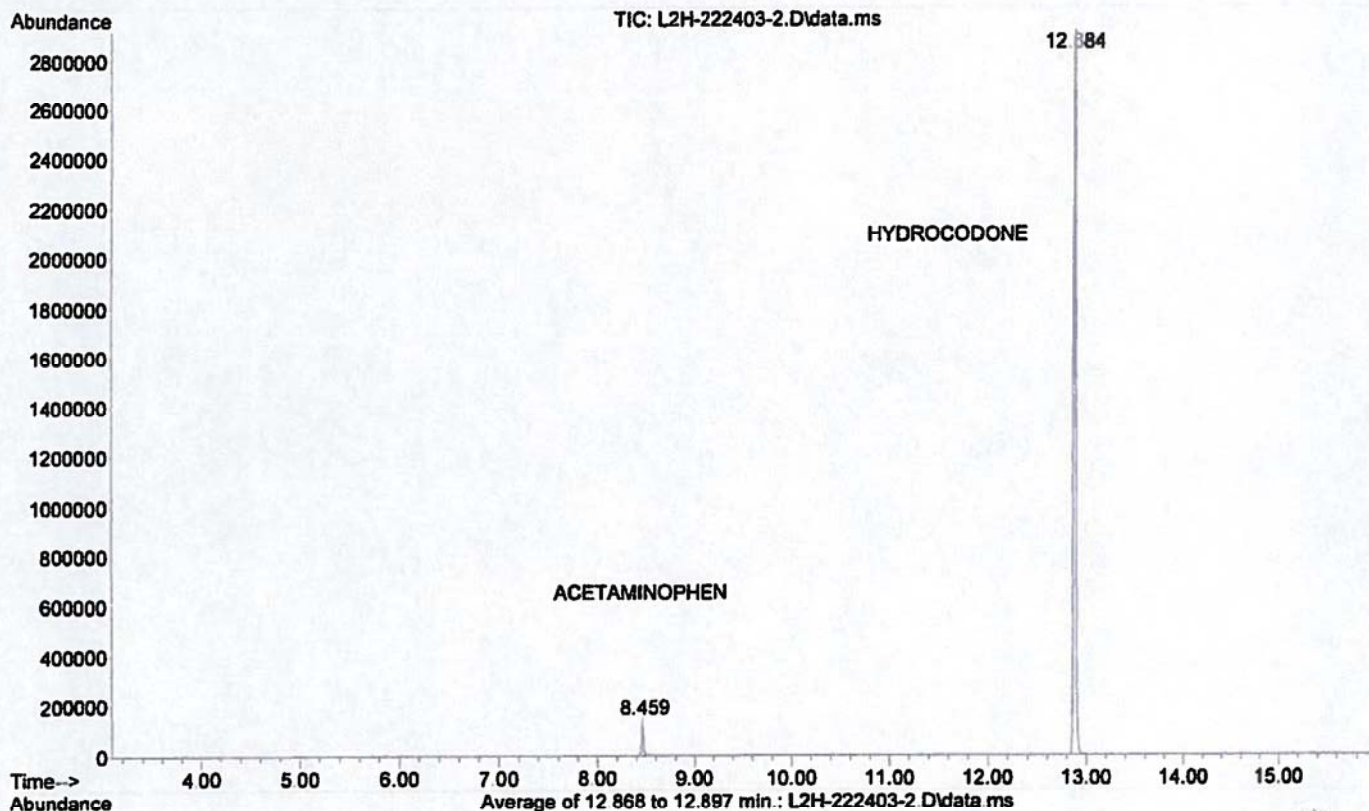
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Instrument : HOGCMS206  
Sample Name: L2H-222403-2  
Misc Info : it:100/2m; rt:20c/m; ft:280c/5m B>CHCl3  
Vial Number: 30

g



File : D:\1\DATA\2012\012012\L2H-222403-2.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 20 Jan 2012 12:07 using AcqMethod DPSCOC.M  
Instrument : HOGCMS206  
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Vial Number: 30

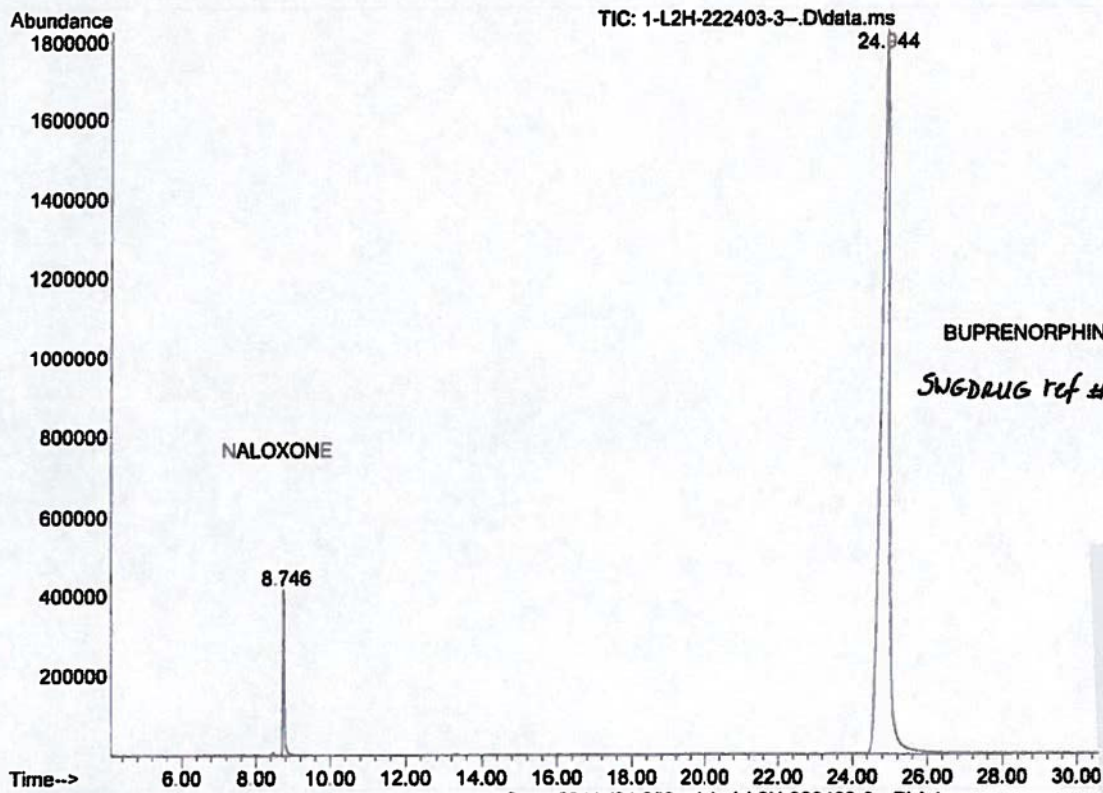
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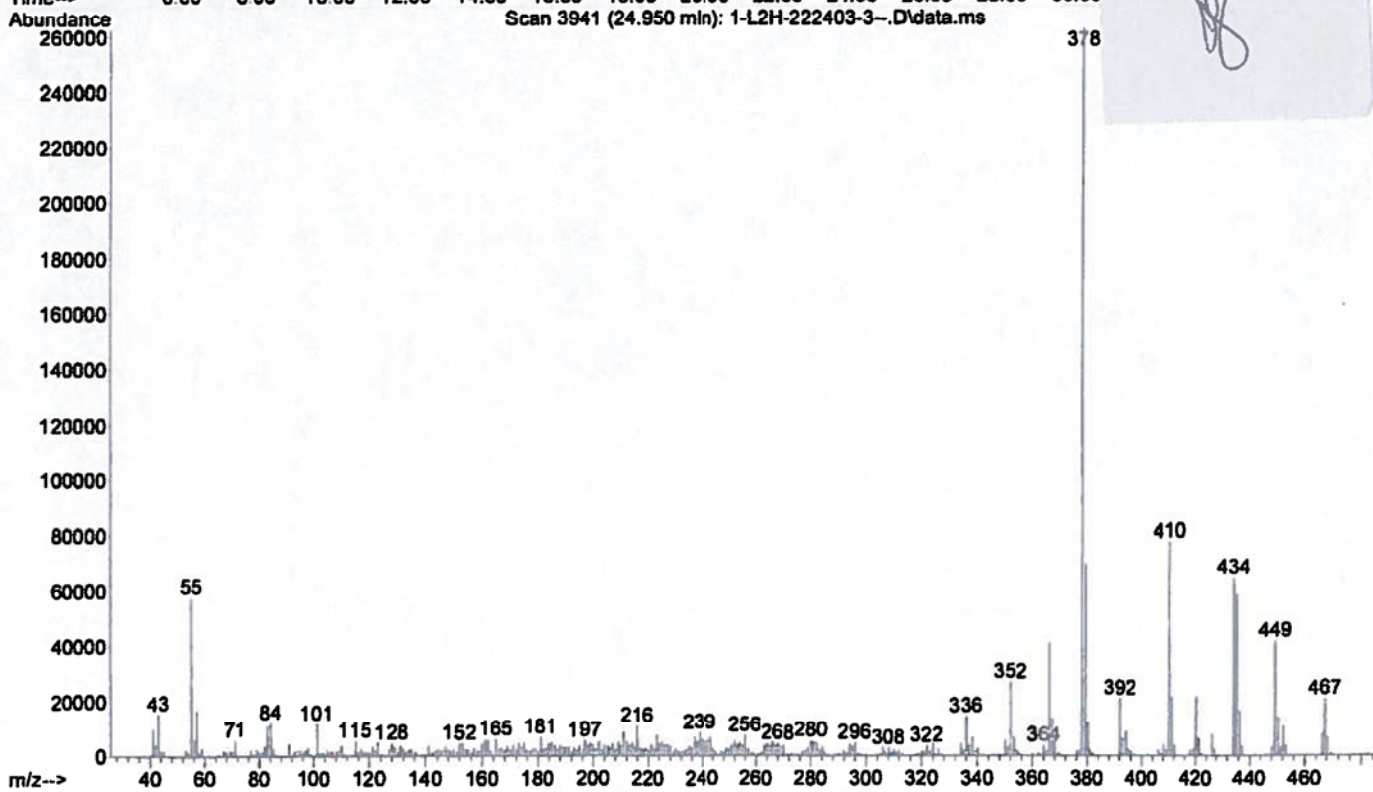
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Operator : MR 40-400, inj 250, det 280  
Acquired : 3 Feb 2012 13:29 using AcqMethod DPSSTER.M  
Instrument : HOGCMS206  
Sample Name: 1-L2H-222403-3 (Combo)  
Misc Info : it:180/2m; rt:30c/m; ft:280c/40m  
Vial Number: 1

*g*



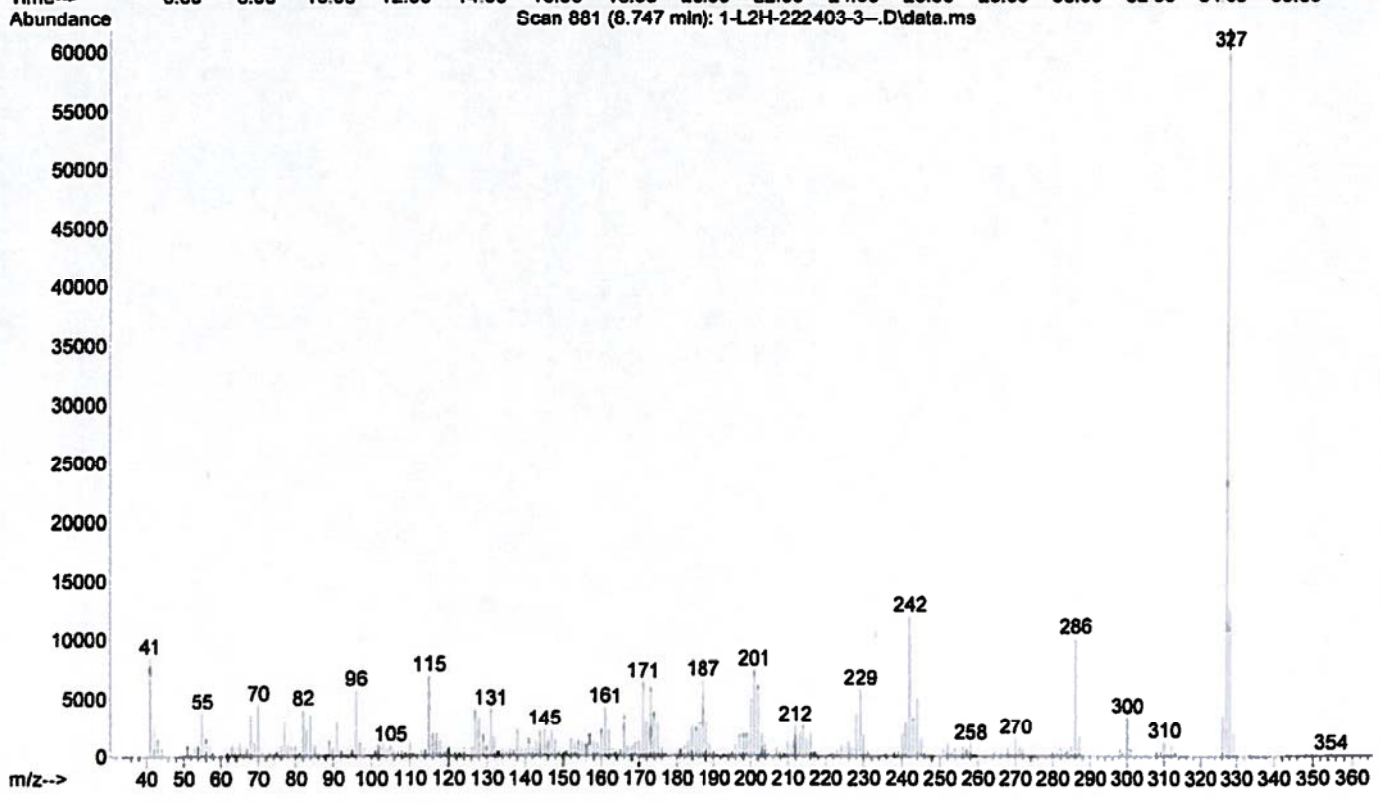
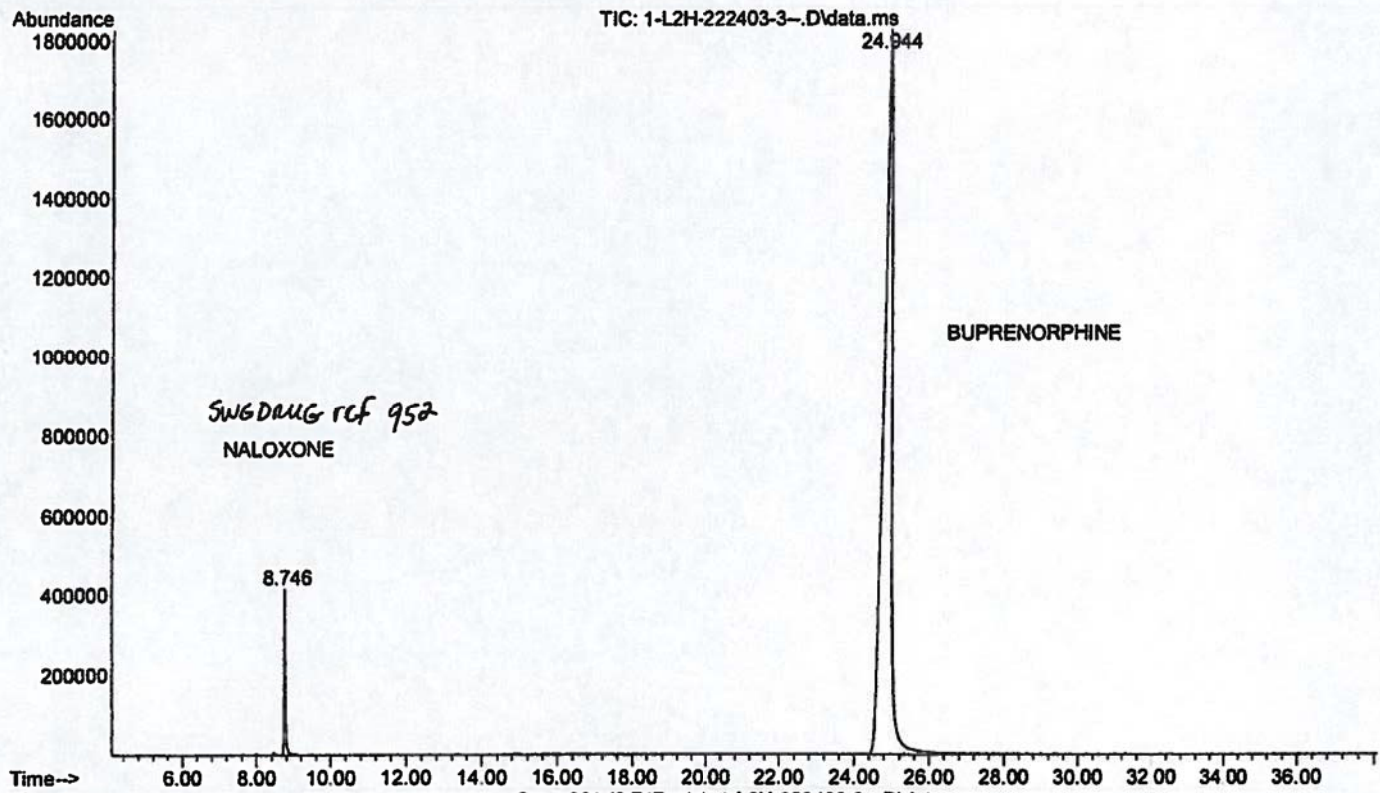
BUPRENORPHINE  
SWGDRUG ref # 587

*Extraction?*  
*g*



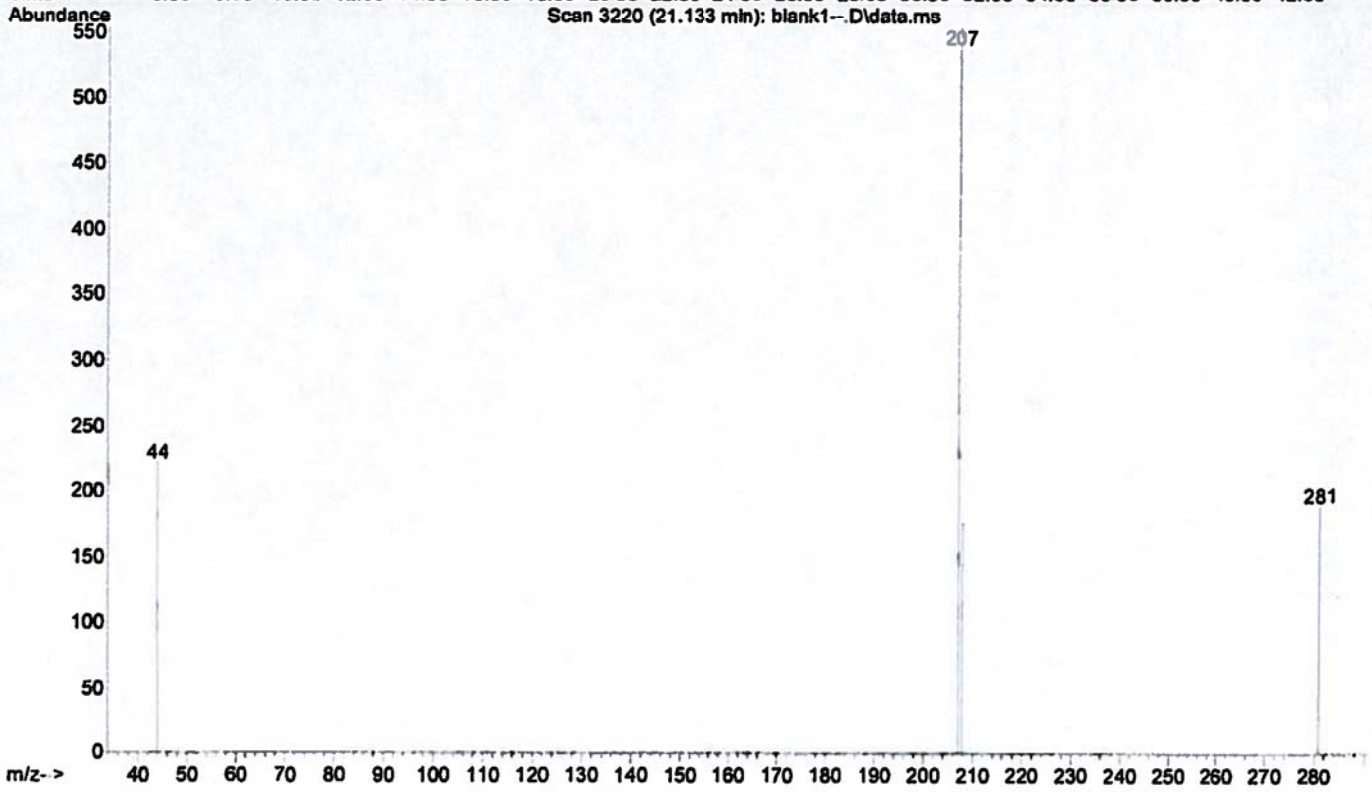
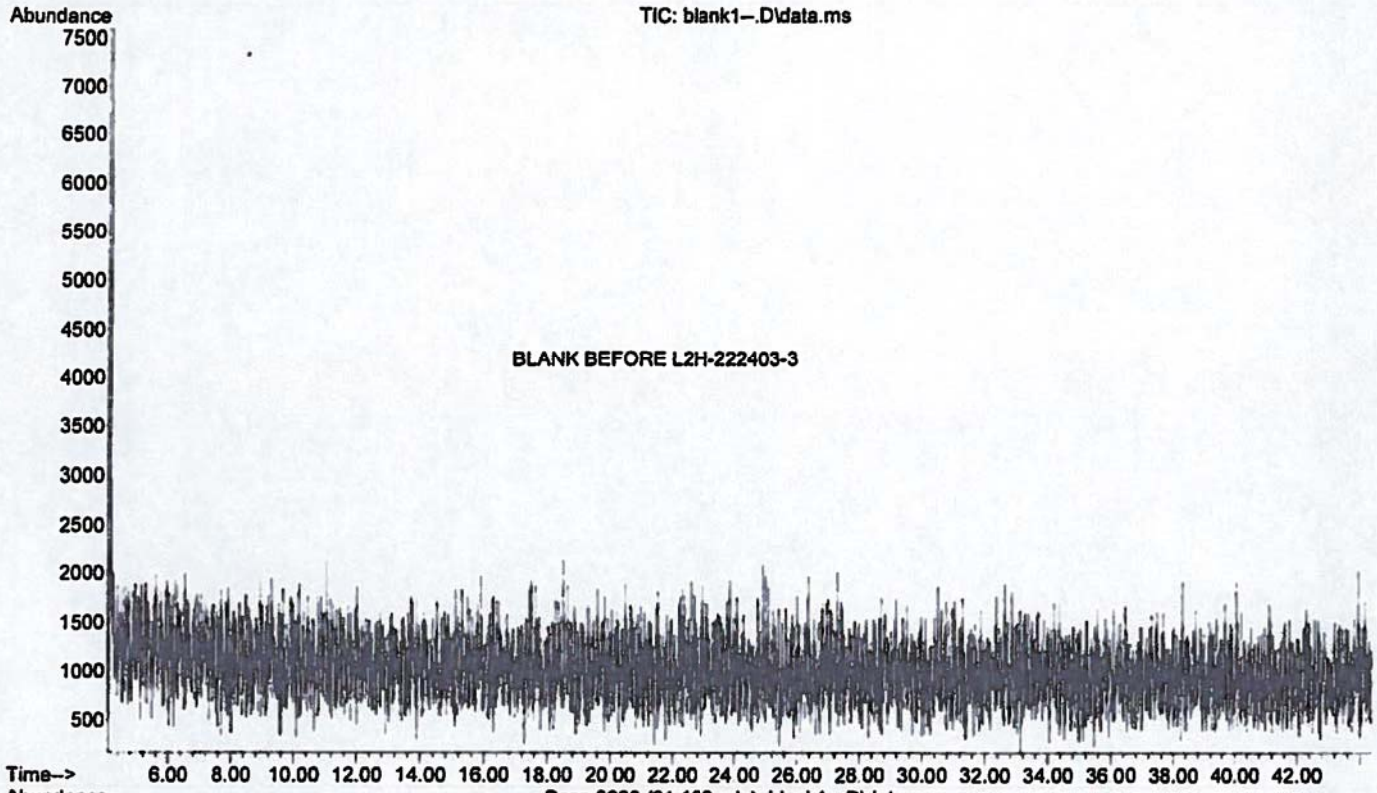
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Vial Number: 1

91

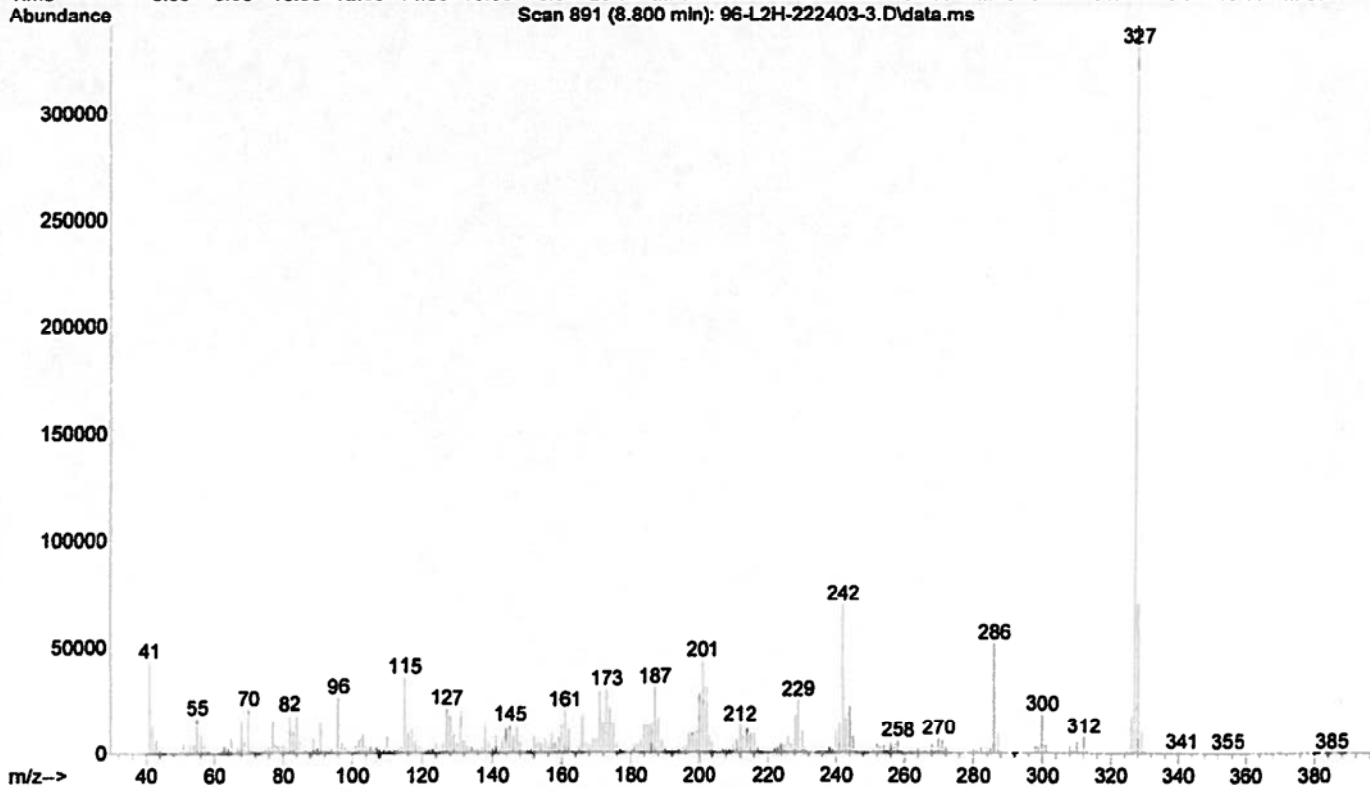
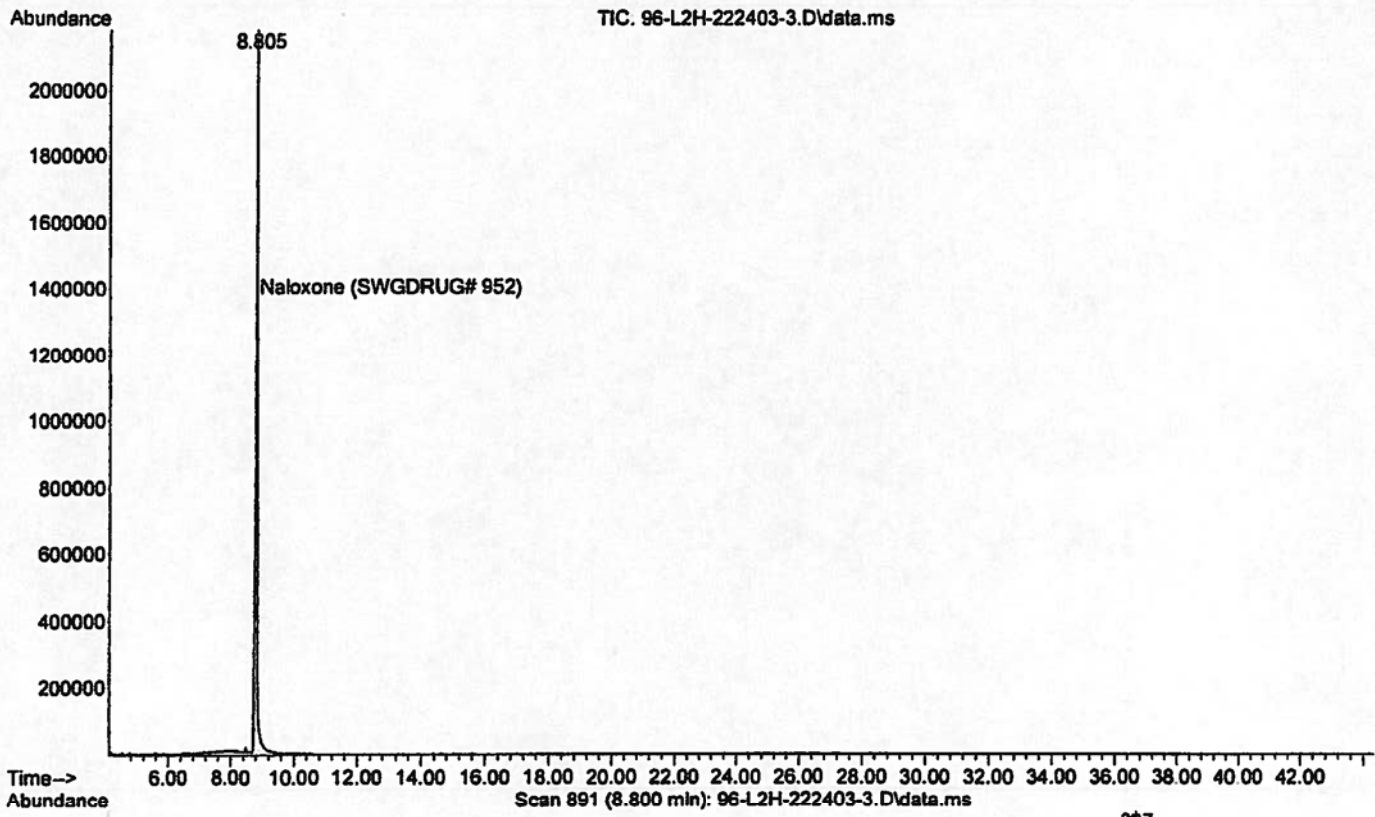


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Vial Number: 5

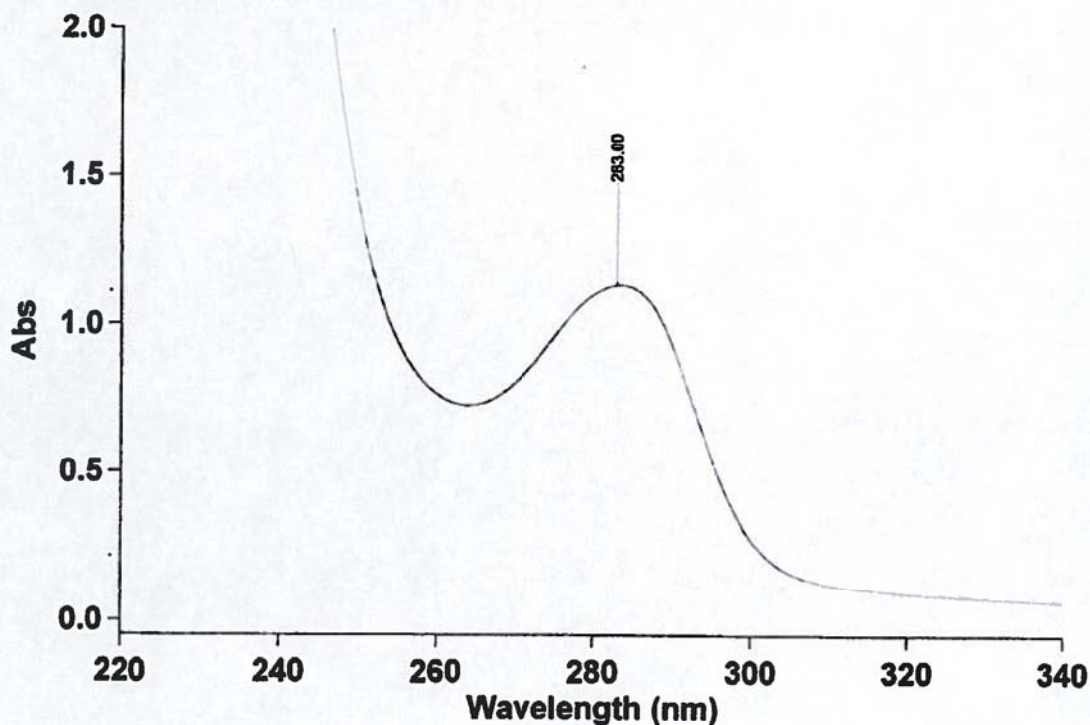
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Operator : MR 40-400, inj 250, det 280  
Acquired : 1 Feb 2012 13:31 using AcqMethod DPSSTER.M  
Instrument : HOGCMS206  
Sample Name: 83-L2H-222403-3  
Misc Info : it:180/2m; rt:30c/m; ft:280c/40m (CHCl3+BuOH)  
Vial Number: 96



*g*



+C  
Naloxone

### Scan Analysis Report

Report Time : Fri 20 Jan 01:36:07 PM 2012  
Method: C:\DOCUMENTS AND SETTINGS\CL11924\DESKTOP\DPS.MSW  
Batch: C:\Documents and Settings\All Users\Application Data\Varian\Cary WinUV\Jonathan\222403-3.DSW  
Software version: 4.10(464)  
Operator:

#### Sample Name: L2H-222403-3 (IN 0.2N H2SO4)1

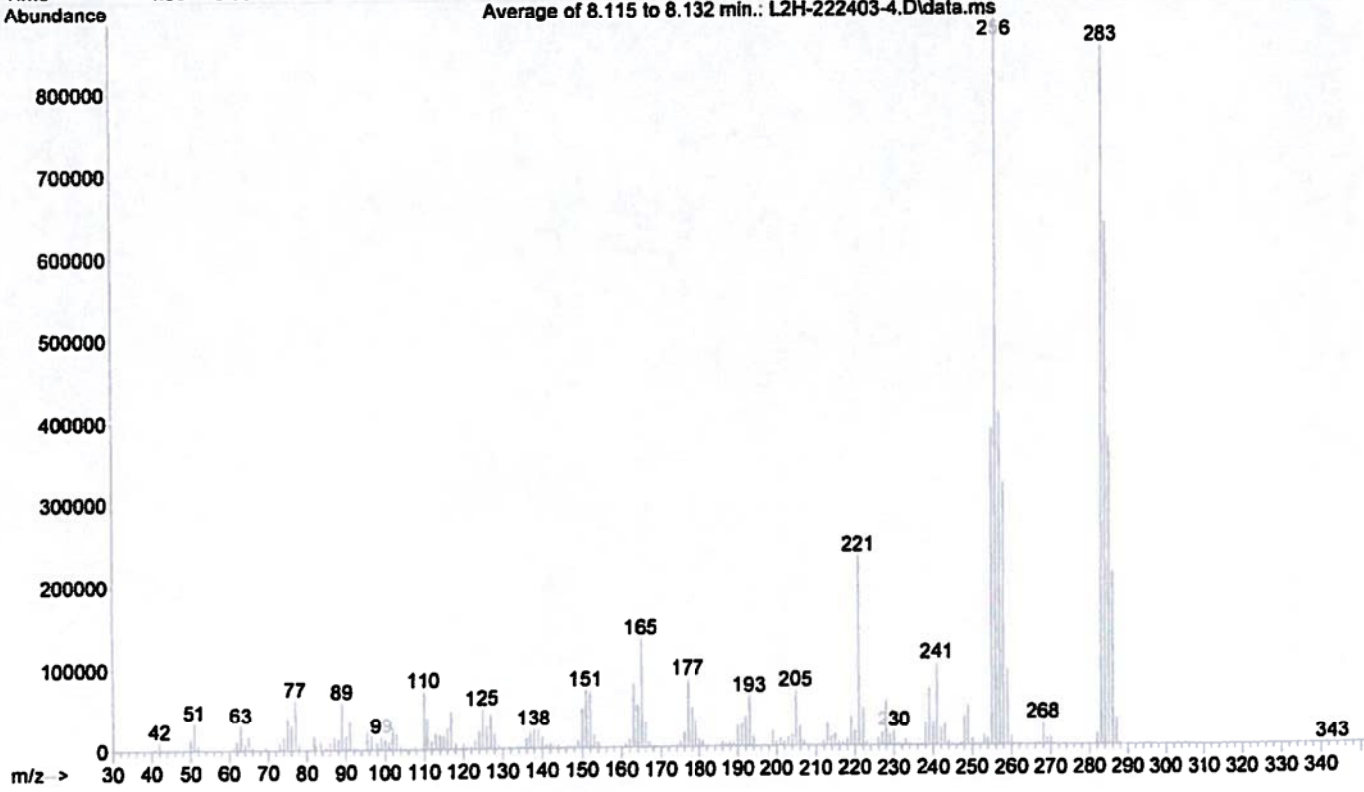
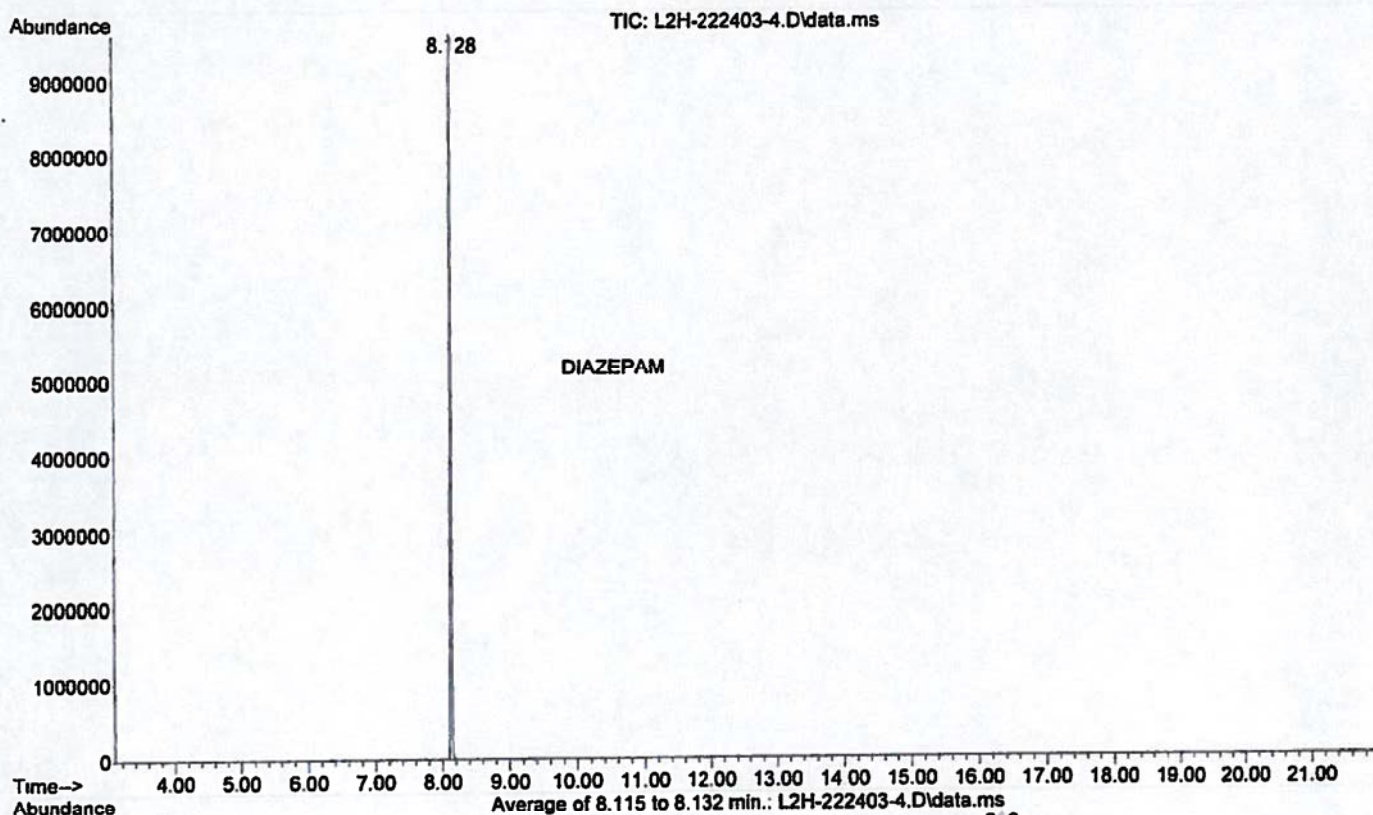
Collection Time 1/20/2012 1:36:19 PM

Peak Table  
Peak Style Peaks  
Peak Threshold 0.0100  
Range 340.00nm to 220.00nm

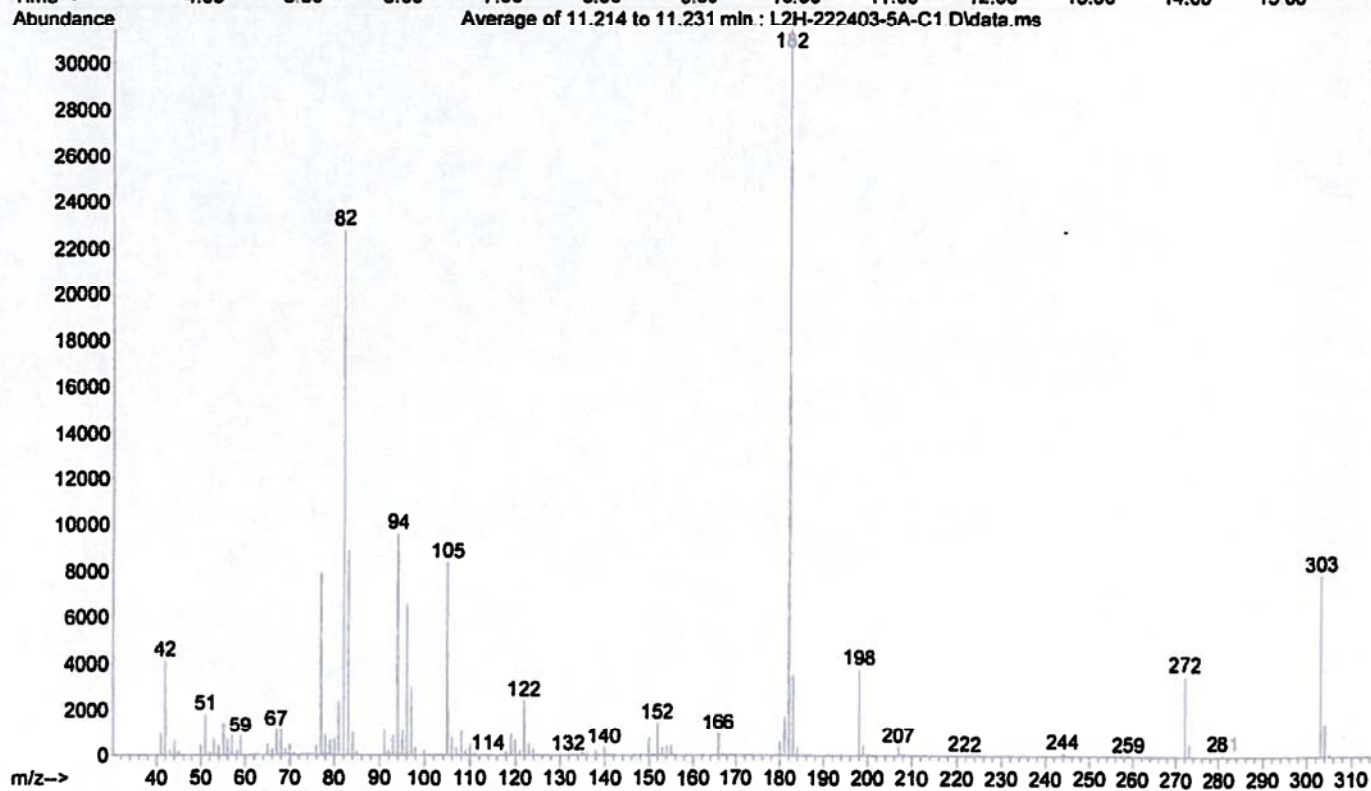
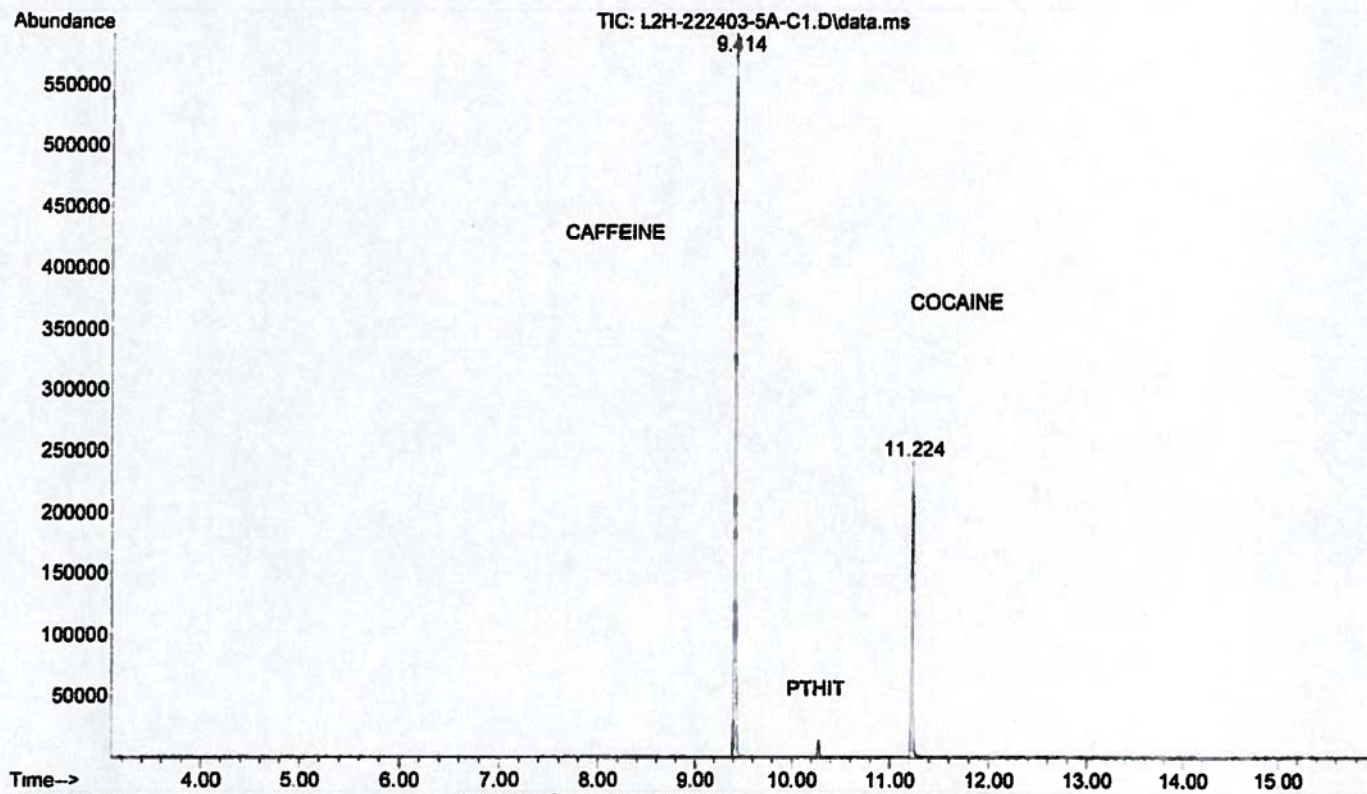
Wavelength (nm)	Abs
283.00	1.132
230.00	4.218

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Acquired : 20 Jan 2012 18:18 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
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Vial Number: 13

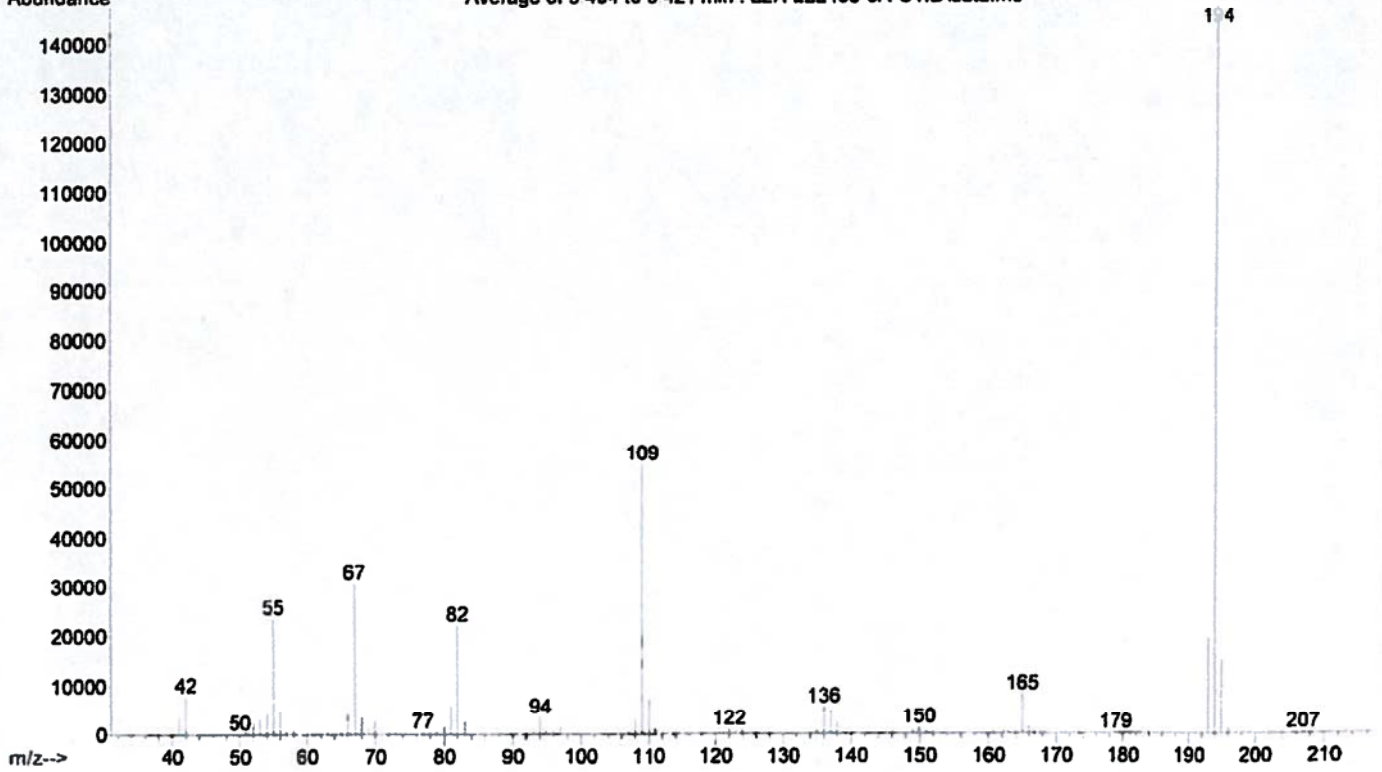
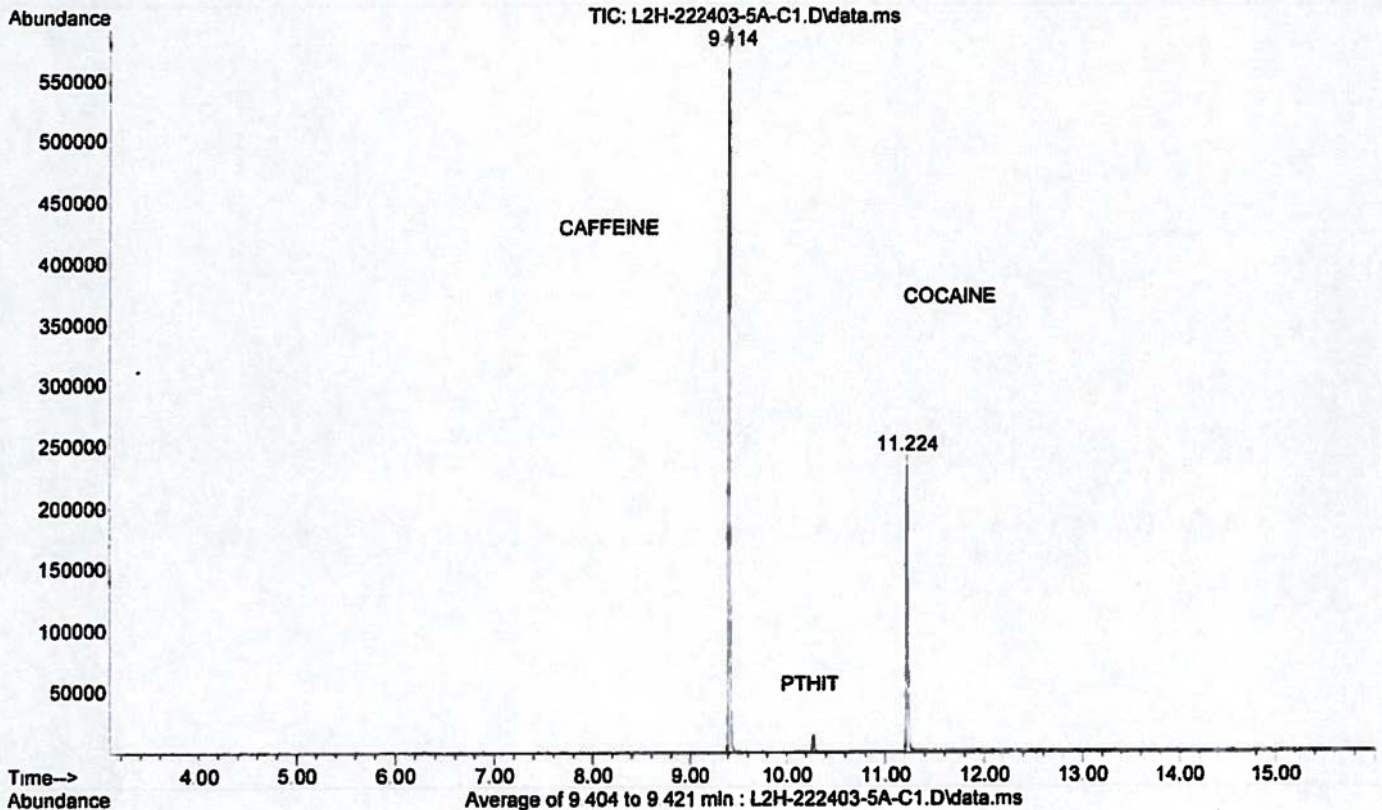
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Instrument : HOGCMS206  
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Misc Info : it:100/2m; rt:20c/m; ft:280c/5m B>CHCl3  
Vial Number: 14



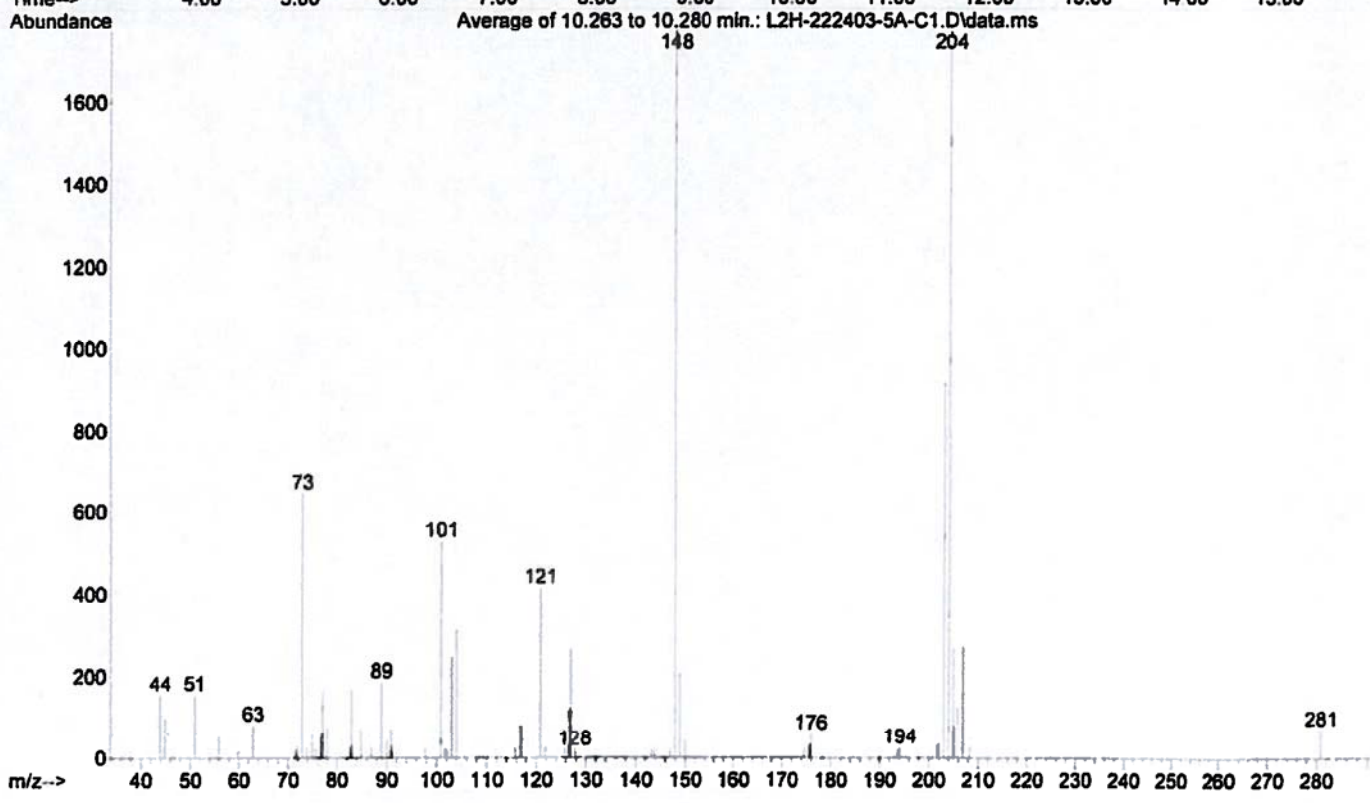
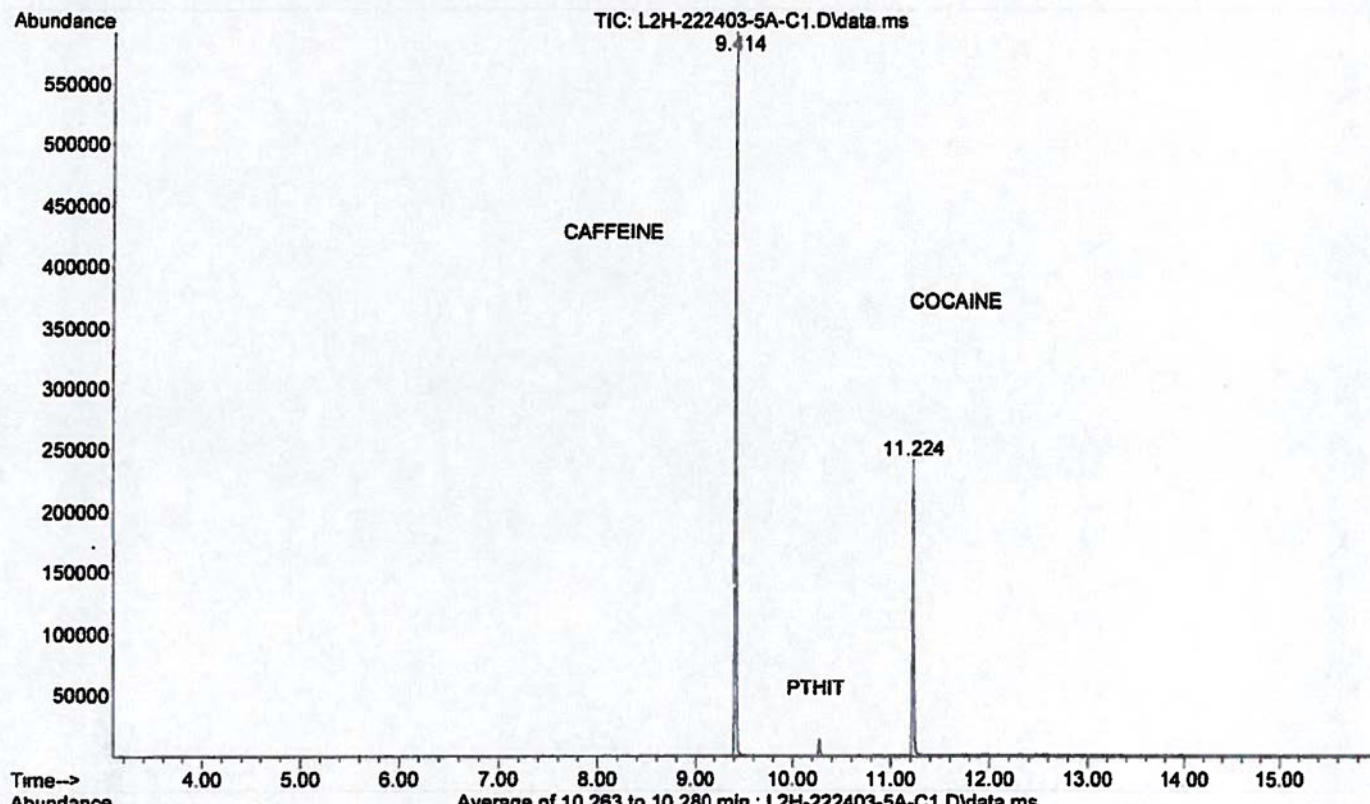
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Operator : MR 40-400, inj 250, det 280  
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Vial Number: 14



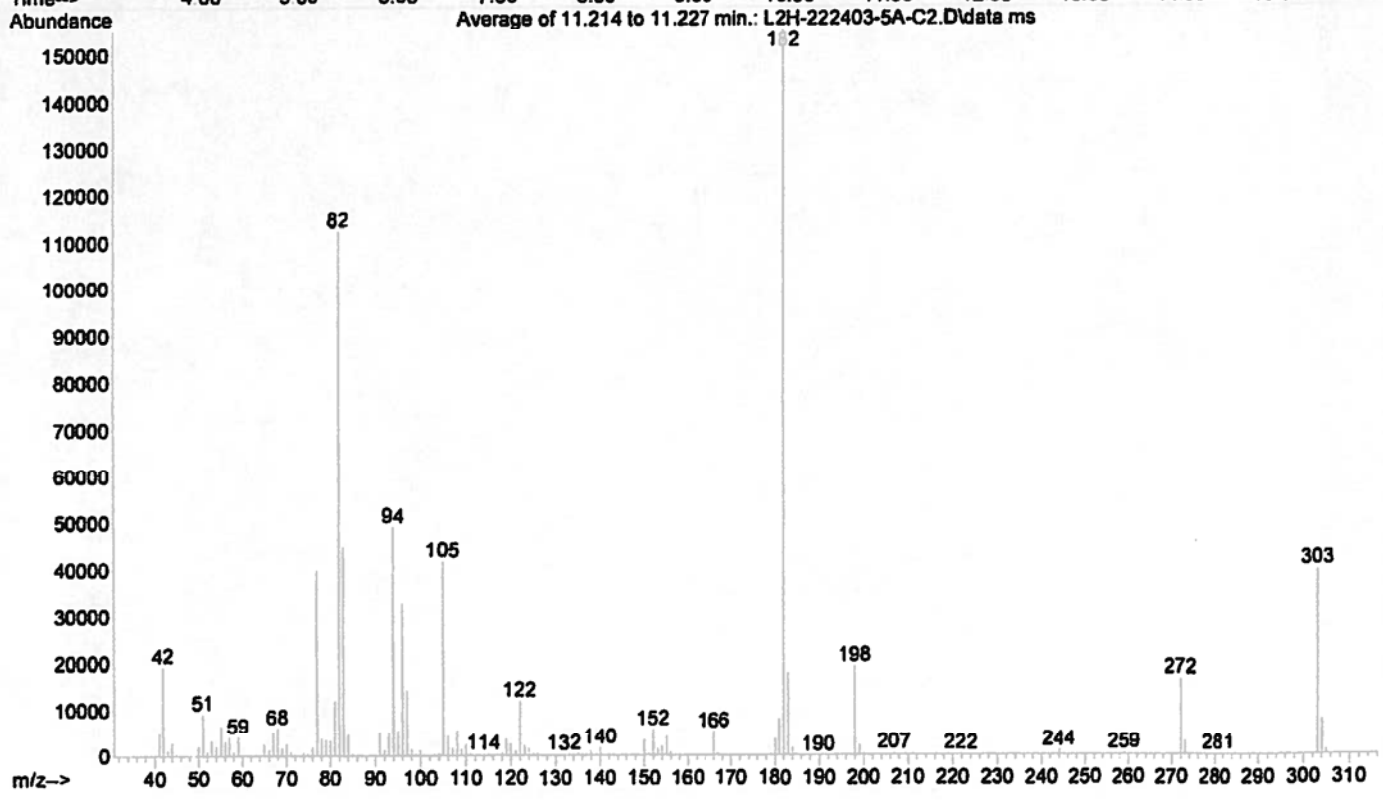
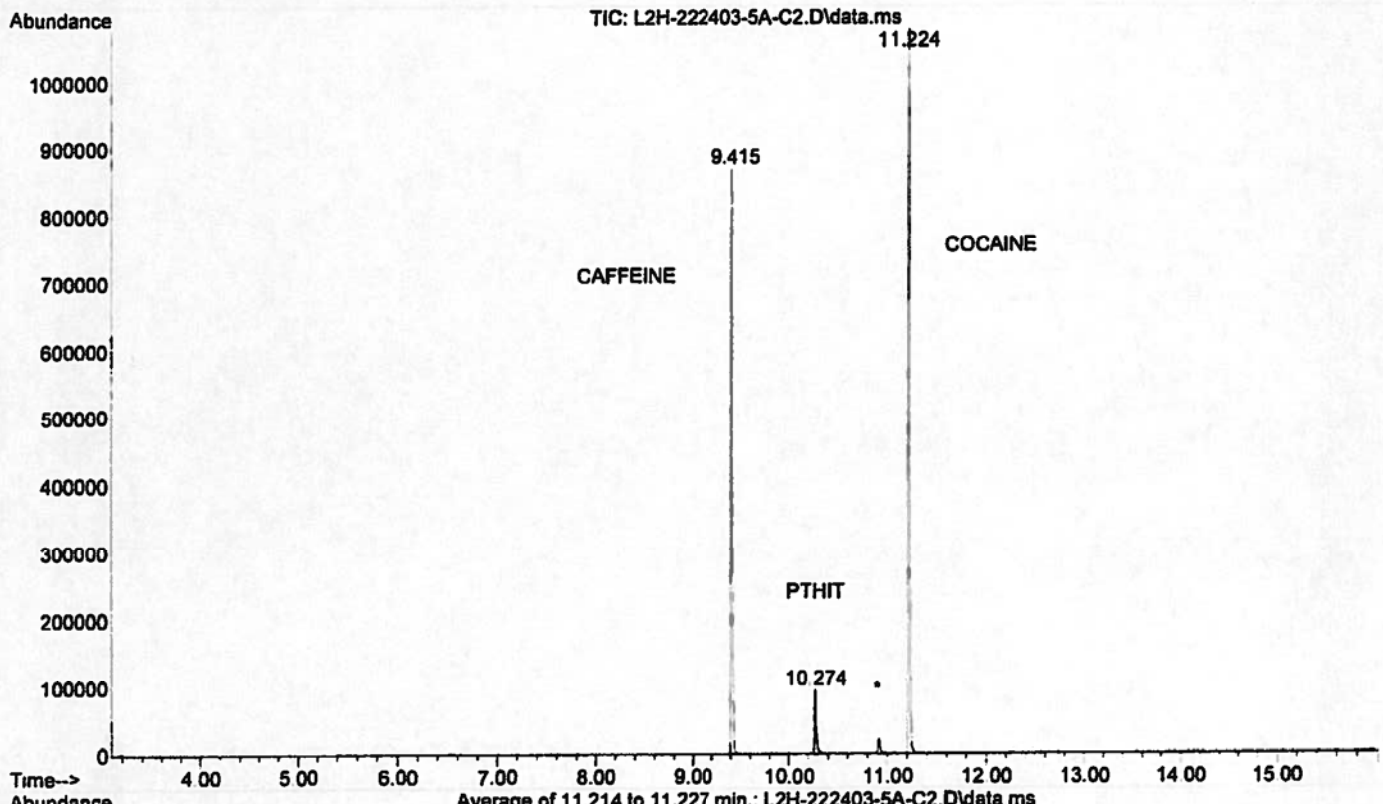


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Instrument : HOGCMS206  
Sample Name: L2H-222403-5A COMBO#1  
Misc Info : it:100/2m; rt:20c/m; ft:280c/5m B>CHCl3  
Vial Number: 14

JS

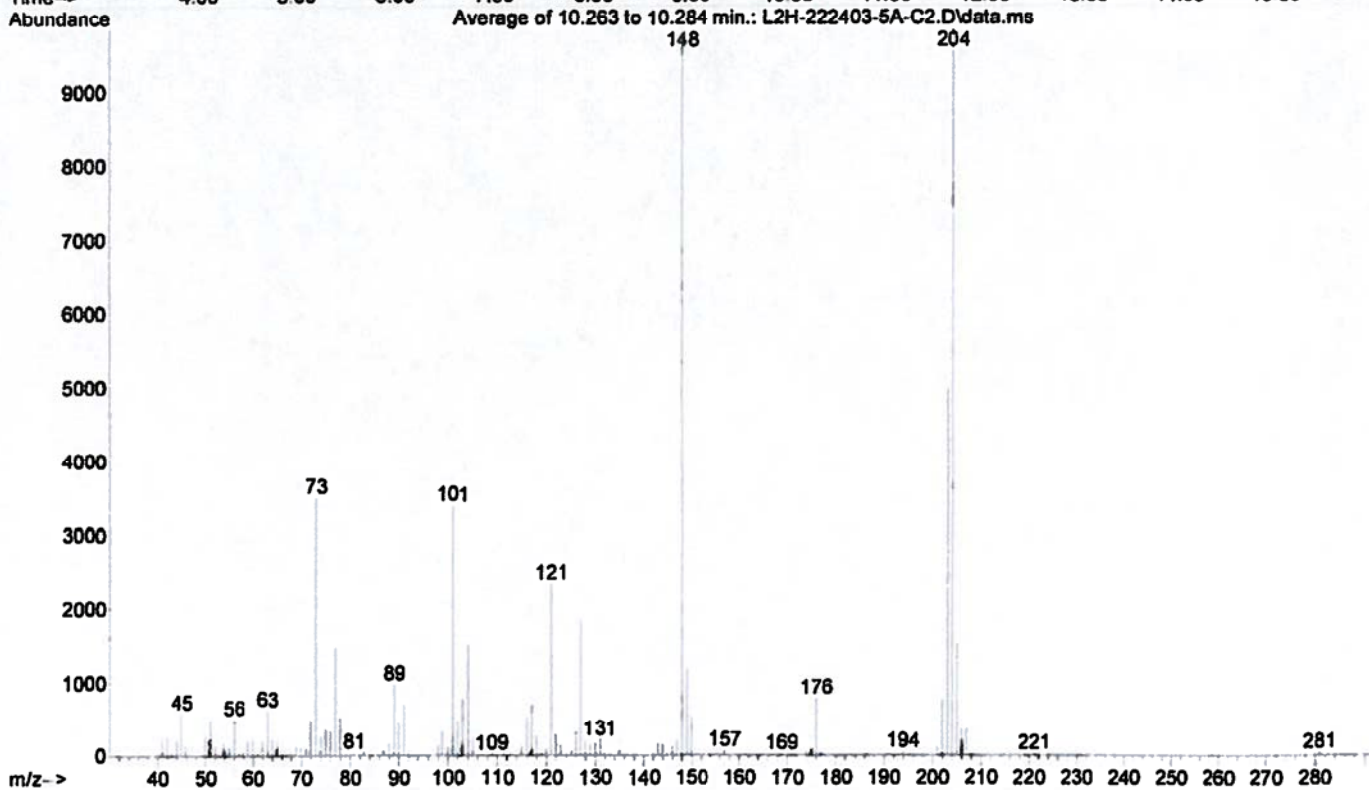
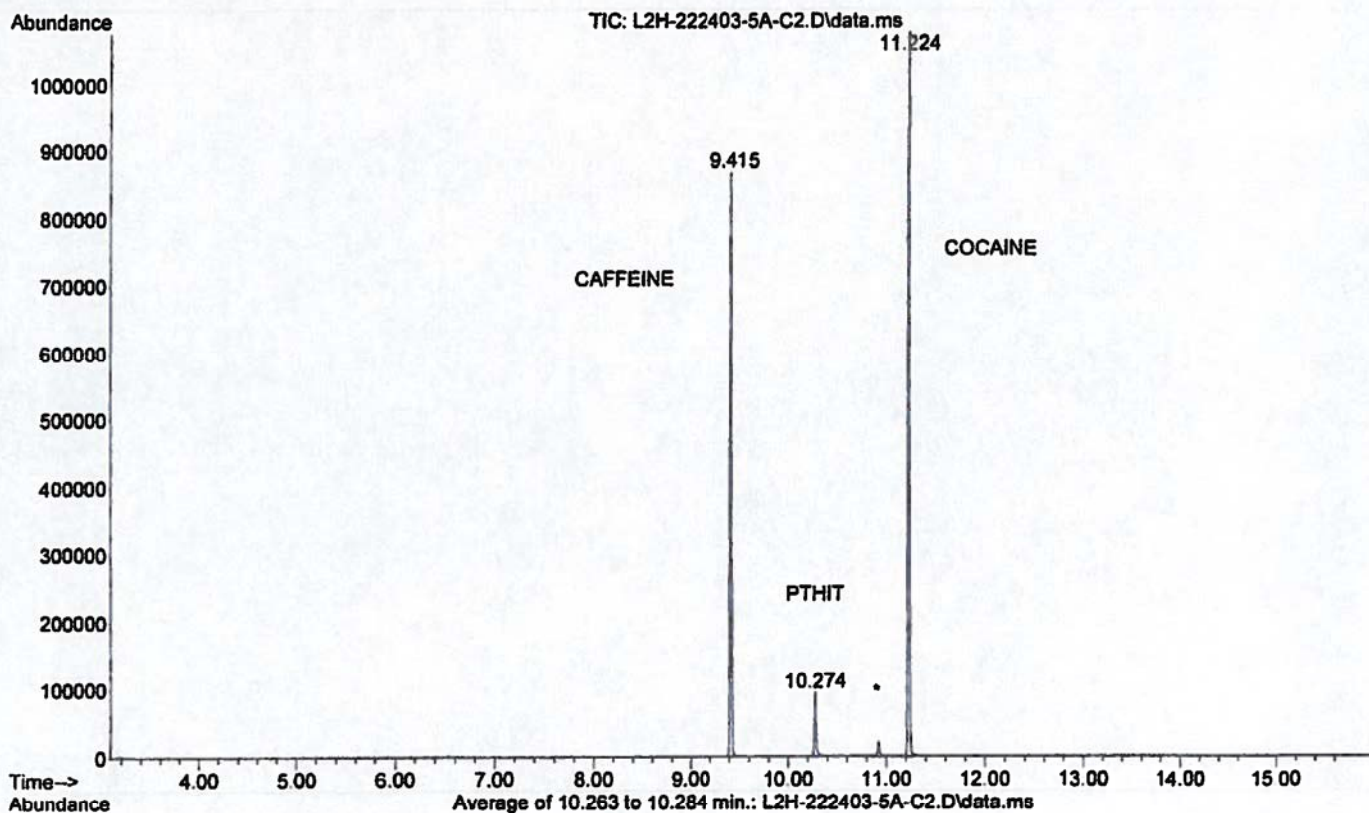


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Acquired : 20 Jan 2012 21:19 using AcqMethod DPSCOC.M  
Instrument : HOGCMS206  
Sample Name: L2H-222403-5A COMBO#2  
Misc Info : it:100/2m; rt:20c/m; ft:280c/5m B>CHCl3  
Vial Number: 19



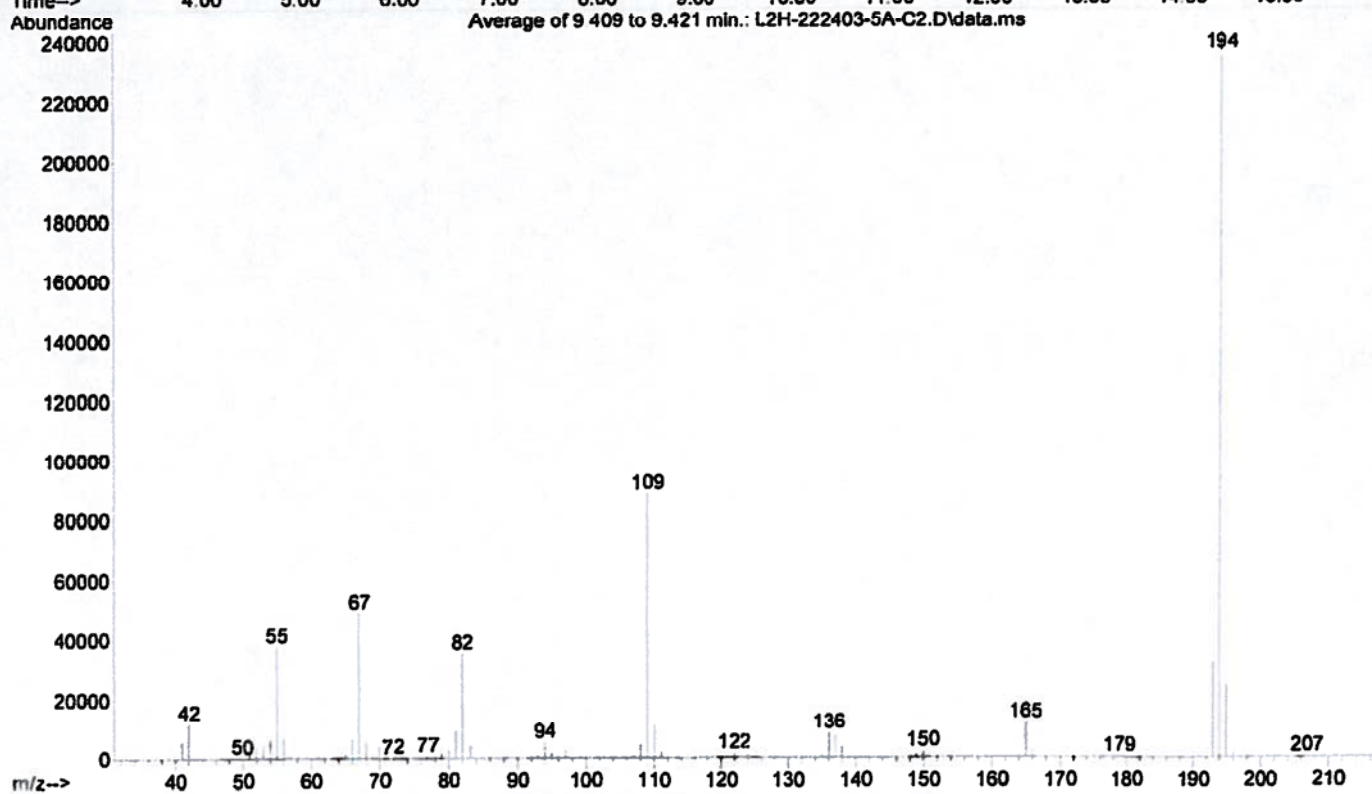
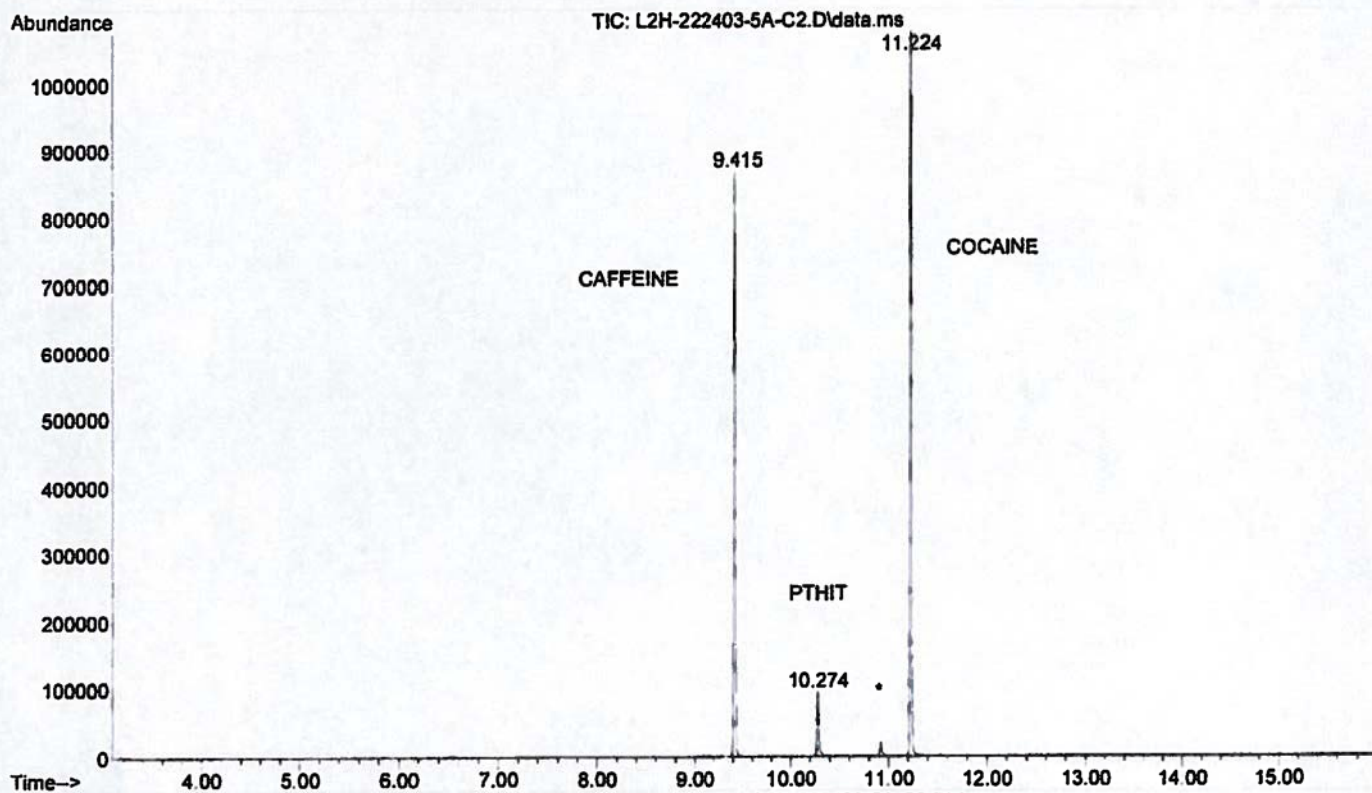
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Misc Info : it:100/2m; rt:20c/m; ft:280c/5m B>CHCl3  
Vial Number: 19

94

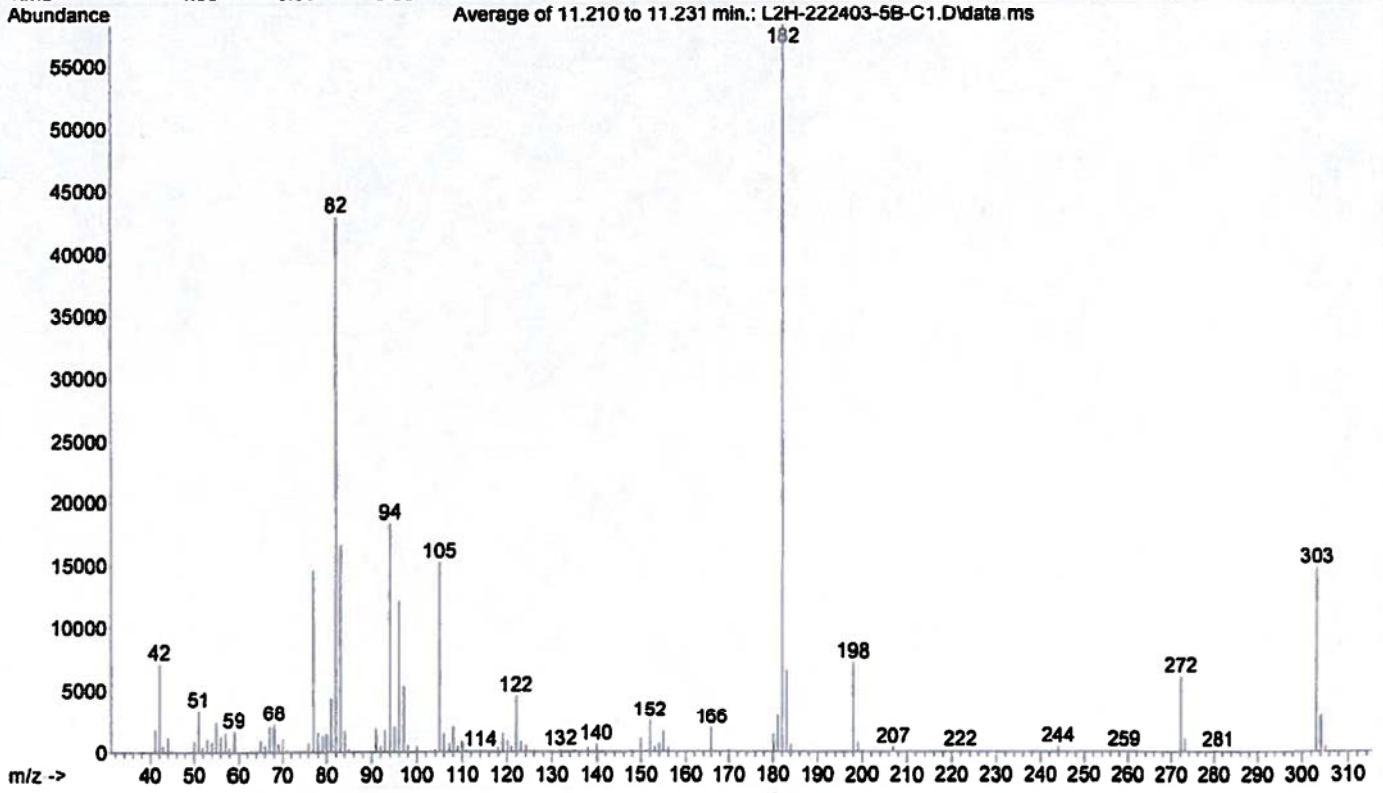
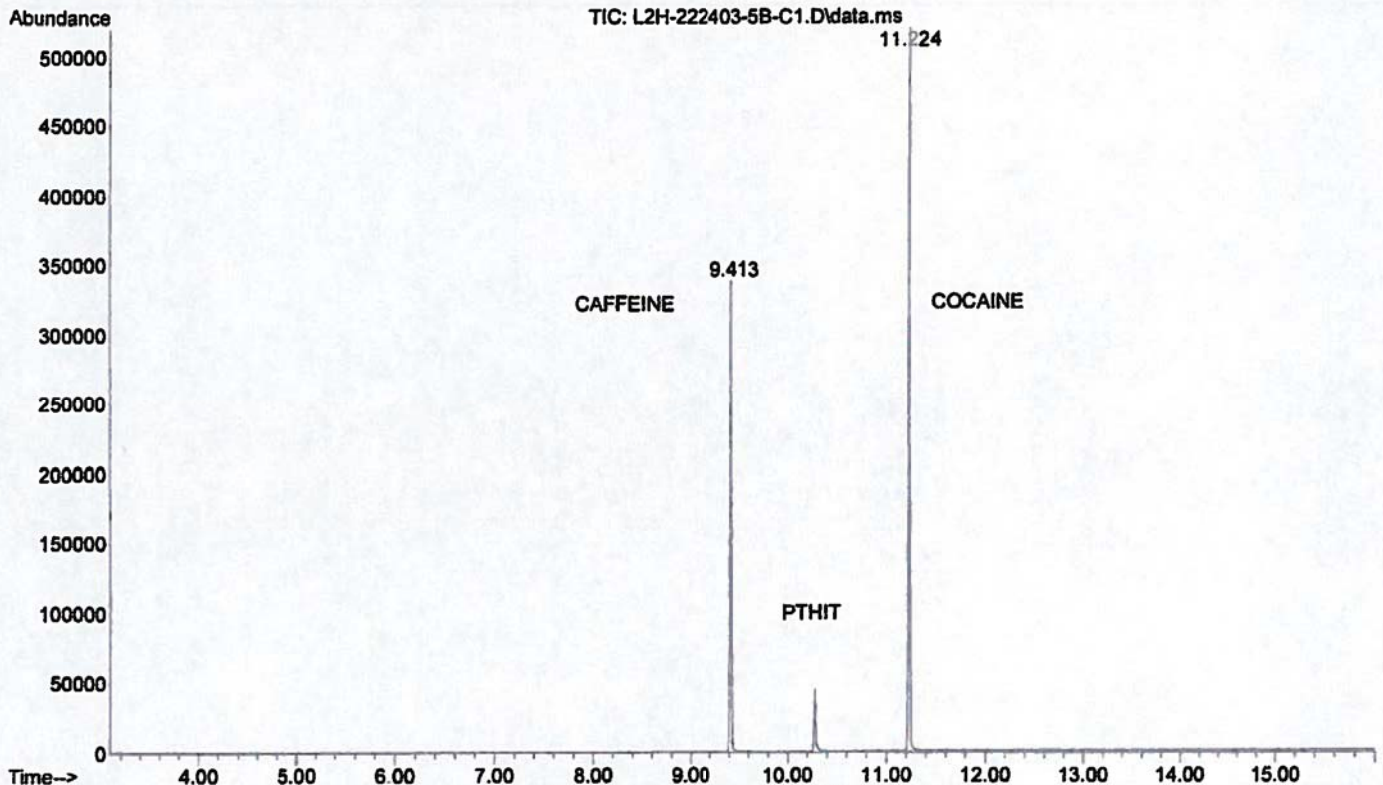


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Misc Info : it:100/2m; rt:20c/m; ft:280c/5m B>CHCl3  
Vial Number: 19

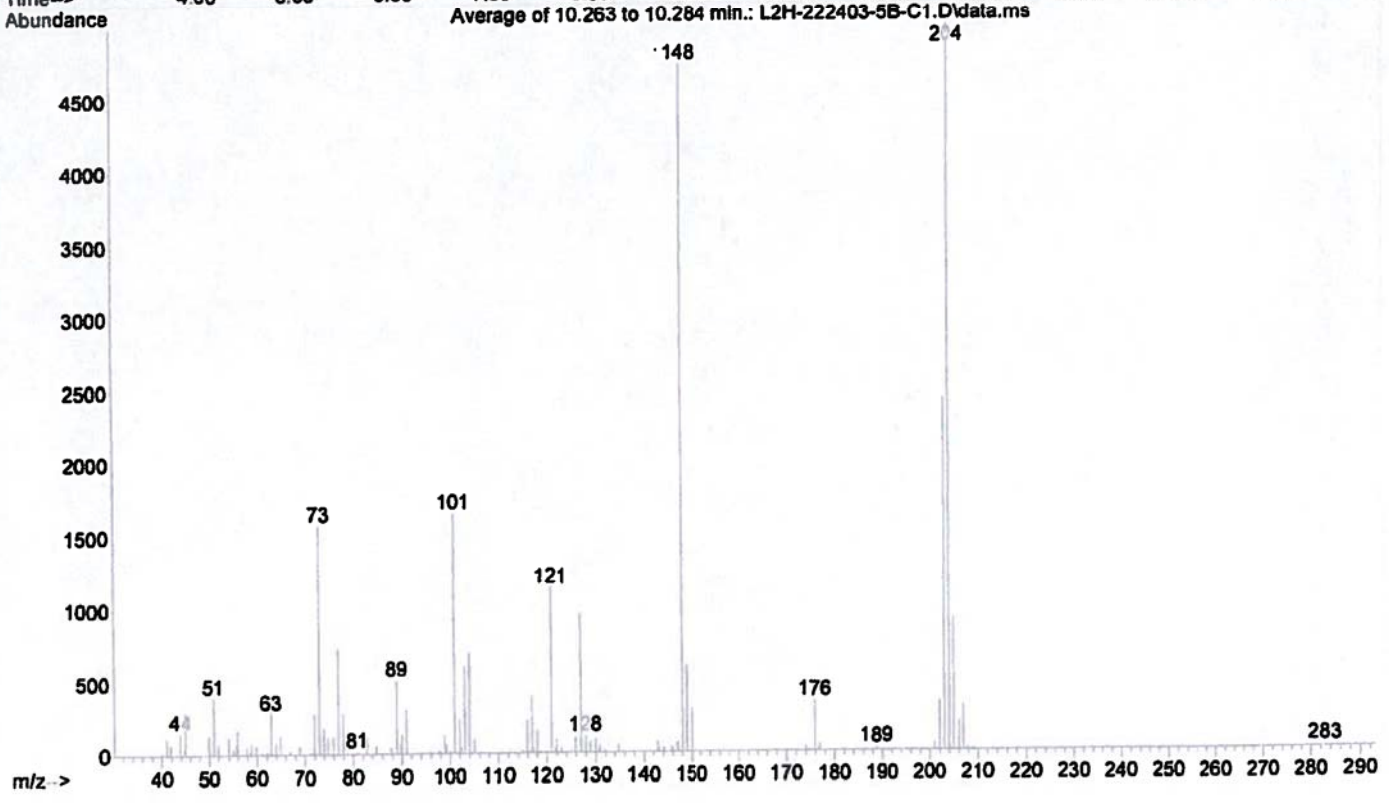
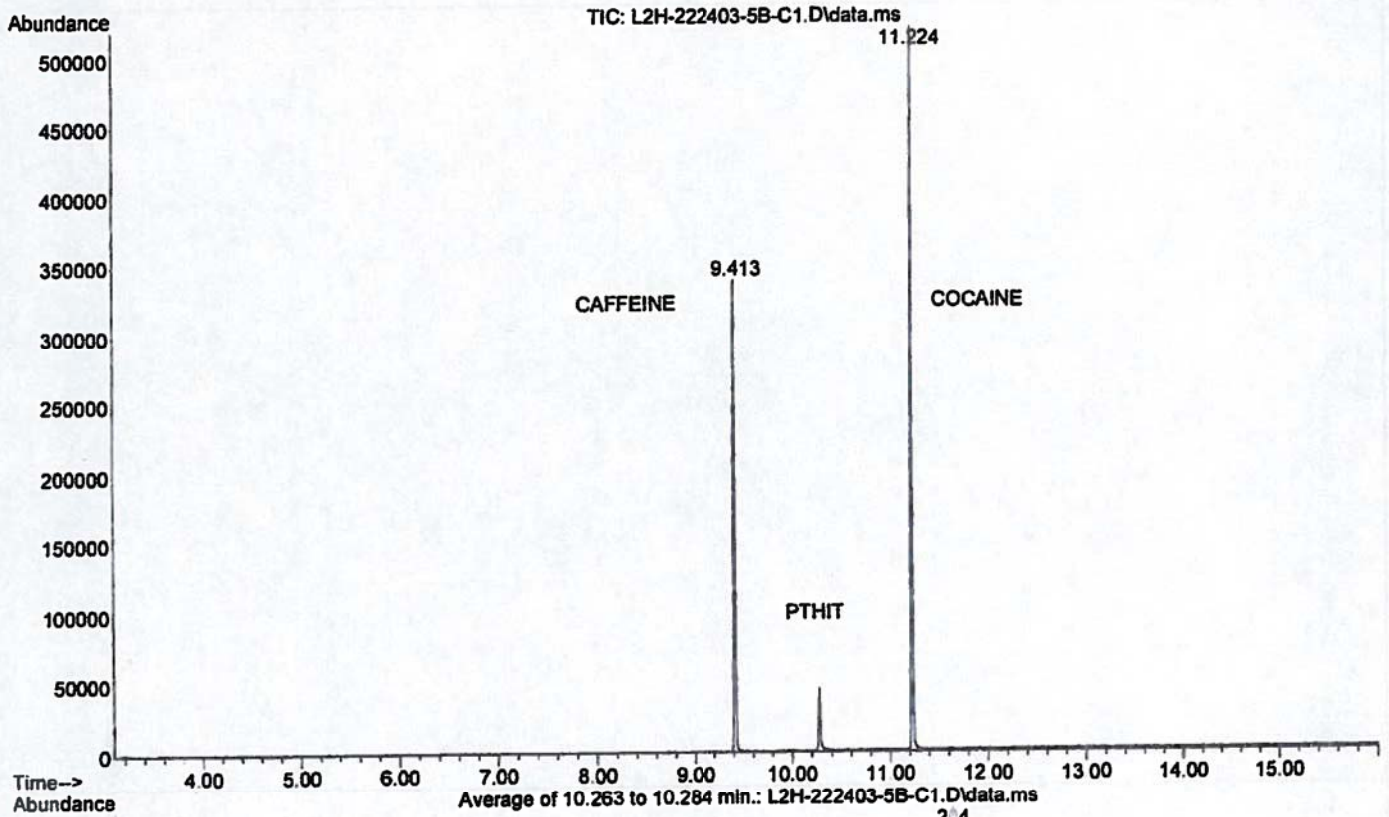
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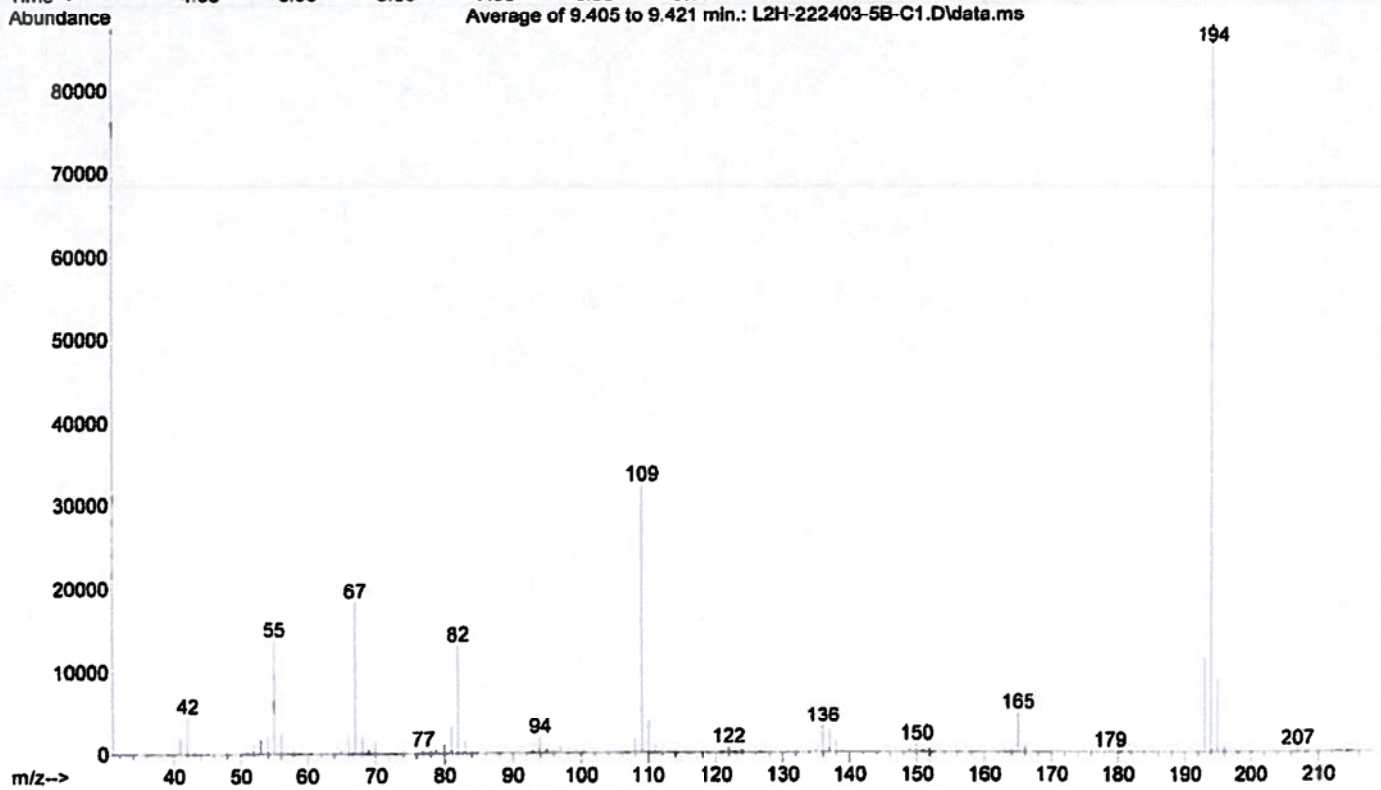
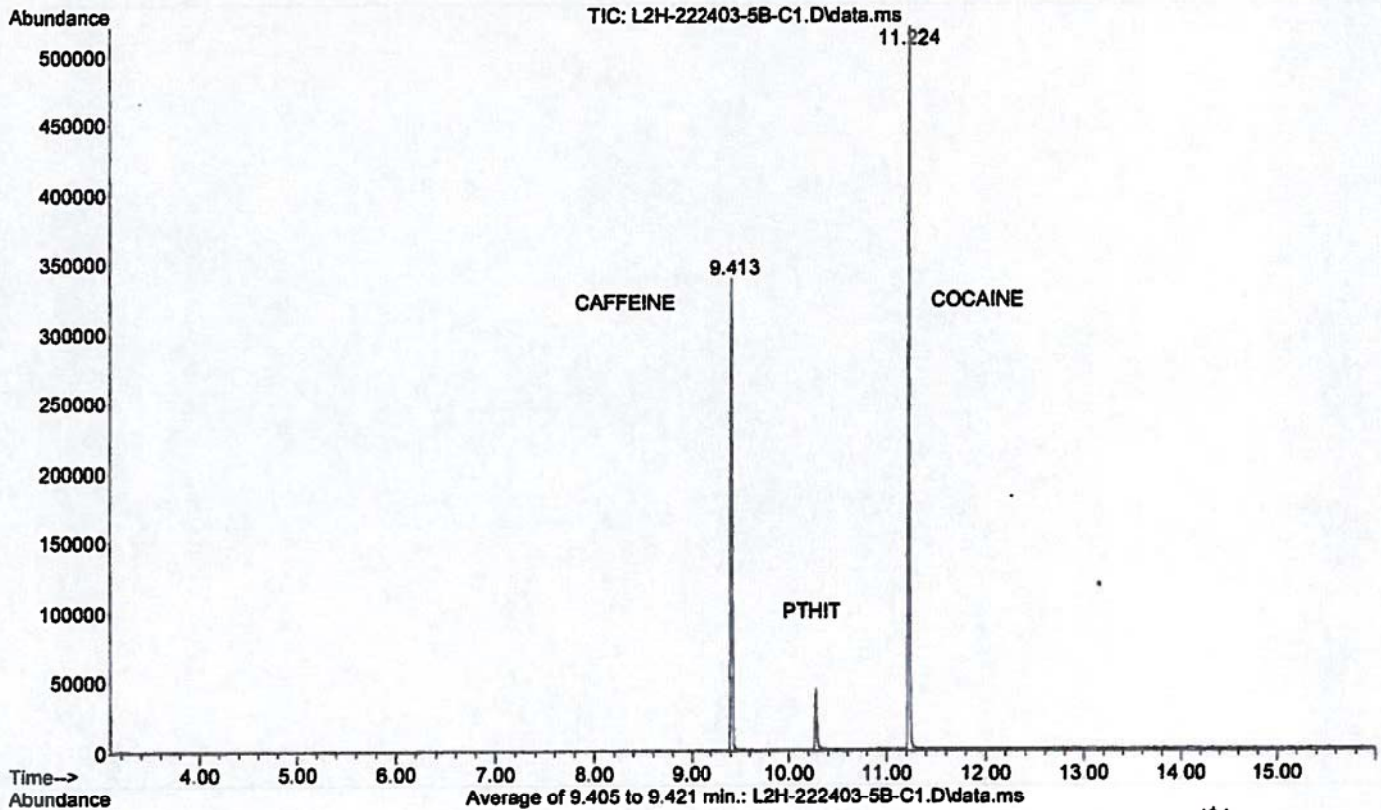
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Sample Name: L2H-222403-5B COMBO  
Misc Info : it:100/2m; rt:20c/m; ft:280c/5m B>CHCl3  
Vial Number: 17



File :D:\1\DATA\2012\012012\L2H-222403-5B-C1.D  
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Misc Info : it:100/2m; rt:20c/m; ft:280c/5m B>CHCl3  
Vial Number: 17

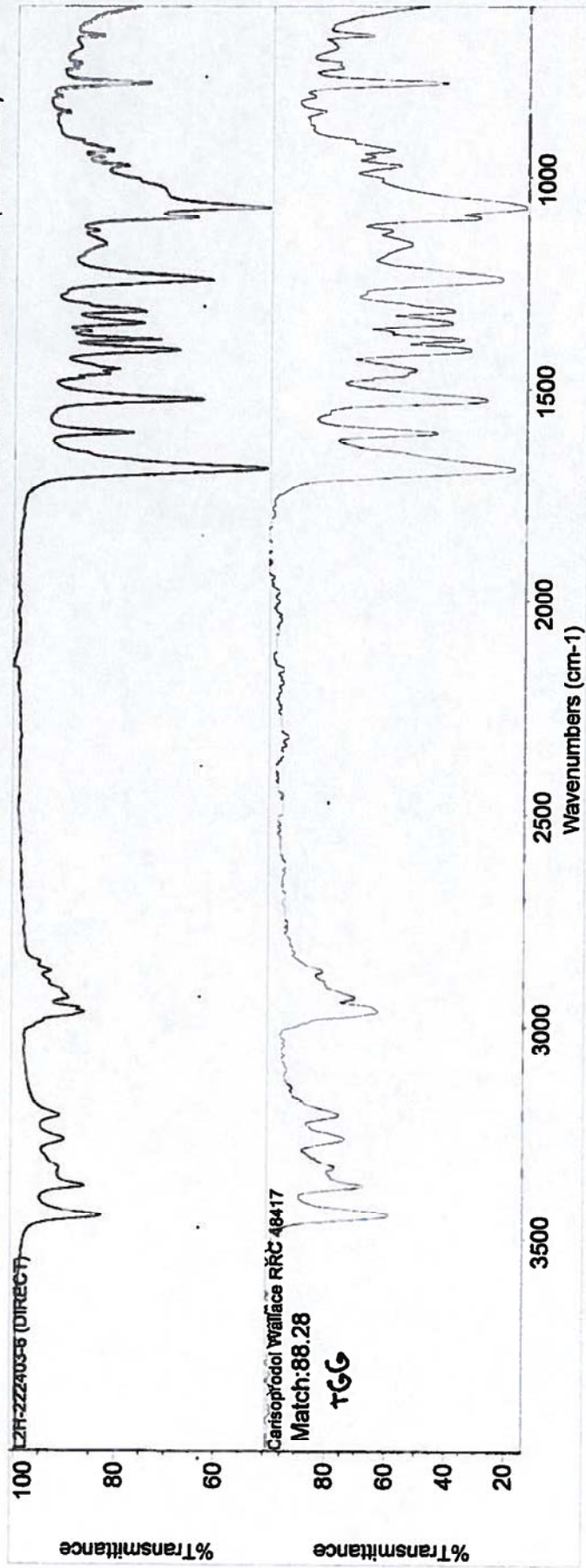


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Instrument : HOGCMS206  
Sample Name: L2H-222403-5B COMBO  
Misc Info : it:100/2m; rt:20c/m; ft:280c/5m B>CHCl3  
Vial Number: 17



L2H-222403-6 (DIRECT)

Collection time: Fri Jan 20 08:23:38 2012 (GMT-06:00)



No peak table for the selected spectrum!

Collect Sample

Background collected on Fri Jan 20 08:22:07 2012 (GMT-06:00)

Final format: %Transmittance

Resolution: 4.000 from 599.7628 to 3999.8376

Validation wheel: 0

Bench Serial Number: AGL1003264

HOFTR203

Jonathan Salvador

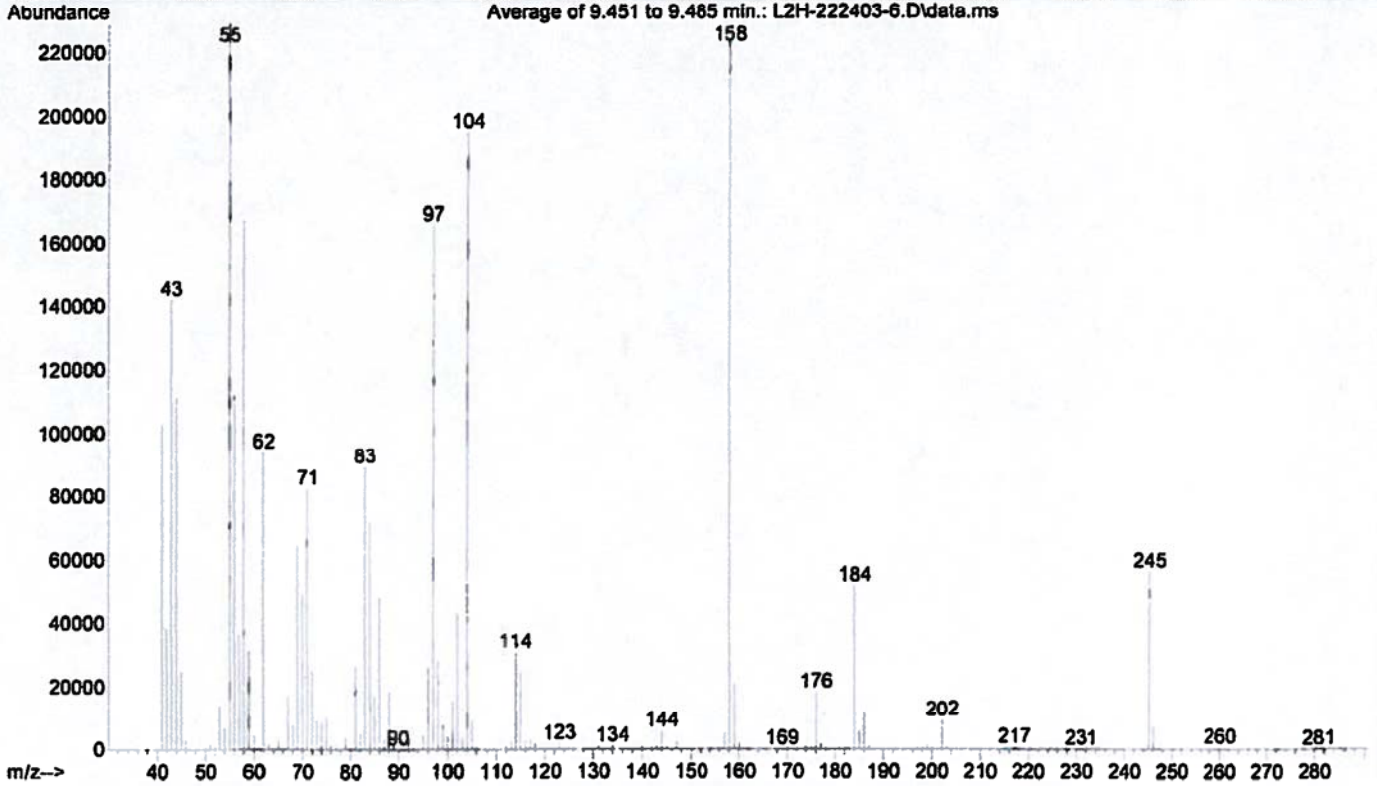
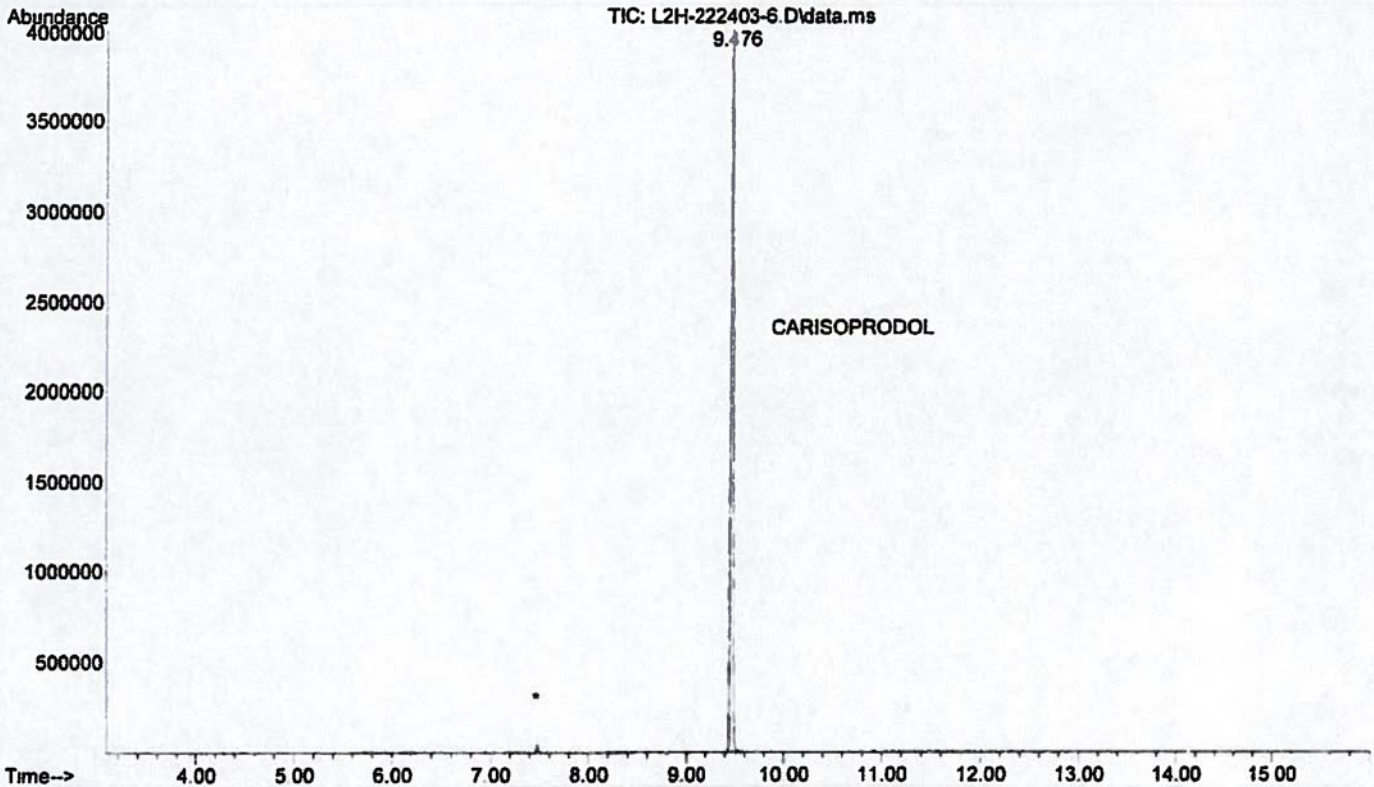
Number of sample scans: 32  
 Number of background scans: 32  
 Resolution: 4.000  
 Sample gain: 1.0  
 Optical velocity: 0.6329  
 Aperture: 100.00

CARISOPRODOL

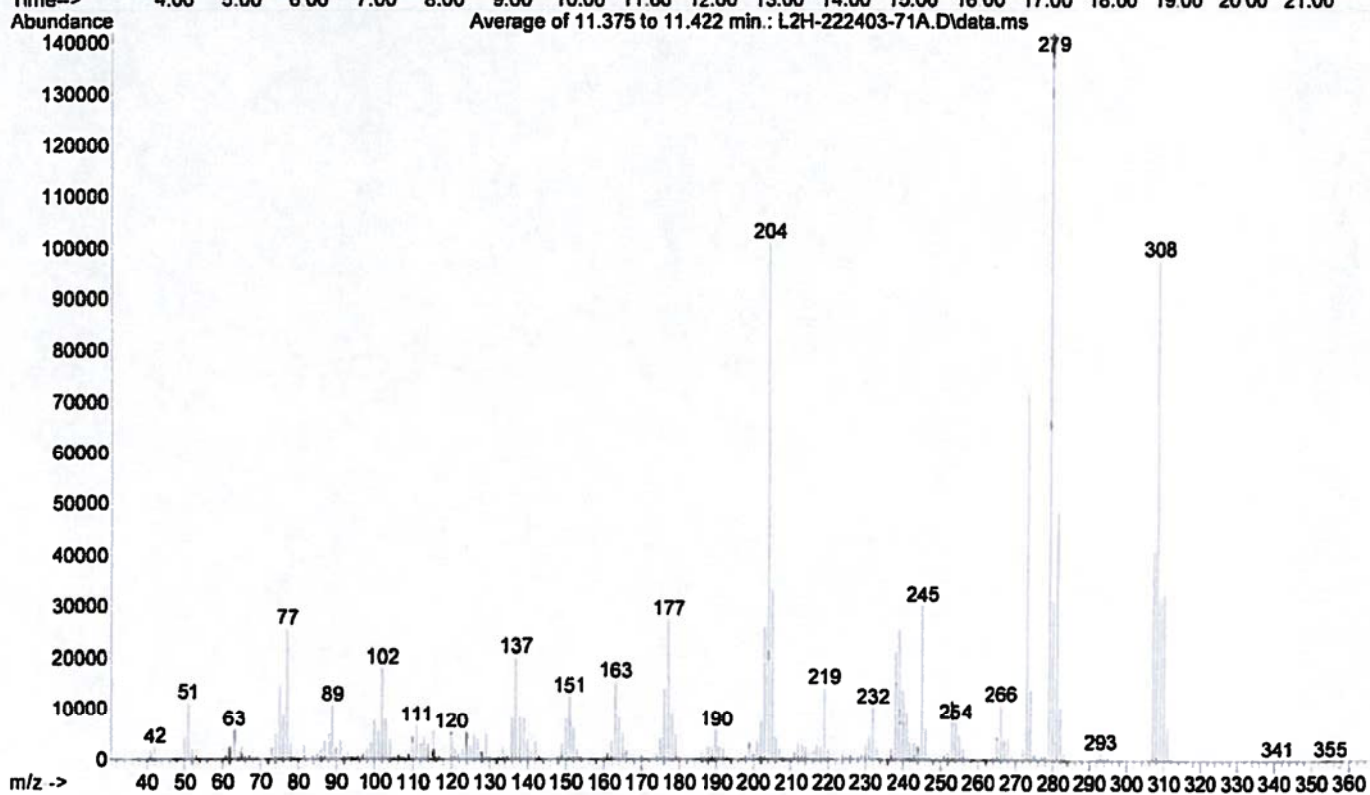
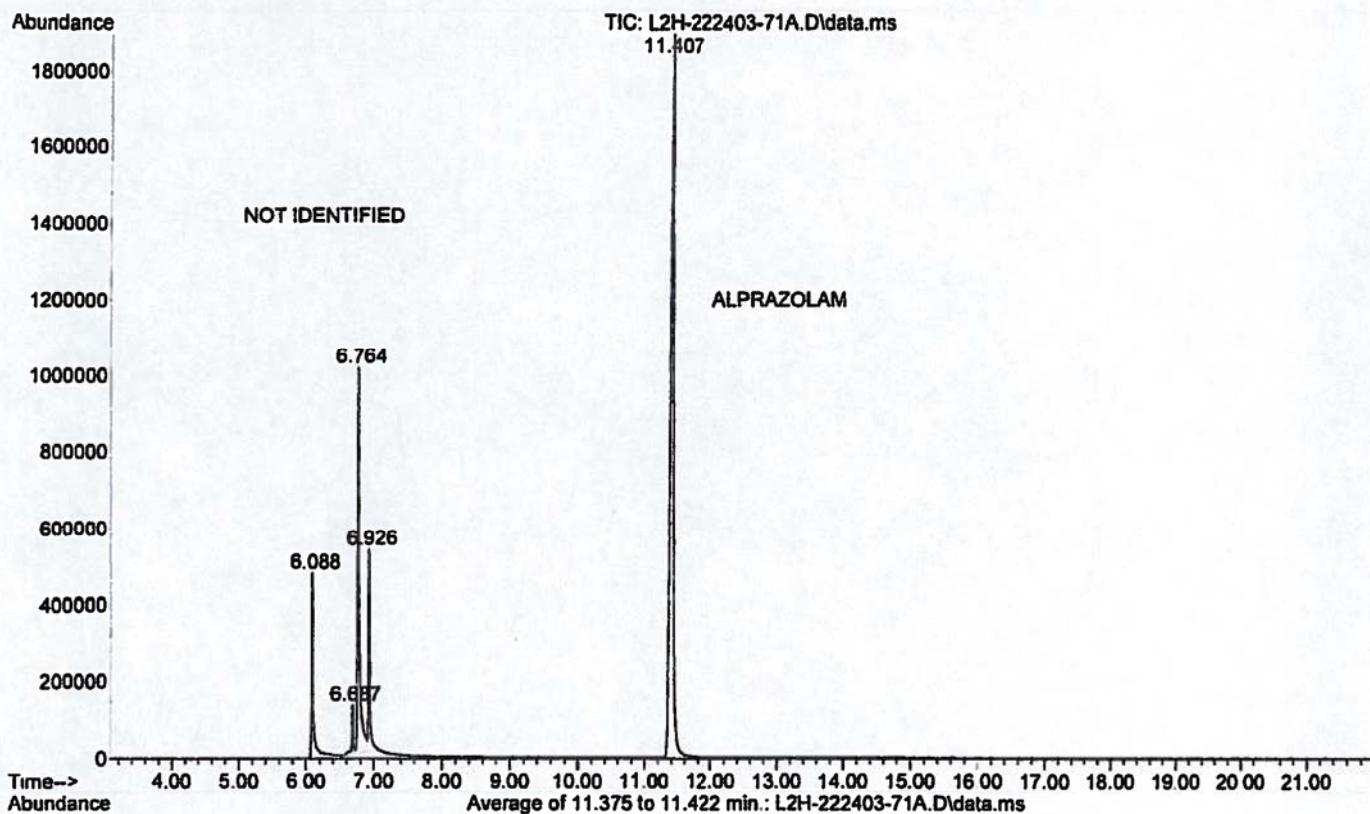


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Vial Number: 20

9

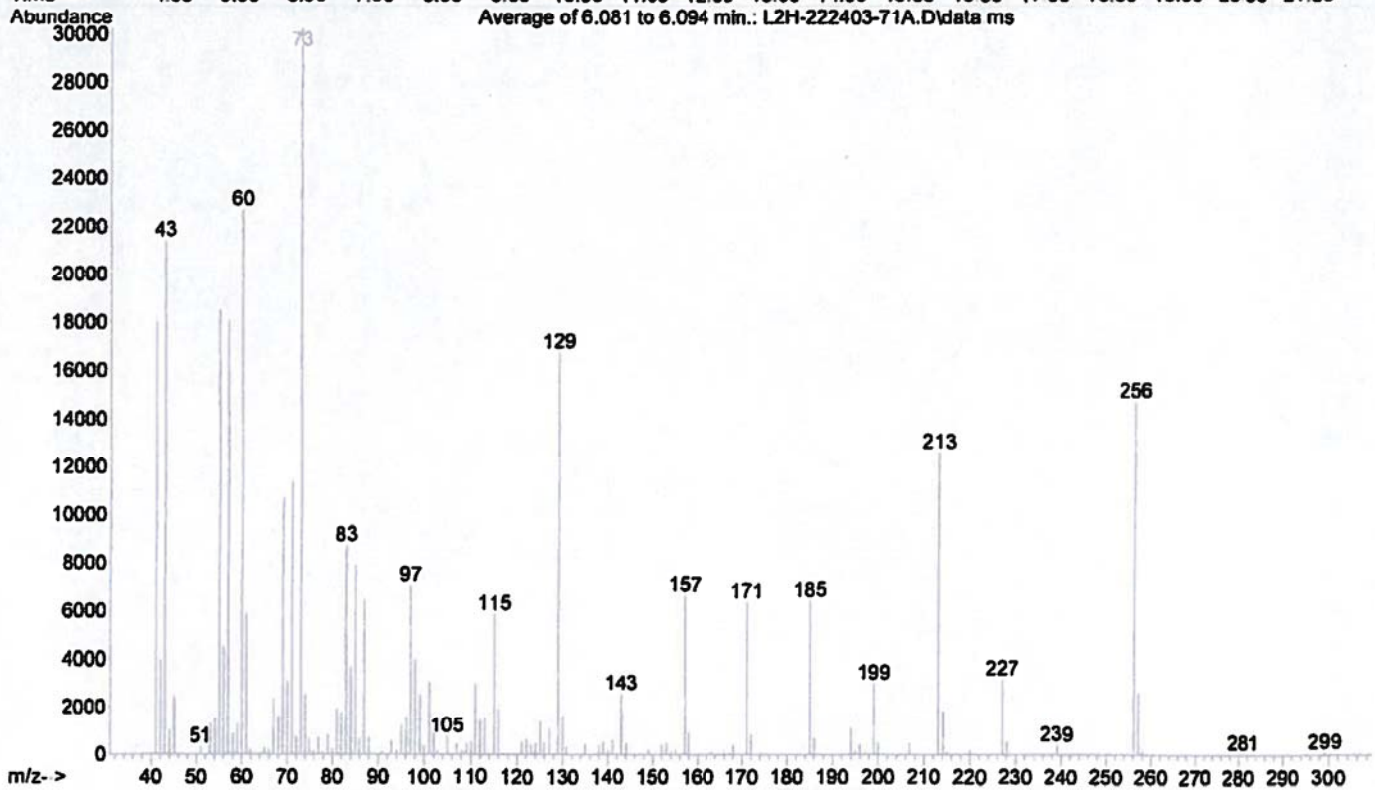
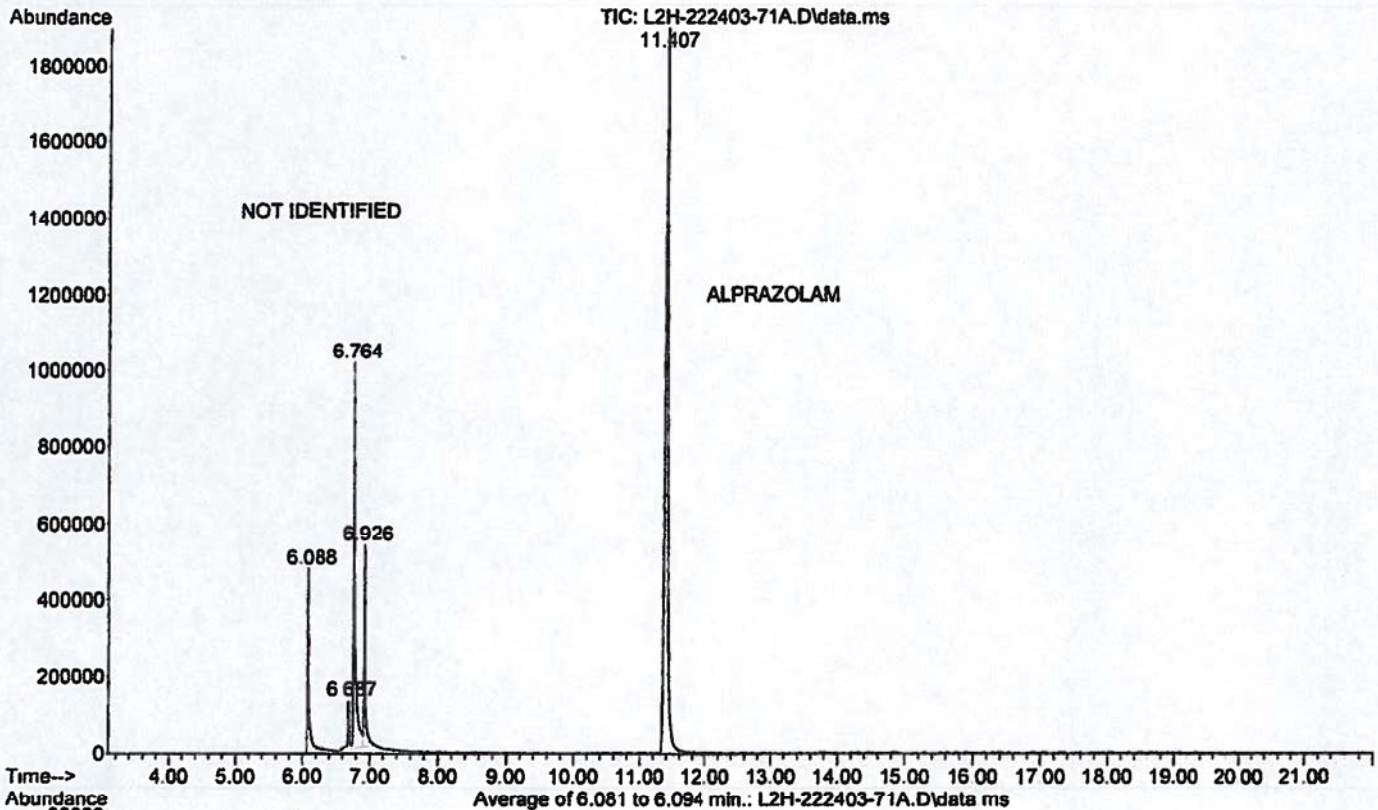


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Instrument : HOGCMS206  
Sample Name: L2H-222403-7.1A  
Misc Info : it:150/2m; rt:20c/m; ft:300c/15m A>CHCl3  
Vial Number: 16



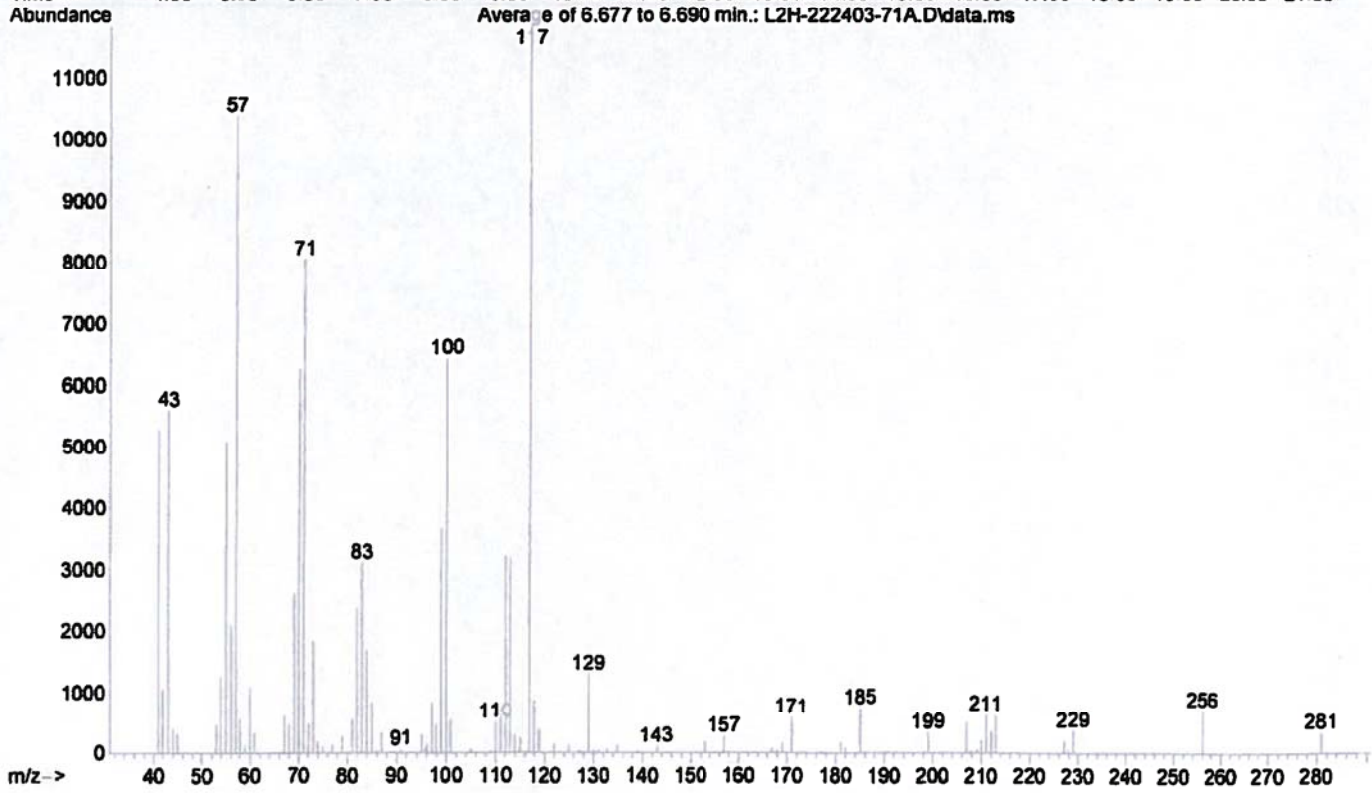
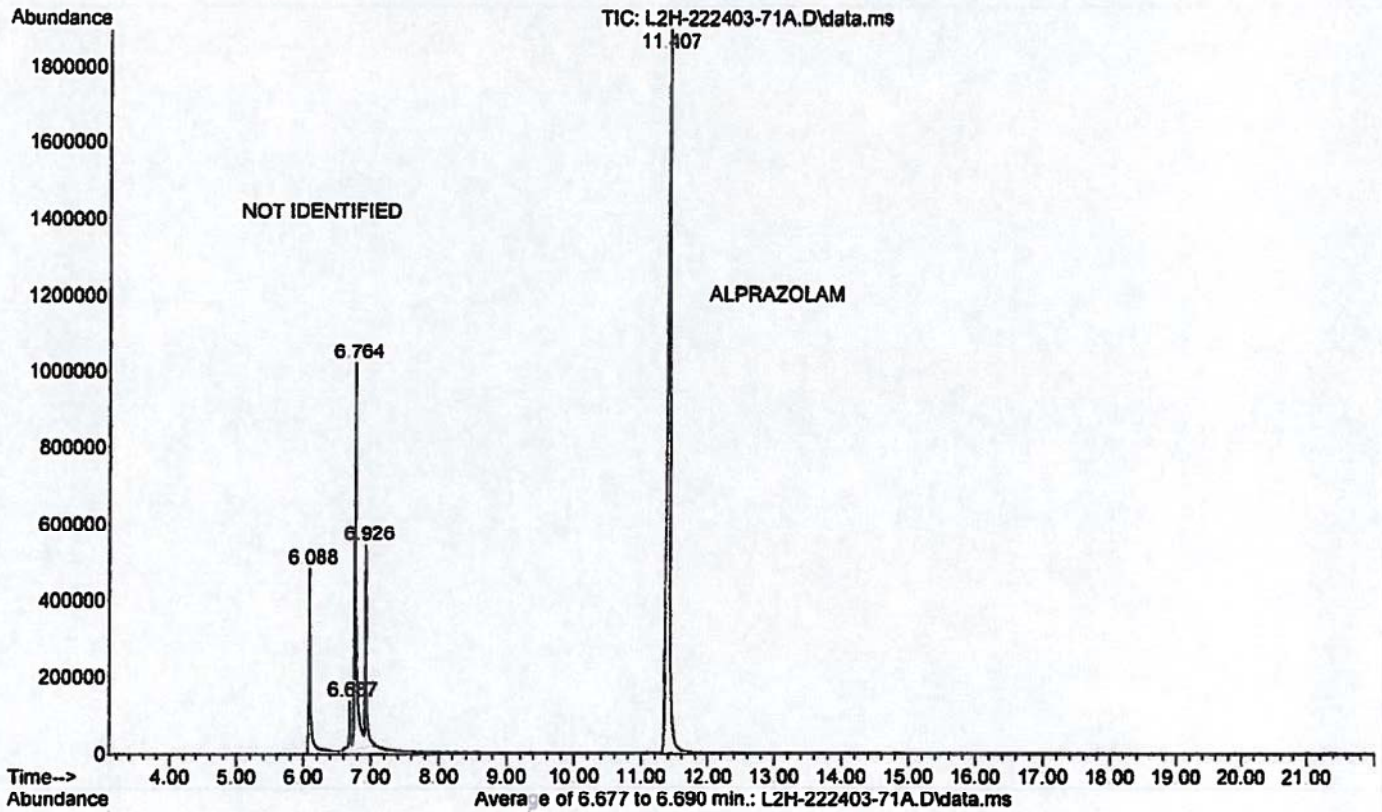
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Instrument : HOGCMS206  
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Misc Info : it:150/2m; rt:20c/m; ft:300c/15m A>CHCl3  
Vial Number: 16

g



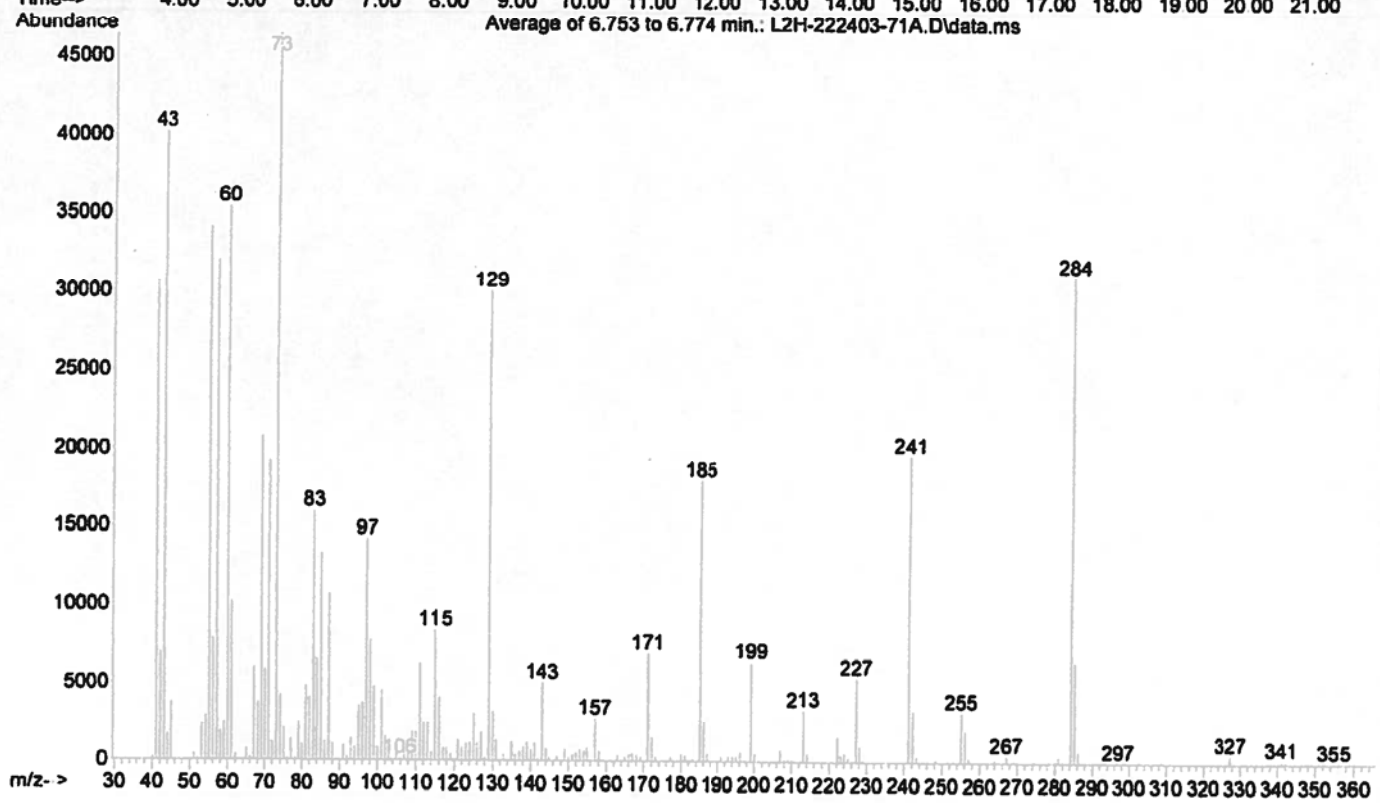
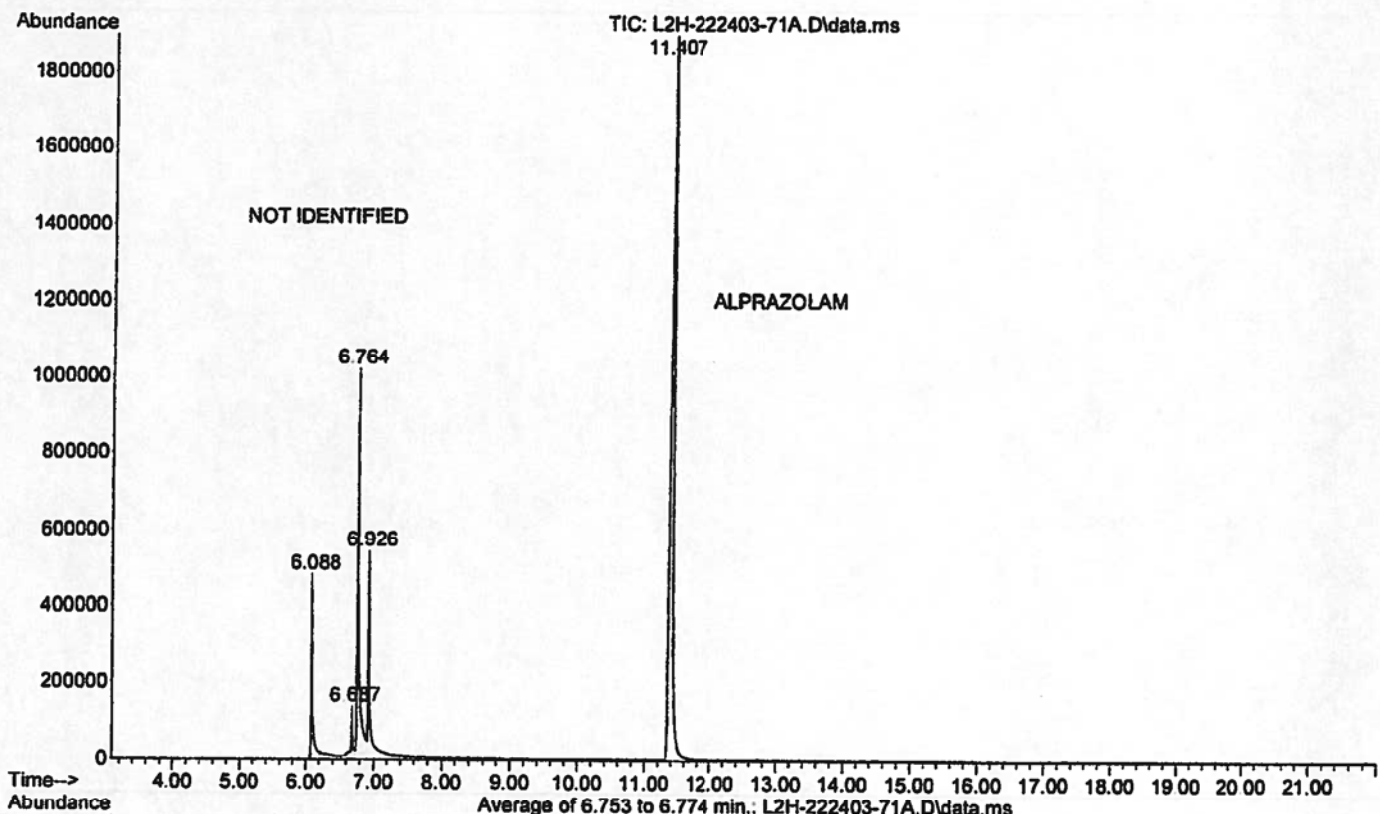
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Instrument : HOGCMS206  
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Vial Number: 16

g



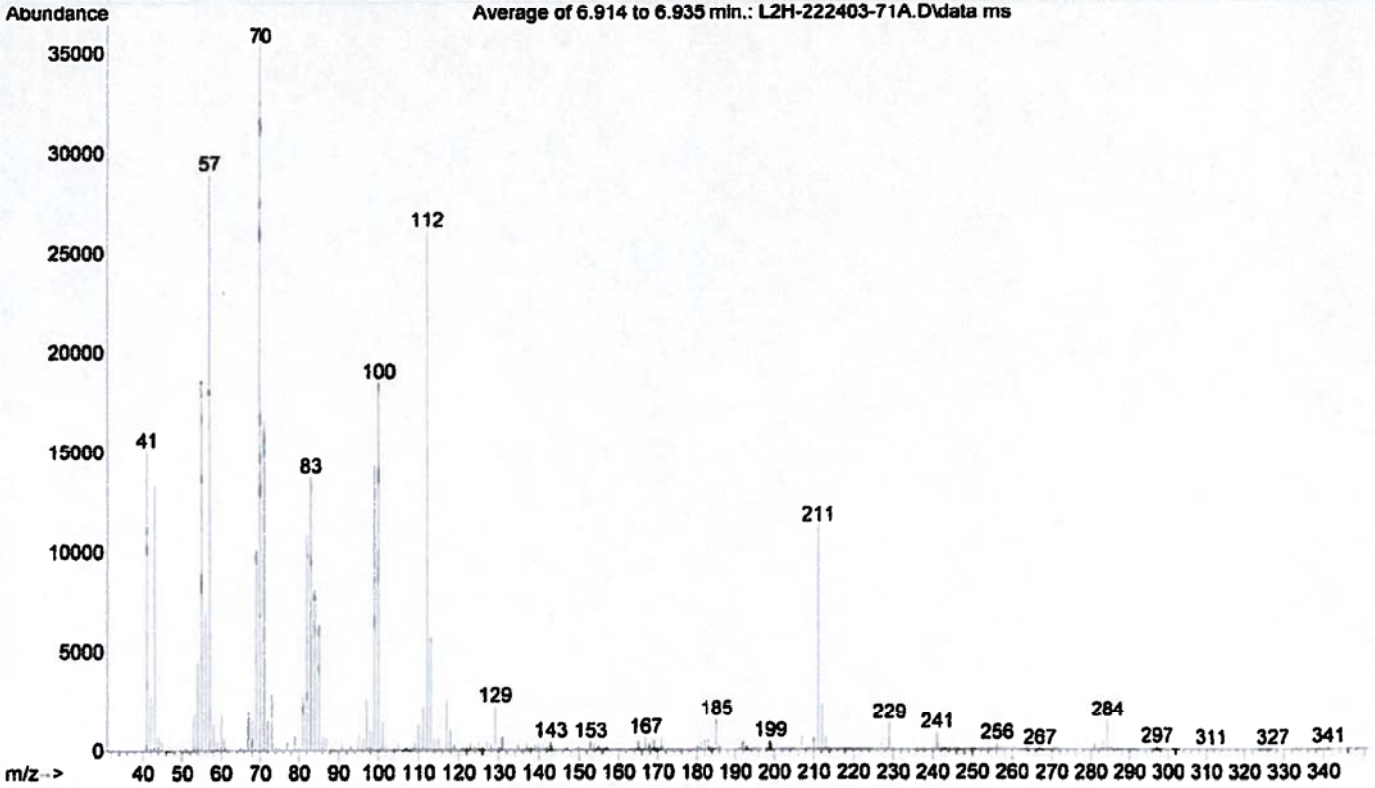
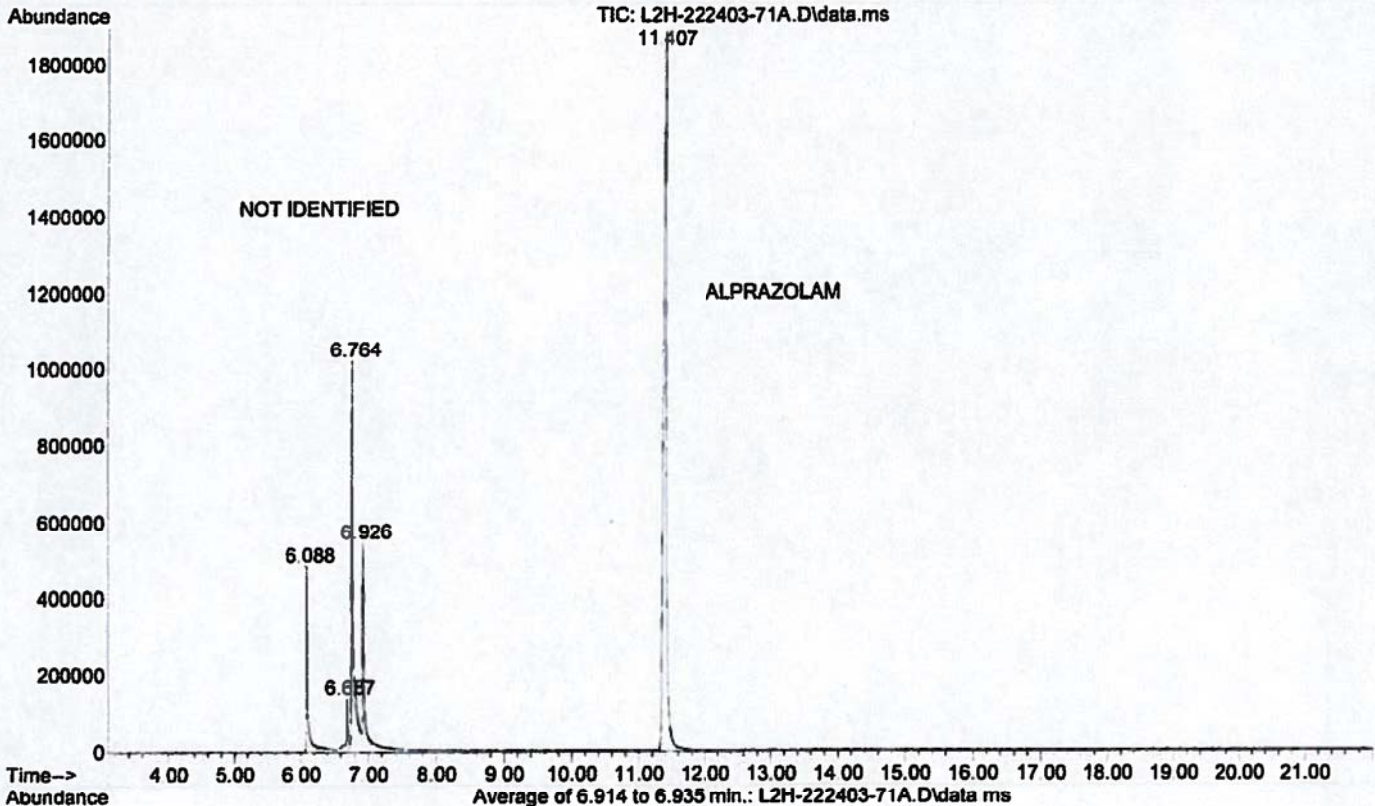
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91



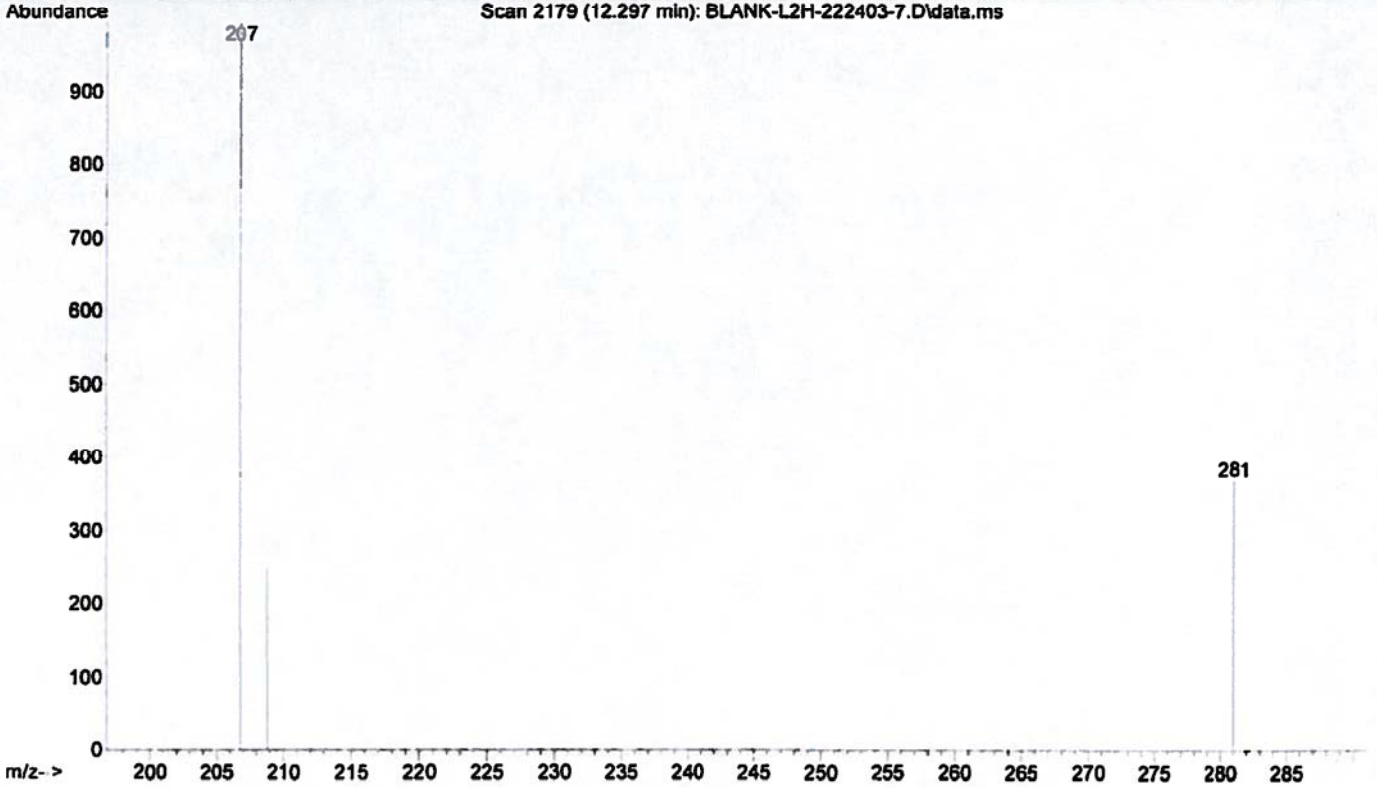
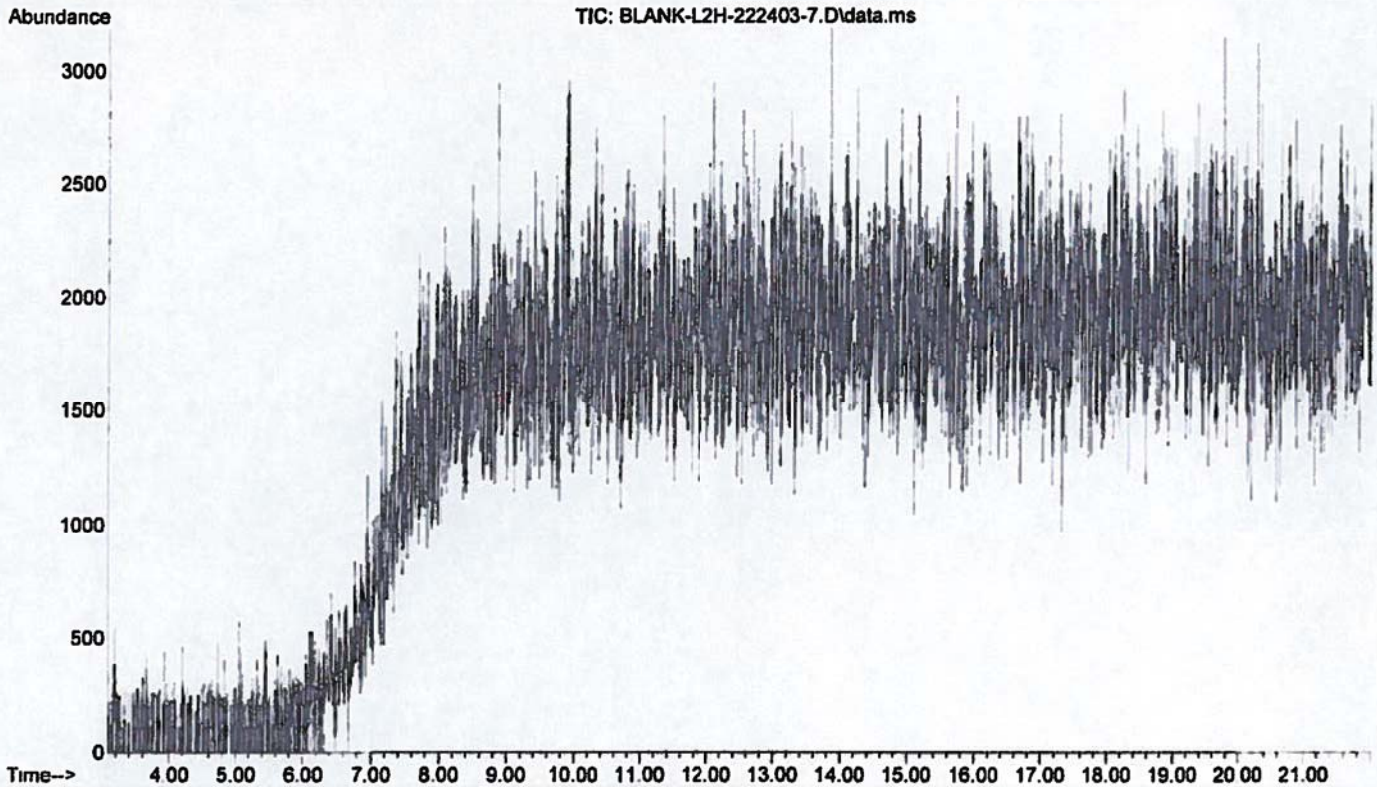
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Instrument : HOGCMS206  
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Vial Number: 16

9

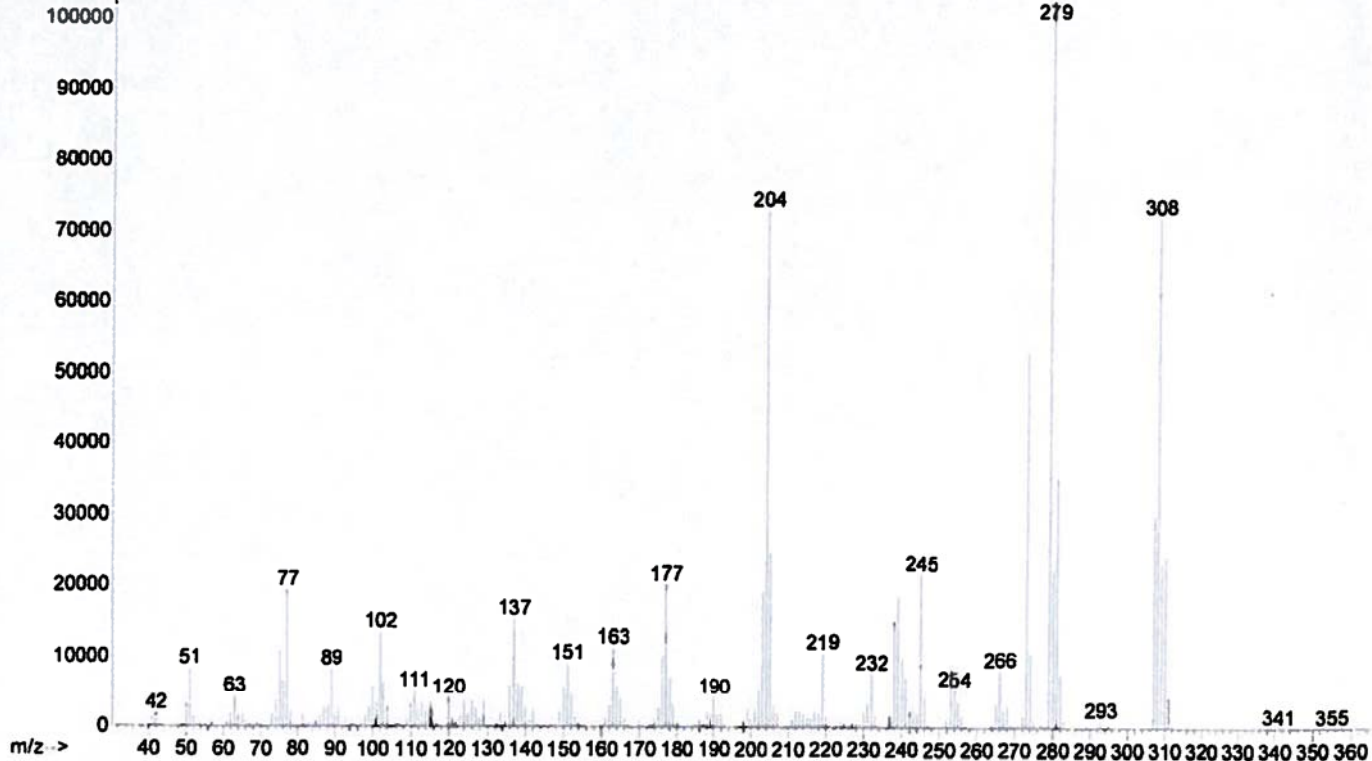
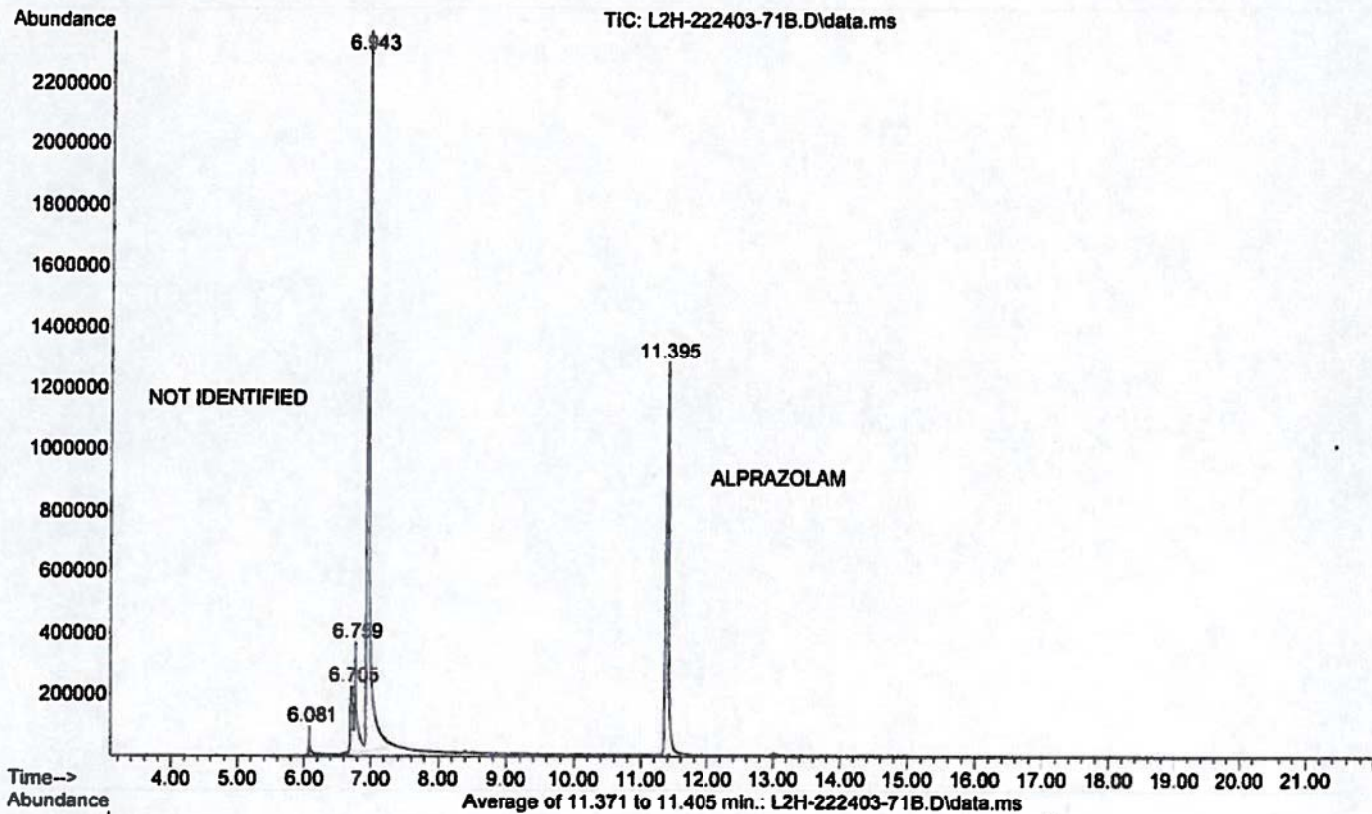


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Instrument : HOGCMS206  
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Vial Number: 23

98

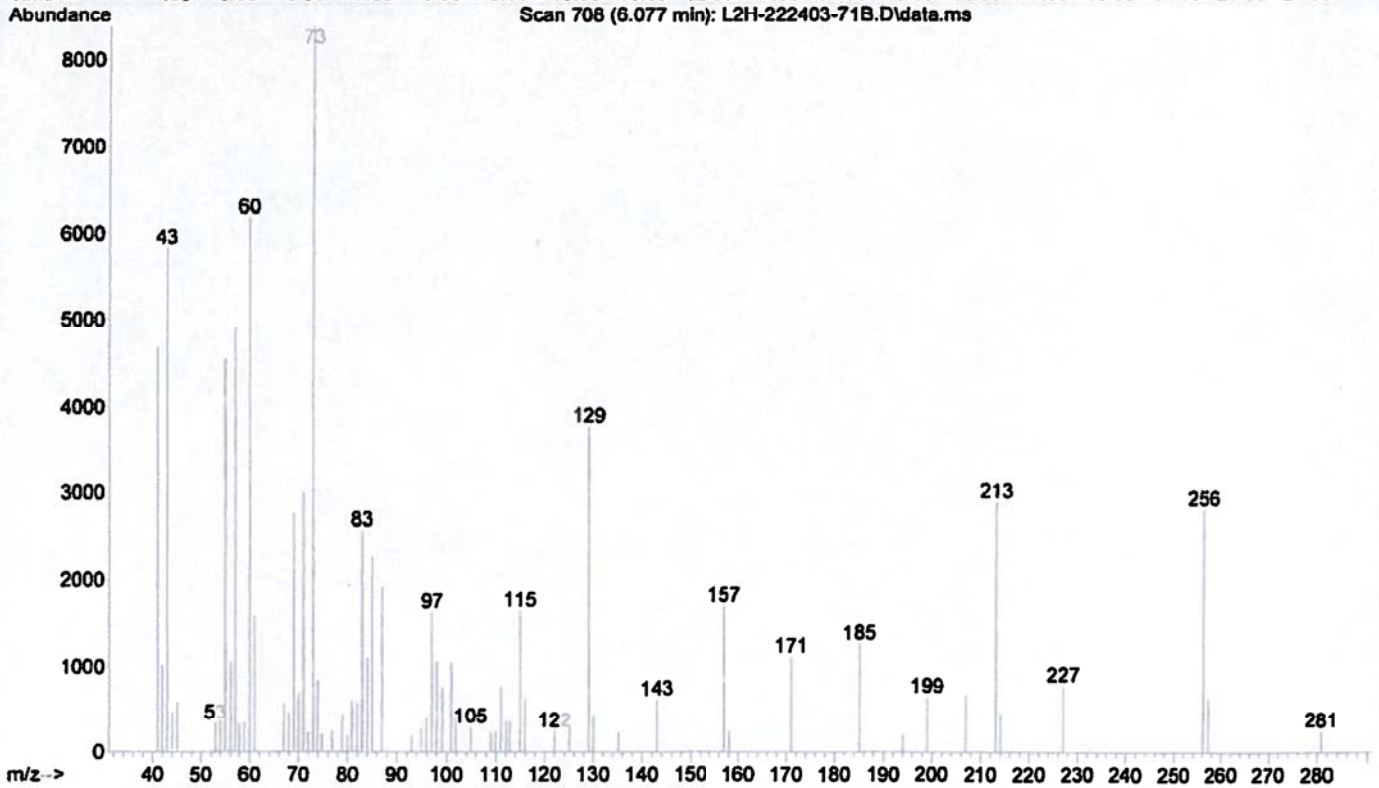
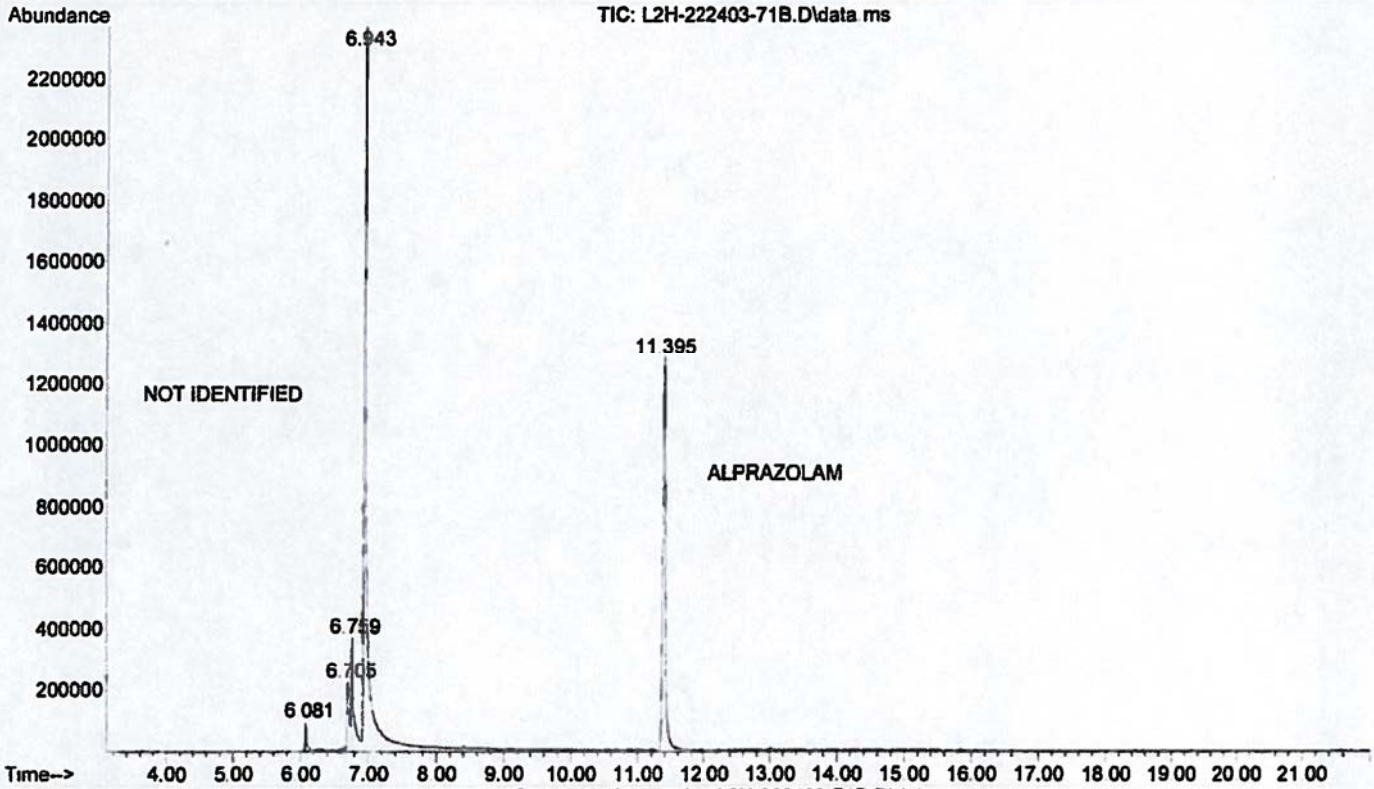


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Acquired : 20 Jan 2012 20:53 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: L2H-222403-7.1B  
Misc Info : it:150/2m; rt:20c/m; ft:300c/15m A>CHCl3  
Vial Number: 18



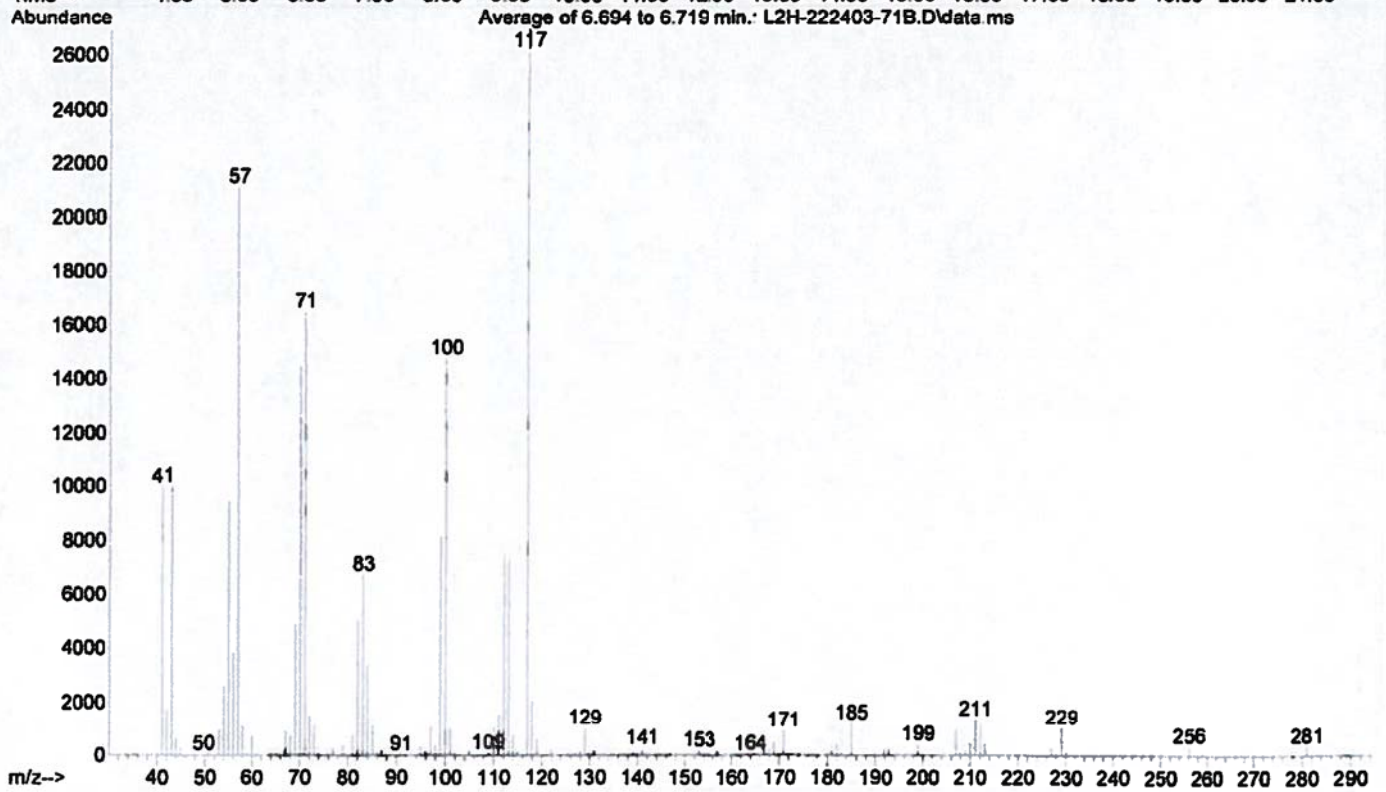
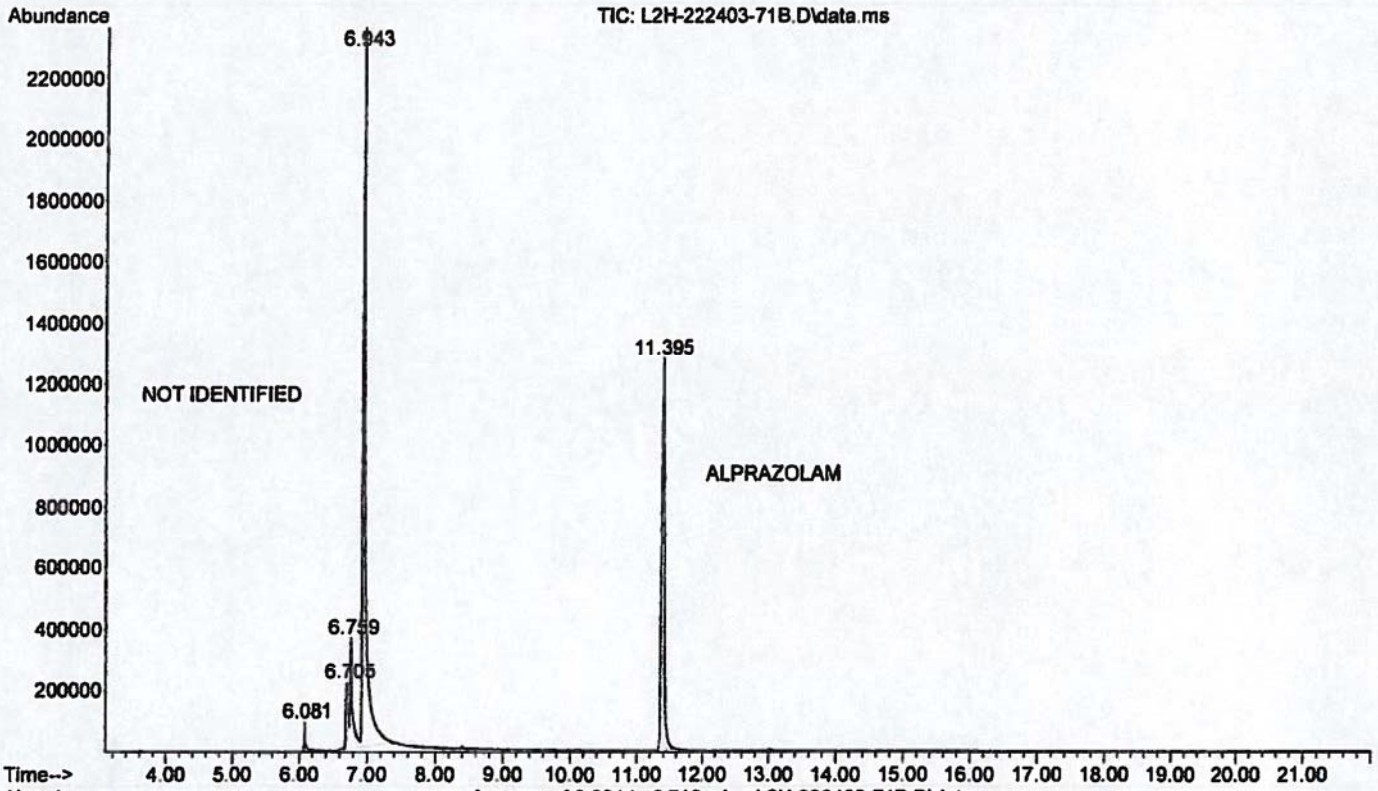


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Instrument : HOGCMS206  
Sample Name: L2H-222403-7.1B  
Misc Info : it:150/2m; rt:20c/m; ft:300c/15m A>CHCl3  
Vial Number: 18



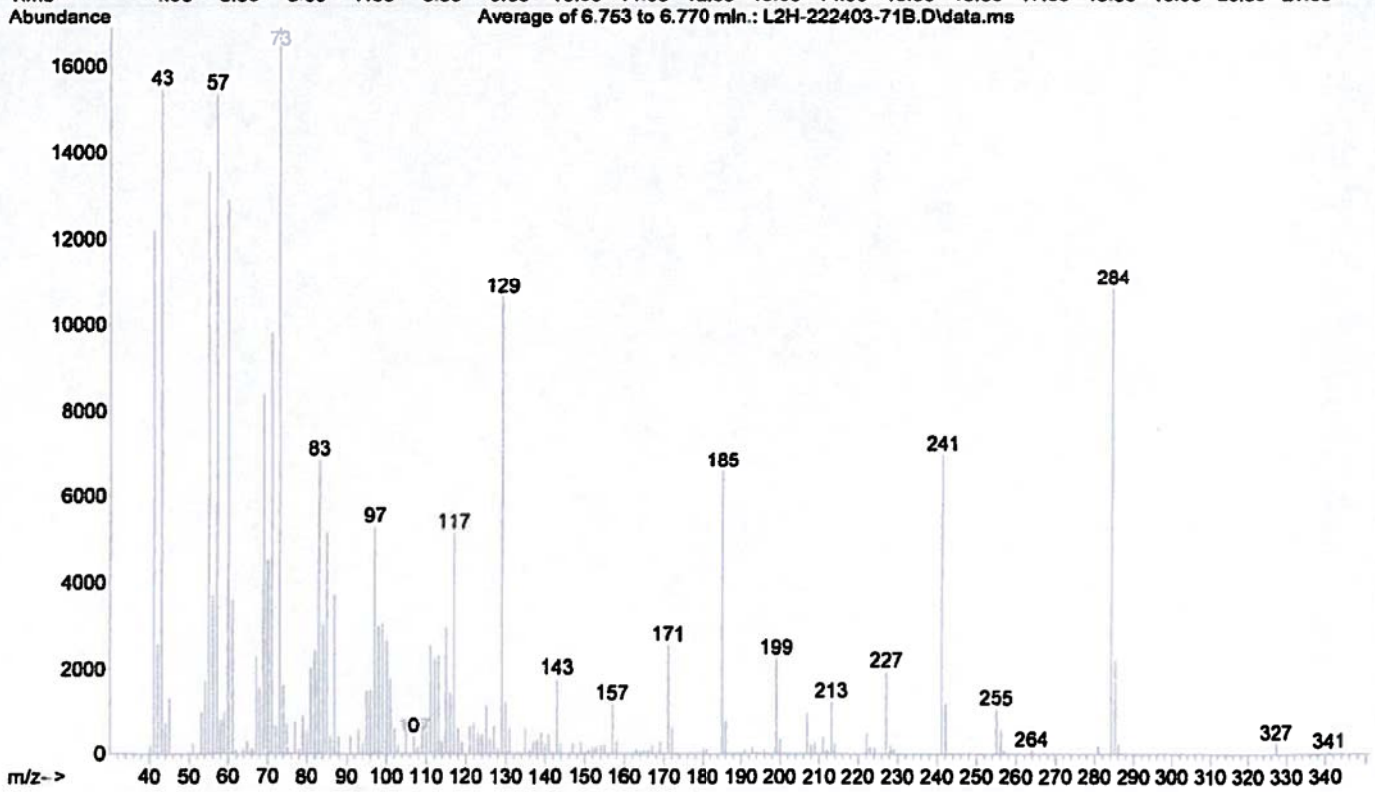
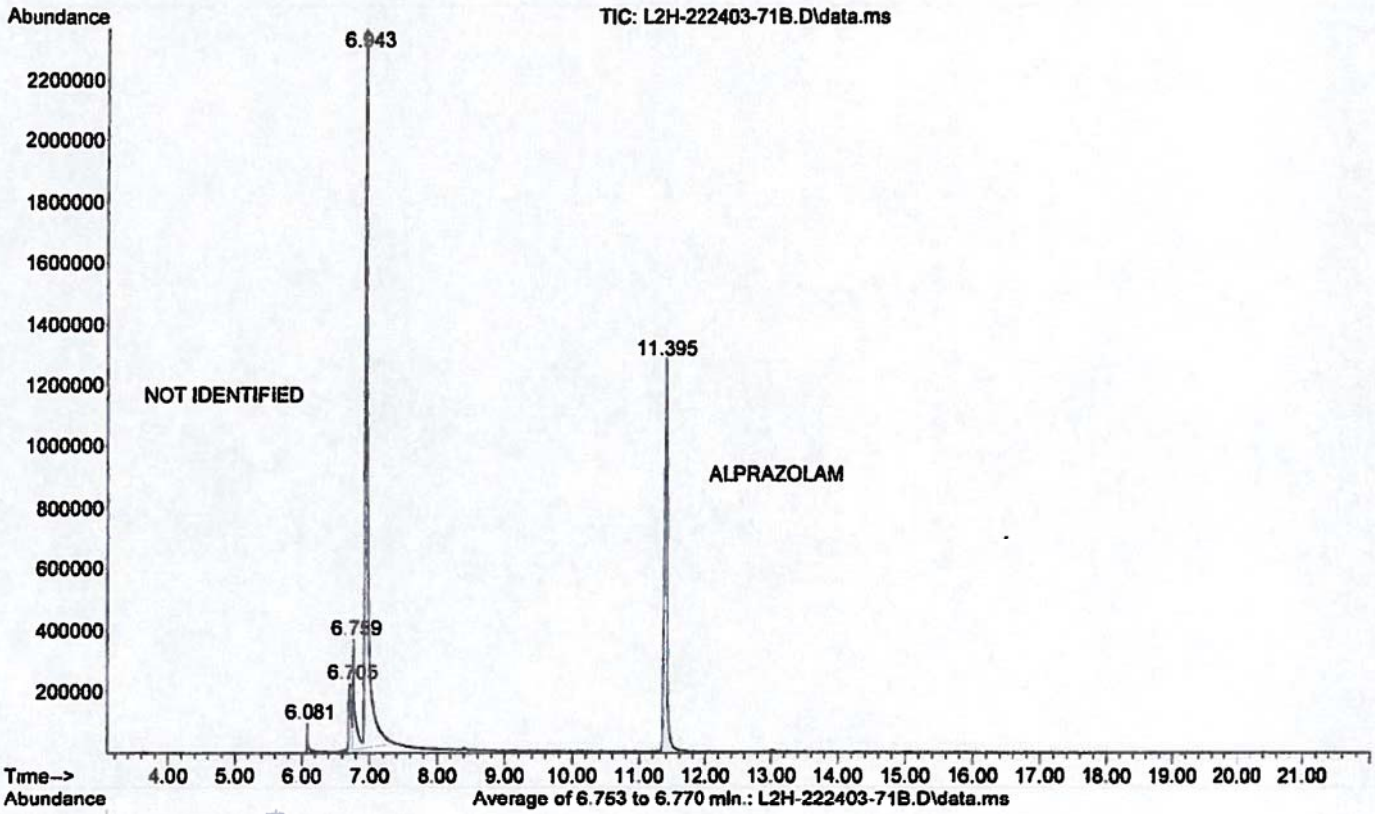
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Instrument : HOGCMS206  
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Vial Number: 18

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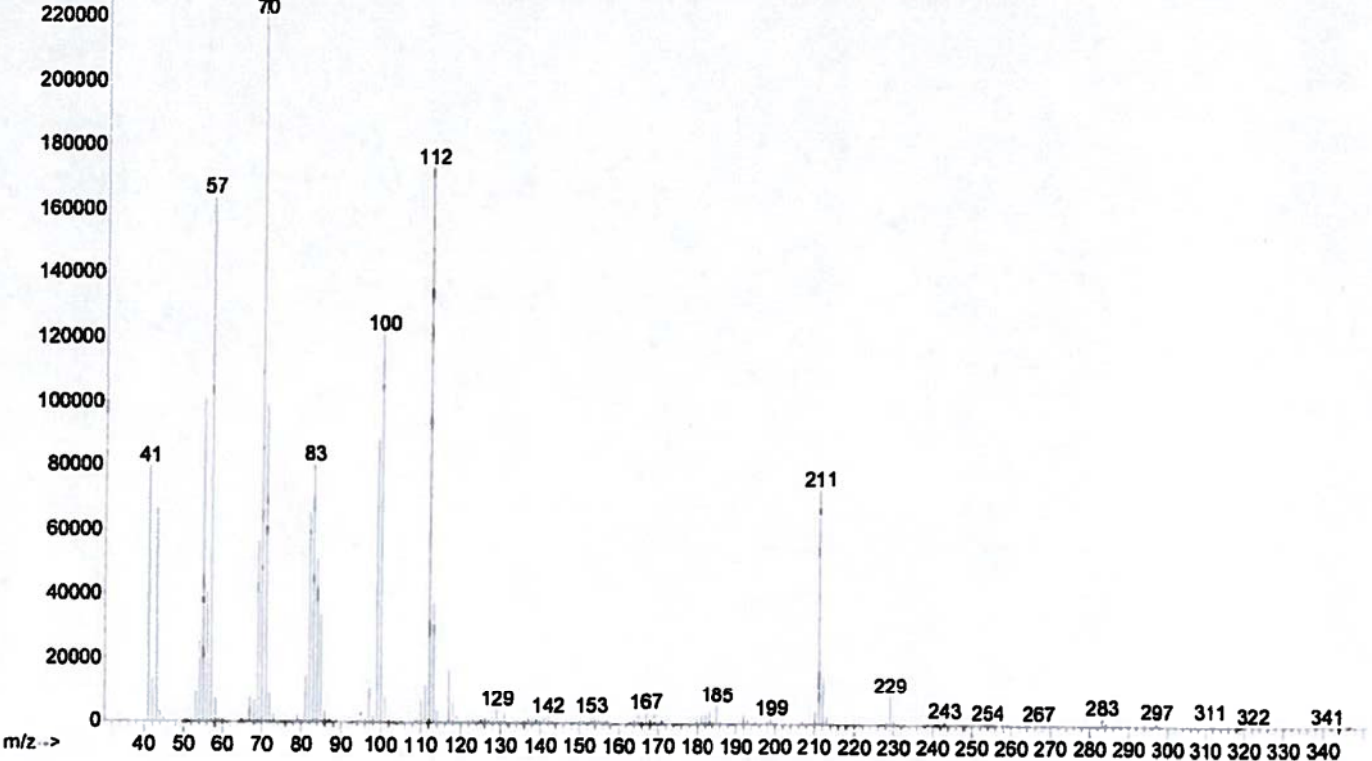
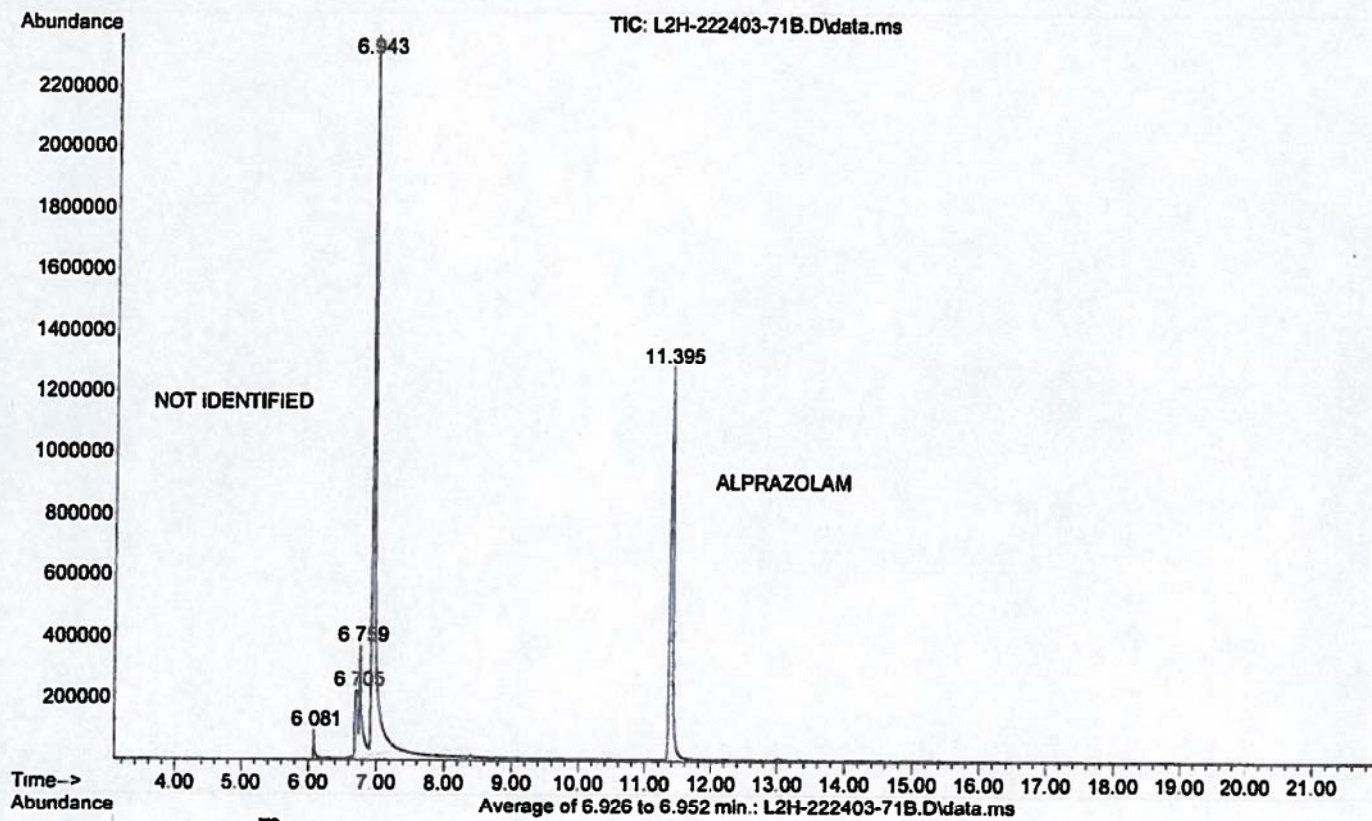


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Instrument : HOGCMS206  
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Misc Info : it:150/2m; rt:20c/m; ft:300c/15m A>CHCl3  
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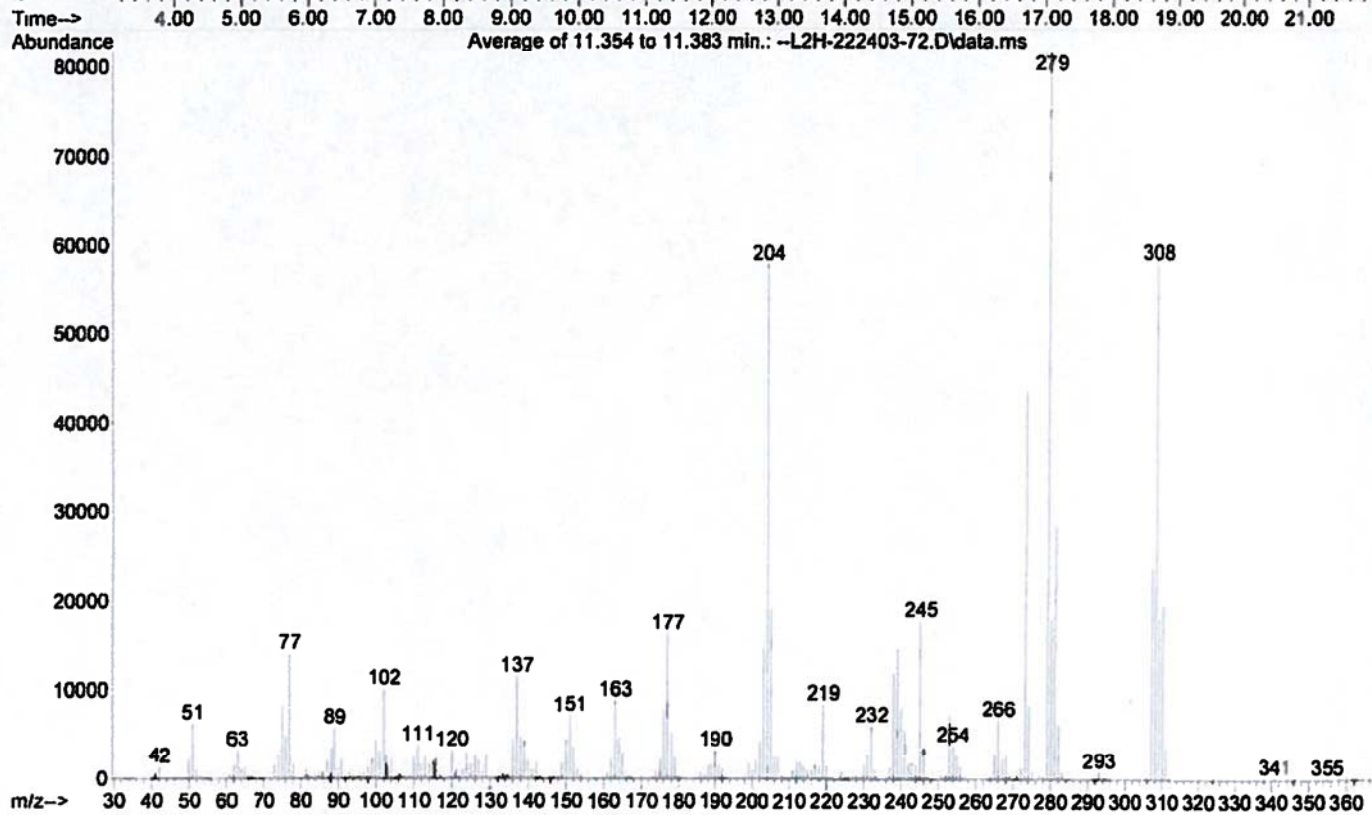
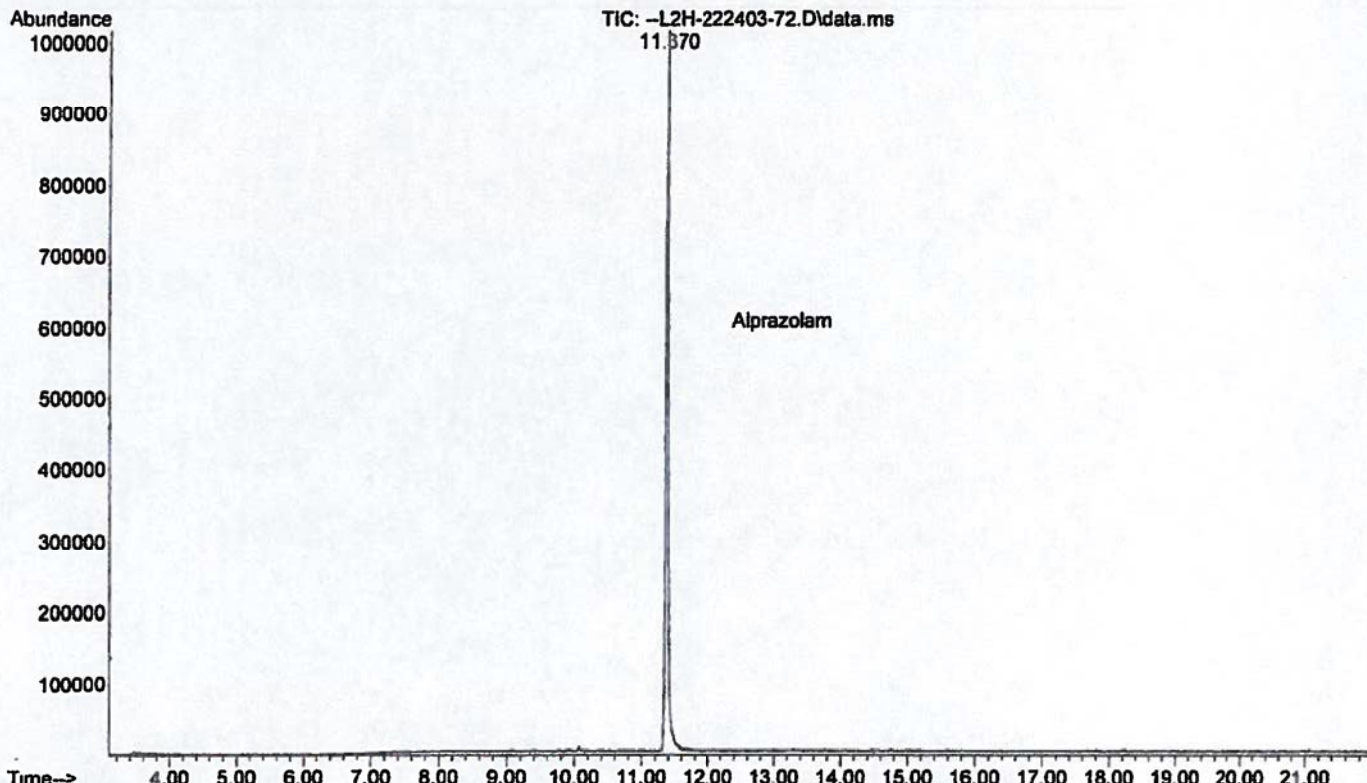
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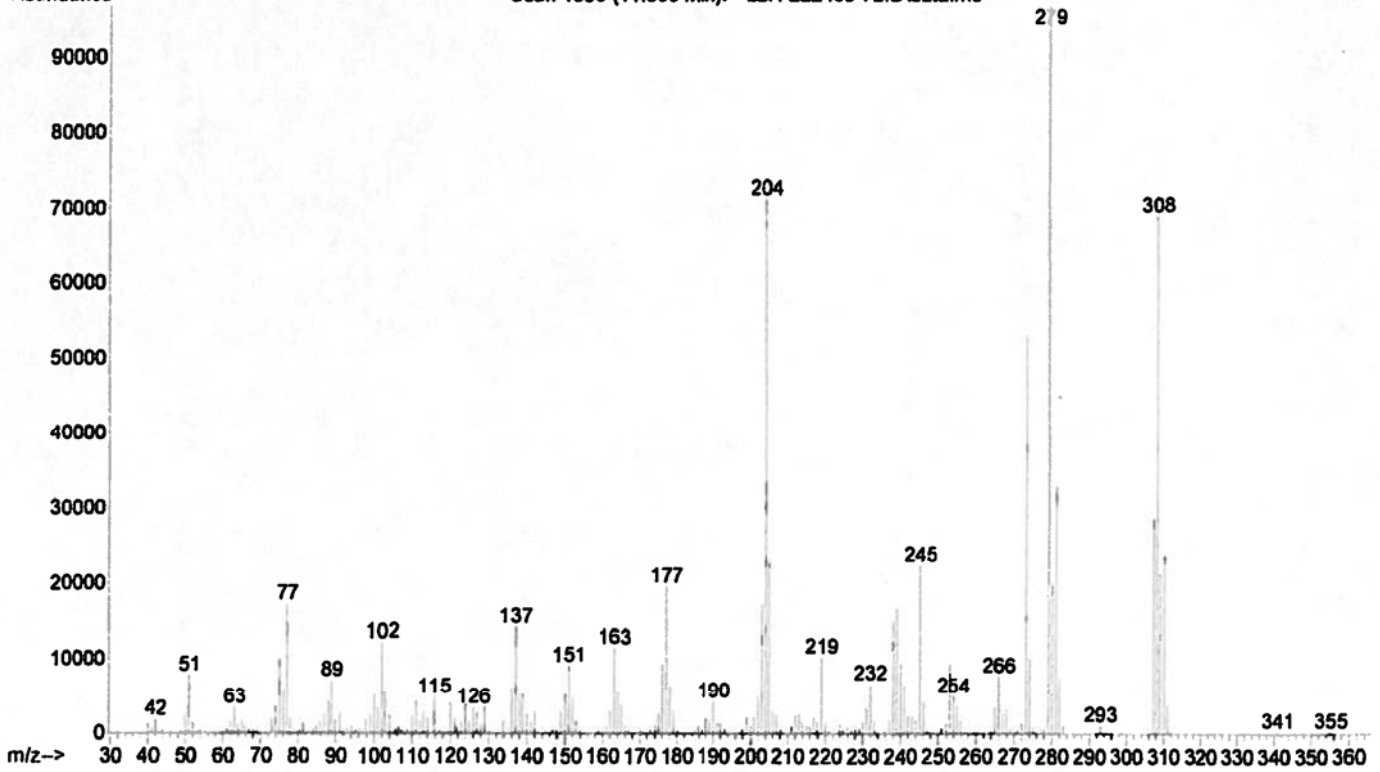
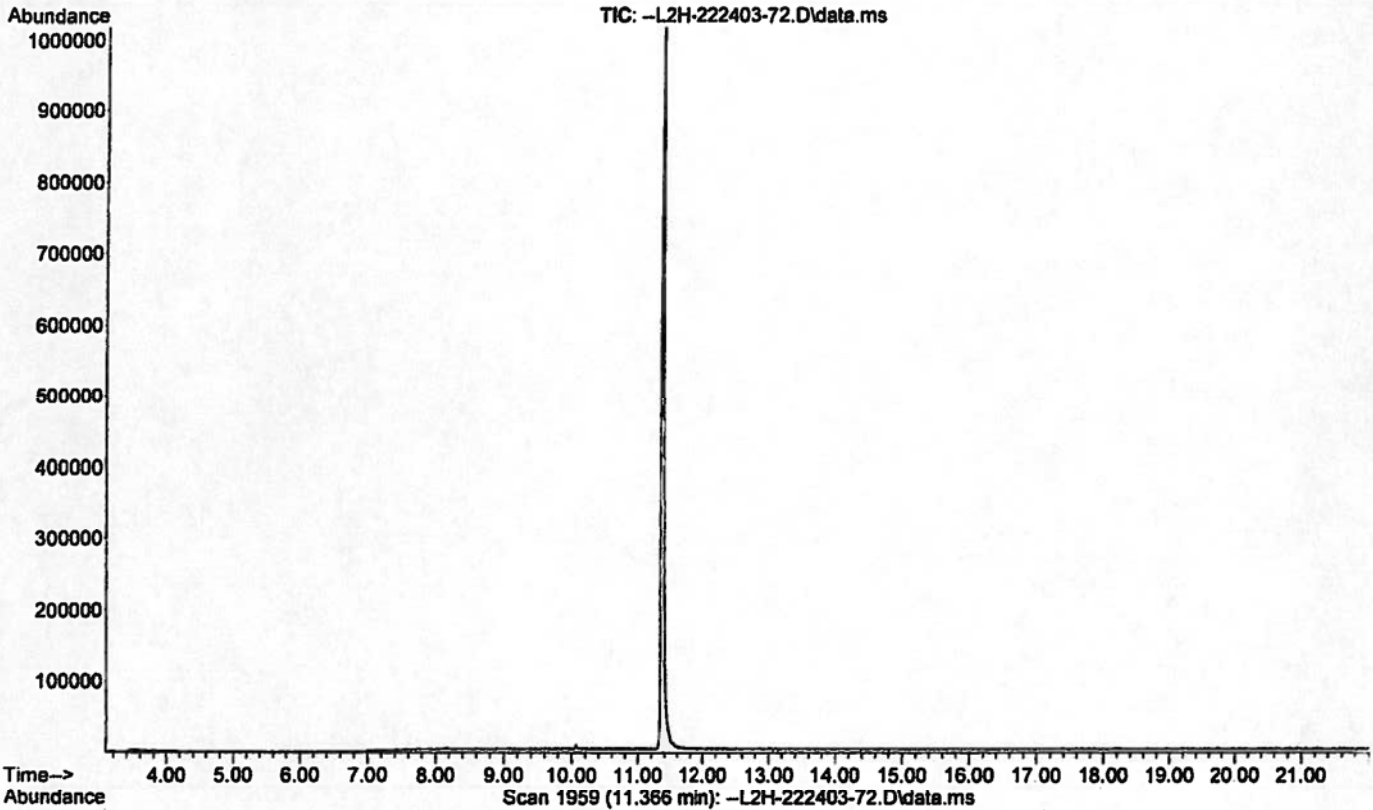
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Instrument : HOGCMS206  
Sample Name: L2H-222403-7.1B  
Misc Info : it:150/2m; rt:20c/m; ft:300c/15m A>CHCl3  
Vial Number: 18



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Operator : MR 40-400, inj 250, det 280  
Acquired : 25 Jan 2012 16:46 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: L2H-222403 EX# 7.2  
Misc Info : it:150/2m; rt:30c/m; ft:280c/15m A>CHCl3  
Vial Number: 18



File :D:\1\DATA\2012\012512\--L2H-222403-72.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 25 Jan 2012 16:46 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: L2H-222403 EX# 7.2  
Misc Info : it:150/2m; rt:30c/m; ft:280c/15m A>CHCl3  
Vial Number: 18



# TEXAS DEPARTMENT OF PUBLIC SAFETY



STEVEN C. McCRAW  
DIRECTOR  
DAVID G. BAKER  
CHERYL MacBRIDE  
DEPUTY DIRECTORS

REGIONAL CRIME LABORATORY  
12230 WEST ROAD  
HOUSTON, TEXAS 77065-4523  
Voice 281-517-1380 Fax 281-517-1395



COMMISSION  
ALLAN B. POLUNSKY, CHAIR  
ADA BROWN  
JOHN STEEN  
CARIN MARCY BARTH  
A. CYNTHIA LEON

## Drug Analysis Laboratory Report

February 03, 2012

Andrew Saum  
League City Police Department  
500 West Walker  
League City, Texas 77573

### Laboratory Case Number

L2H-222403

### Agency Case Number

116444

### Offense Date

12/26/11

### Suspect(s)

Moch, Jacob Edwards DOB 03/18/1986

**Offense:** Controlled Substance Offense

**County of Offense:** Galveston (084)

**Evidence Submitted on:** December 29, 2011 in person from Andrew Saum

### Results of Analysis and Interpretation

<u>Exhibit</u>	<u>Net Weight</u>	<u>Conclusion</u>
1		No Analysis * 1
2	9.31grams	Contains Dihydrocodeinone * 2
3	0.35grams	Contains Buprenorphine
4	14.05grams	Contains Diazepam
5A	3.93grams	Contains Cocaine (8 Ziploc Bags)
5B	1.98grams	Contains Cocaine (2 ziploc Bags) Cocaine
6	18.42grams	Contains Carisoprodol
- 7.1A	6.11grams	Contains Alprazolam (GG2249 Tablets)
- 7.1B	8.01grams	Contains Alprazolam (2090 / V Tablets)
* 7.2	7.59grams	Contains Alprazolam (G / 2 Tablets)
8A	4.70pounds	Marihuana (5 Heat Sealed Bags)
8B	24.71 grams ( 0.87 oz)	Marihuana (Mason Jar)

\* 1 In view of other exhibits, no examination was performed on this exhibit. If analysis is required for prosecution or other purposes, please notify this laboratory.

\* 2 Information from the pharmaceutical company indicates not more than 300 milligrams of dihydrocodeinone (hydrocodone), or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

CAUSE NUMBER \_\_\_\_\_

THE STATE OF TEXAS

IN THE \_\_\_\_\_ COURT

VS.

GALVESTON COUNTY, TEXAS

MOCH, JACOB EDWARDS

PETITION FOR REIMBURSEMENT UNDER ARTICLE 42.12, Sec. 11(a)(19), CODE OF  
CRIMINAL PROCEDURE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW THE STATE OF TEXAS by and through the undersigned attorney and moves the Court to include in the terms and conditions of probation, ordered under Article 42.12, Code of Criminal Procedure, in this case, reimbursement to the law enforcement agency, the Texas Department of Public Safety, Crime Laboratory, for its costs incurred in the (analysis) (1), (storage) (2), or (disposal) (3) of raw materials, controlled substances, chemical precursors, drug paraphernalia, or other materials seized in connection with this offense. The sum (4) of the cost to be reimbursed is \$140.00.

1. Analysis	\$ <u>140</u>
2. Storage	\$ _____
3. Disposal	\$ _____
4. Sum	\$ <u>140</u>

\_\_\_\_\_  
Signature of Attorney Representing the State

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

IF REIMBURSEMENT IS ORDERED AS A TERM OF  
COMMUNITY SUPERVISION, SEND PAYMENT TO:

DPS Laboratory Number: L2H-222403

Agency File Number: 116444

Texas Department of Public Safety  
RESTITUTION ACCOUNTING  
P.O. Box 4087  
Austin, Texas 78773-0130  
512-424-2241



**Laboratory Case Number**

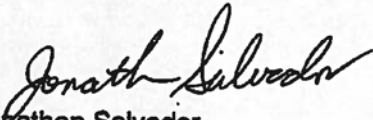
L2H-222403

**Agency Case Number**

116444

**Offense Date**

12/26/11



Jonathan Salvador  
Forensic Scientist  
Texas DPS Houston Laboratory

12/3/12





TEXAS DEPARTMENT OF PUBLIC SAFETY

CRIME LABORATORY

Evidence Record Sheet

LAB-22 Rev. 02 (09/2009)

Laboratory Case Number

L2H-222396-18

AF     DNA     NIB     TE  
 BA/TOX     FTM     PHOTO  
 CS     LP     QD

Resubmission     Additional Evidence

Date Received

12/29/11

1:28 PM



Date Completed A: 1/27/12  
 Section & Analysis by DH  
 Reviewed: Tech: no 1/30/12 Adm:  
 Report Distributed:  
 Date Completed B:  
 Section & Analysis by  
 Reviewed: Tech: Adm:  
 Report Distributed:  
 Date Completed C:  
 Section & Analysis by  
 Reviewed: Tech: Adm:  
 Report Distributed:

In Person

*Andrew Saum*

Andrew Saum

Received by Carolina Perez *CP*

Description: Properly Sealed 9x12 Yellow Envelope;

Transfer Log (for court, return from court, at court, bar code unavailable, etc.)

Date	To	From	Items\Exhibits\Comments

Forward Date To:   Items:    
 U.S. Mail      By  
 In Person       
 UPS

Return Date  All  Items:  
 U.S. Mail      By  
 In Person       
 UPS

Destruction Date	Method	Transported by:	Witness	Witness
	<input type="checkbox"/> Burning <input type="checkbox"/> Flushing <input type="checkbox"/> Contractor	<input type="checkbox"/> Hand Carry <input type="checkbox"/> Other:		
	<input type="checkbox"/> Burning <input type="checkbox"/> Flushing <input type="checkbox"/> Contractor	<input type="checkbox"/> Hand Carry <input type="checkbox"/> Other:		

Court Record (Whenever evidence is introduced or transferred at the courthouse, use the Transfer Log above)

Date	Witness	T/A	City	CDFO	Outcome	Miles	Hours

Notes

CaseFile information entered: Submitting Officer-Agency-County-Offense Date-Agency Number- 1 names



**TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY SERVICE  
Laboratory Submission Form**

Laboratory Use Only

# L2H-222396

Received  
12/29/11 01:28 PM  
Texas DPS Houston  
Crime Laboratory *CP*

Agency Case Number 2011-6285

Offense POCS PG 3 <28g (2 charges)

Date of Offense 12/16/2011

County of Offense GALVESTON

Agency LEAGUE CITY POLICE DEPT

Law  
Evidence Rec'd

**Case Contact Person**

Name Ofc. E. Cox #1195

Title Patrol Officer

Mailing Address 500 W. WALKER ST.

Phone 281-554-1810 Fax 281-338-4124

City, State Zip Code LEAGUE CITY, TX 77573

Email Address eric.cox@lcpd.com

Suspect	Victim	Name (Last, First Middle)	Race	Sex	DOB	DL# / SS# / ID#
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Graham, William Keith	w	m	8/9/1965	DL [REDACTED]
<input type="checkbox"/>	<input type="checkbox"/>					
<input type="checkbox"/>	<input type="checkbox"/>					
<input type="checkbox"/>	<input type="checkbox"/>					

**Description of Evidence Submitted**

Exhibit #	Number of Items	Description of Evidence	Origin	Exam Requested
1	3 1/2	white pentagonal shaped tablets with G on one side and 0.5 on the other side	pill bottle in driver door pocket of suspect's vehicle	Alprazolam
2	1 1/2	oblong white tablets with Watson 349 on one side	pill bottle in driver door pocket of suspect's vehicle	Hydrocodone
3				
4				
5				
6				

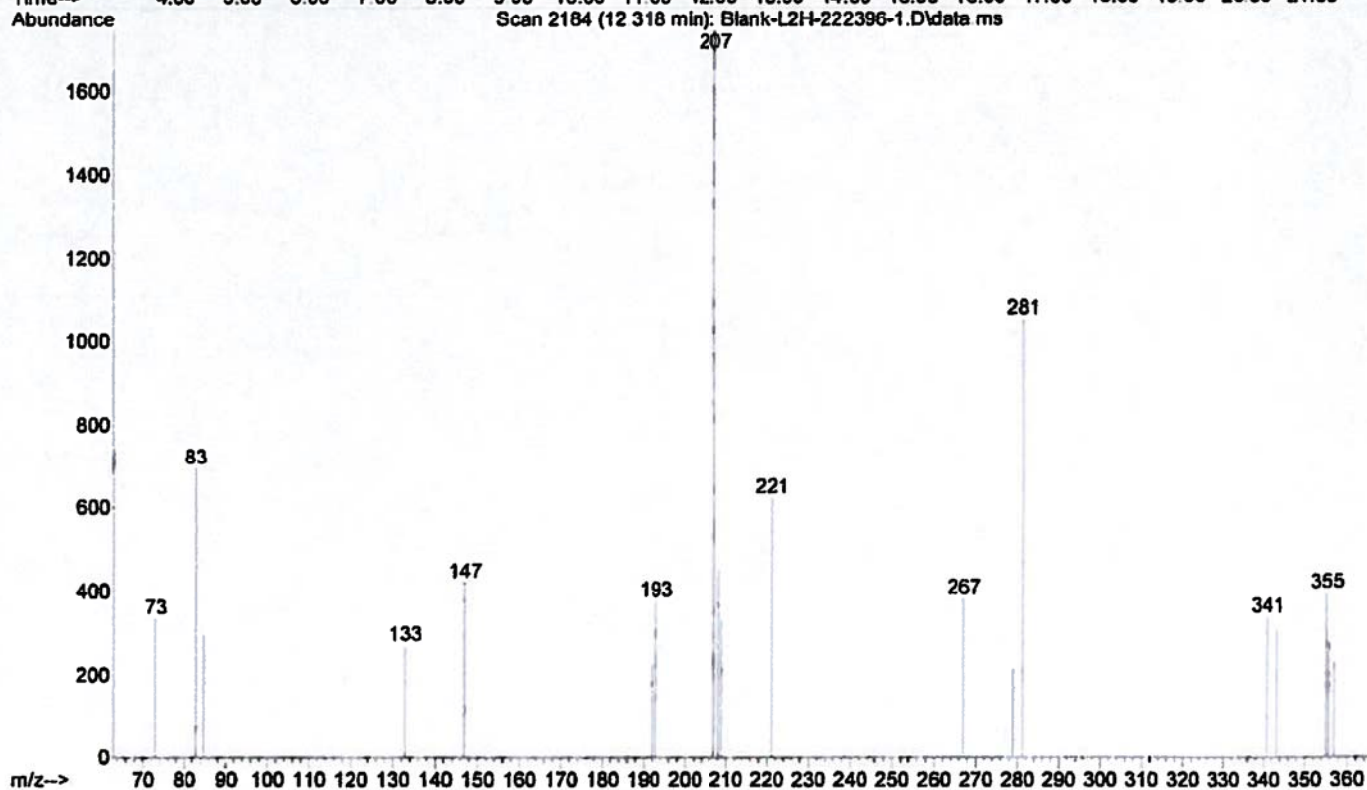
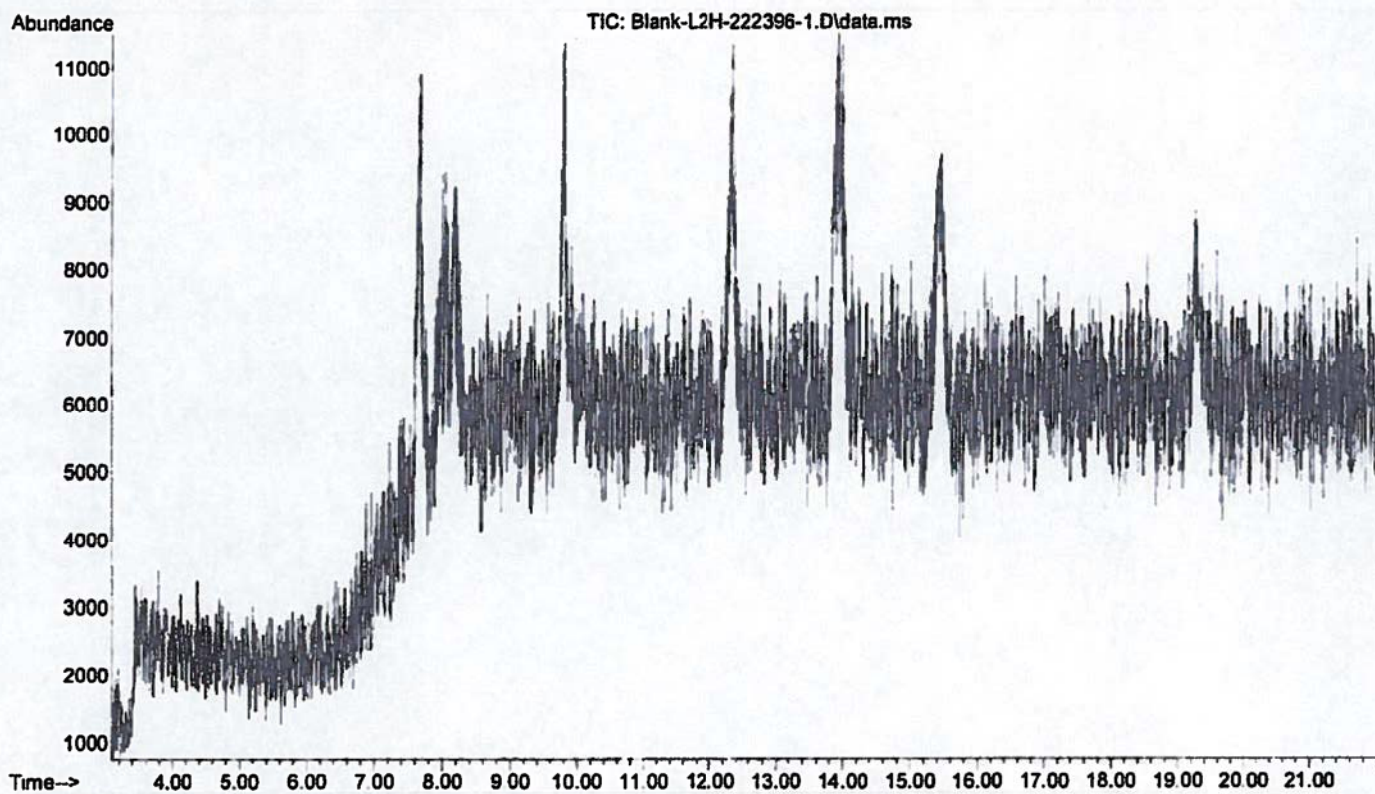
**For some non-drug cases, it may be appropriate to attach a copy of the offense report. Please include brief case synopsis, unusual examination(s) requested, and/or relevant case priority information.**

Are known standards (blood, saliva, hair, inked prints, clothing, fabrics, etc.) submitted for comparison?  Yes  No

Have any of these exhibits been previously analyzed by a laboratory?  Yes  No If so, What Exhibit #'s?

File :D:\1\DATA\2012\012612\Blank-L2H-222396-1.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 26 Jan 2012 8:55 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: Blank Before L2H-222396 Item 1  
Misc Info : it:150/2m; rt:30c/m; ft:280c/15m CHCl3  
Vial Number: 24

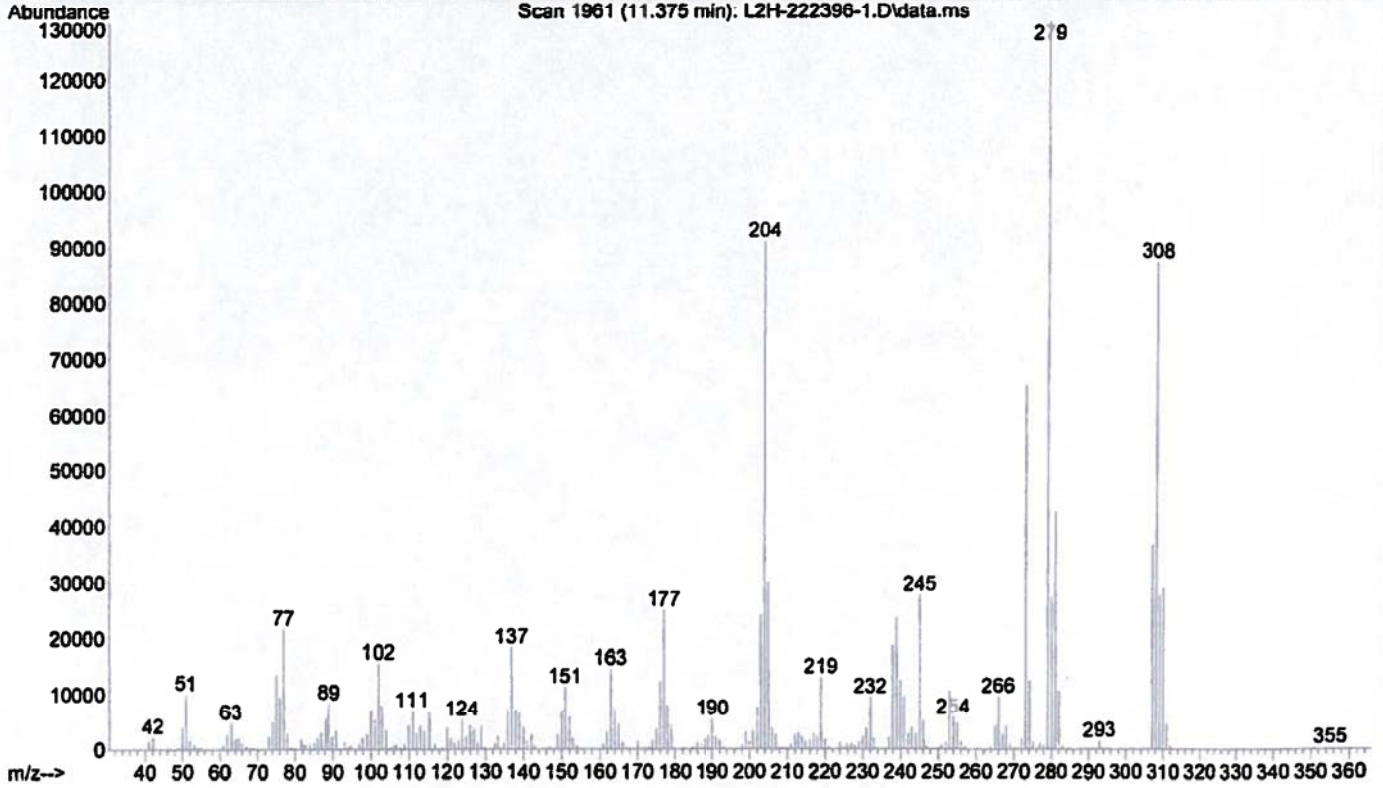
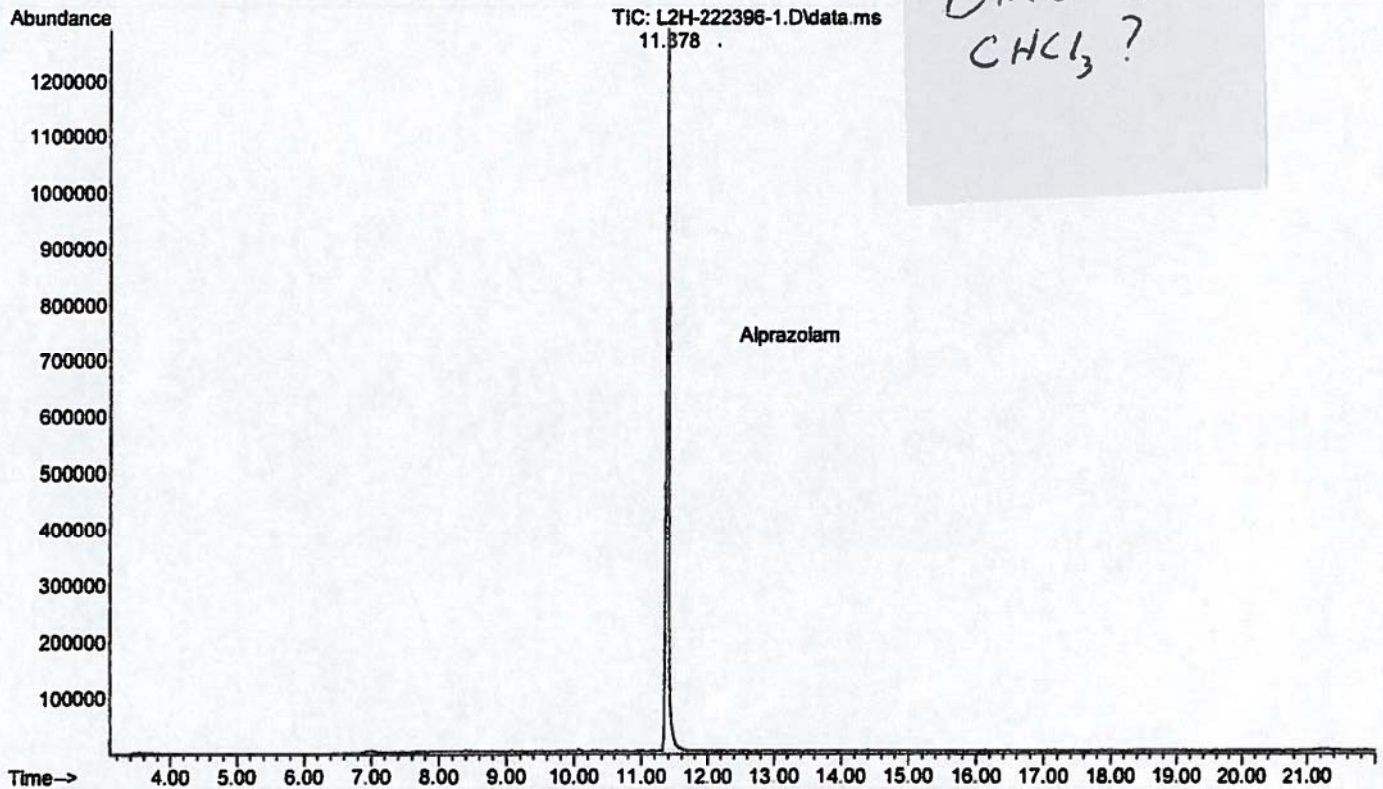
94



File :D:\1\DATA\2012\012612\L2H-222396-1.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 26 Jan 2012 9:20 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: L2H-222396 Item 1  
Misc Info : it:150/2m; rt:30c/m; ft:280c/15m A>CHCl3  
Vial Number: 18

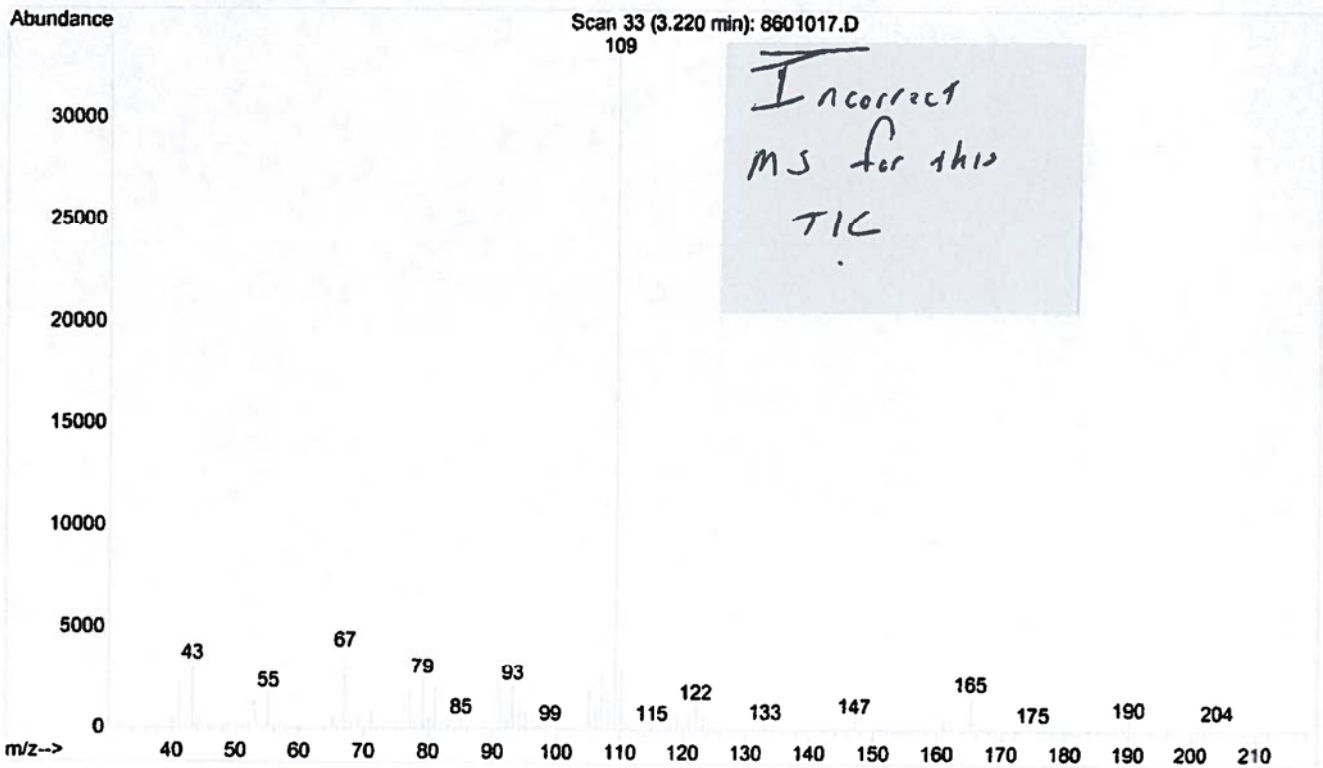
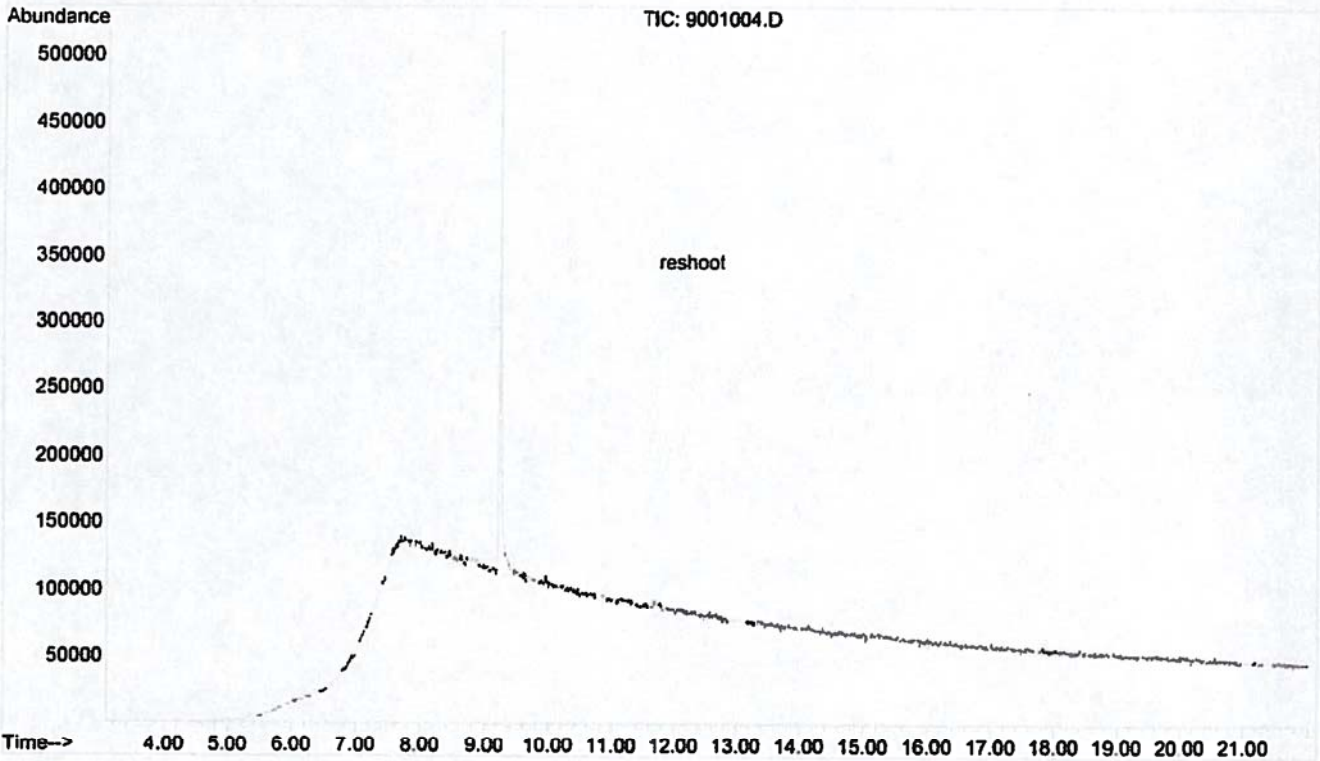
g

Direct in  
CHCl<sub>3</sub>?



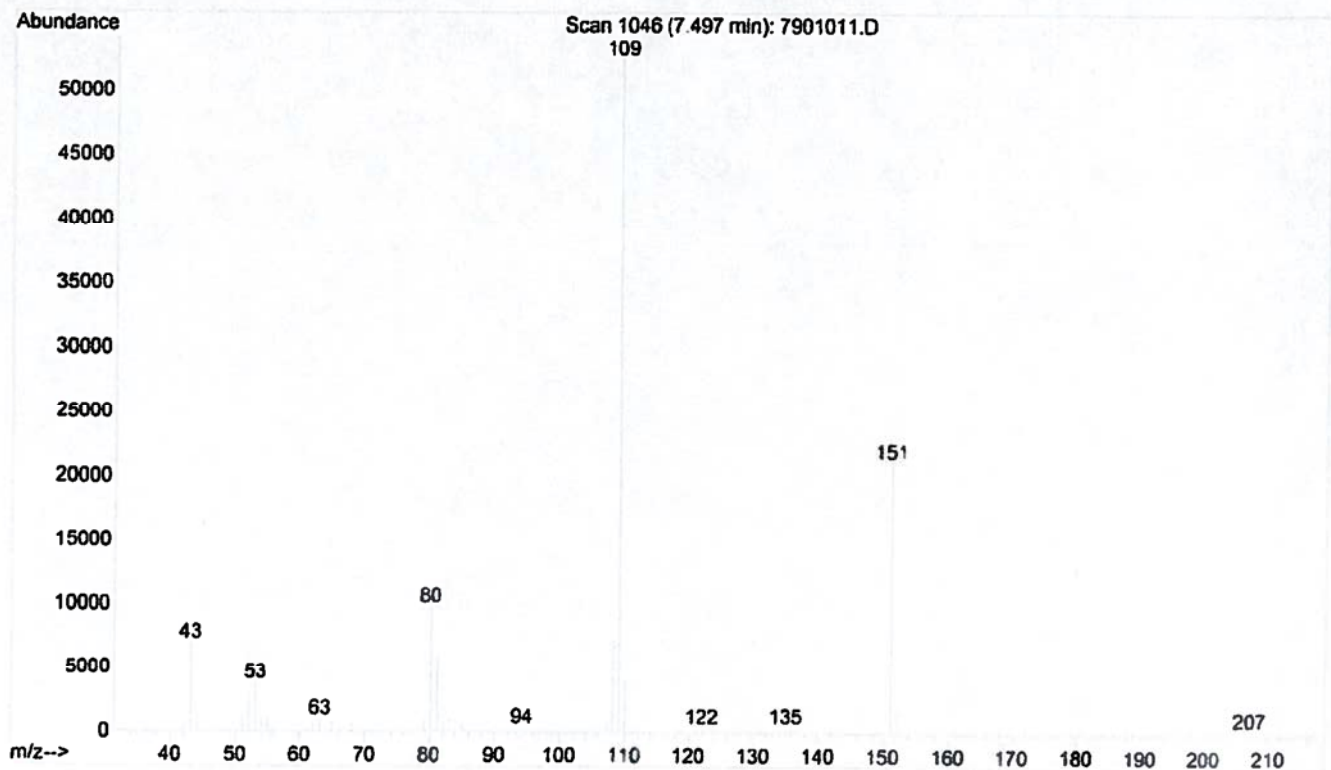
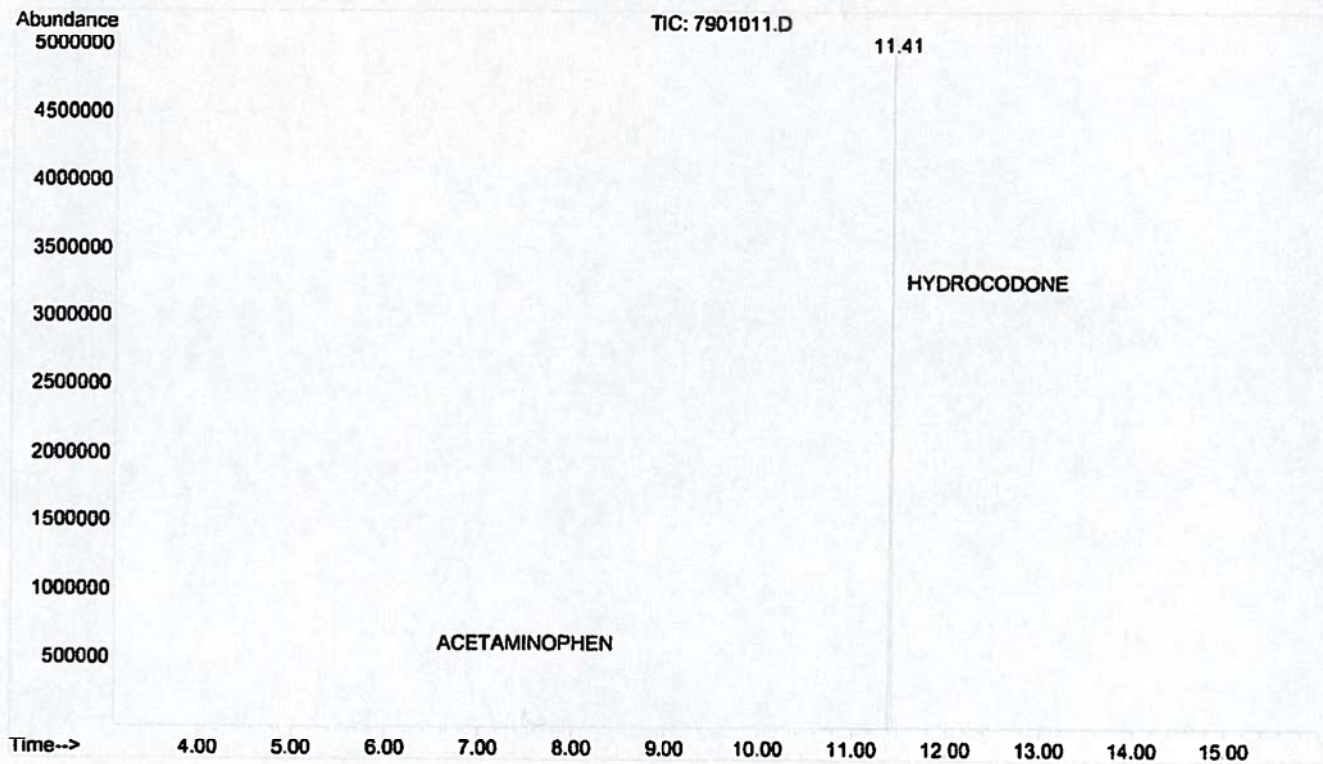
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Operator : MR 40-400, inj 250, det 280  
Acquired : 12 Jan 2012 10:10 using AcqMethod MISCSEQ  
Instrument : HOGCMS204  
Sample Name: L2H-222396 ITEM#1 (A>CHCl3)  
Misc Info : oven 150/2min(30/min)280/15min spl  
Vial Number: 90

2



File : D:\DATA\HOUSTON\011212\7901011.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 12 Jan 2012 12:49 using AcqMethod COCSEQ  
Instrument : HOGCMS204  
Sample Name: L2H-222396 ITEM#2 B>CHCl3 JS  
Misc Info : oven 100/2min(20/min)280/5min spl  
Vial Number: 79

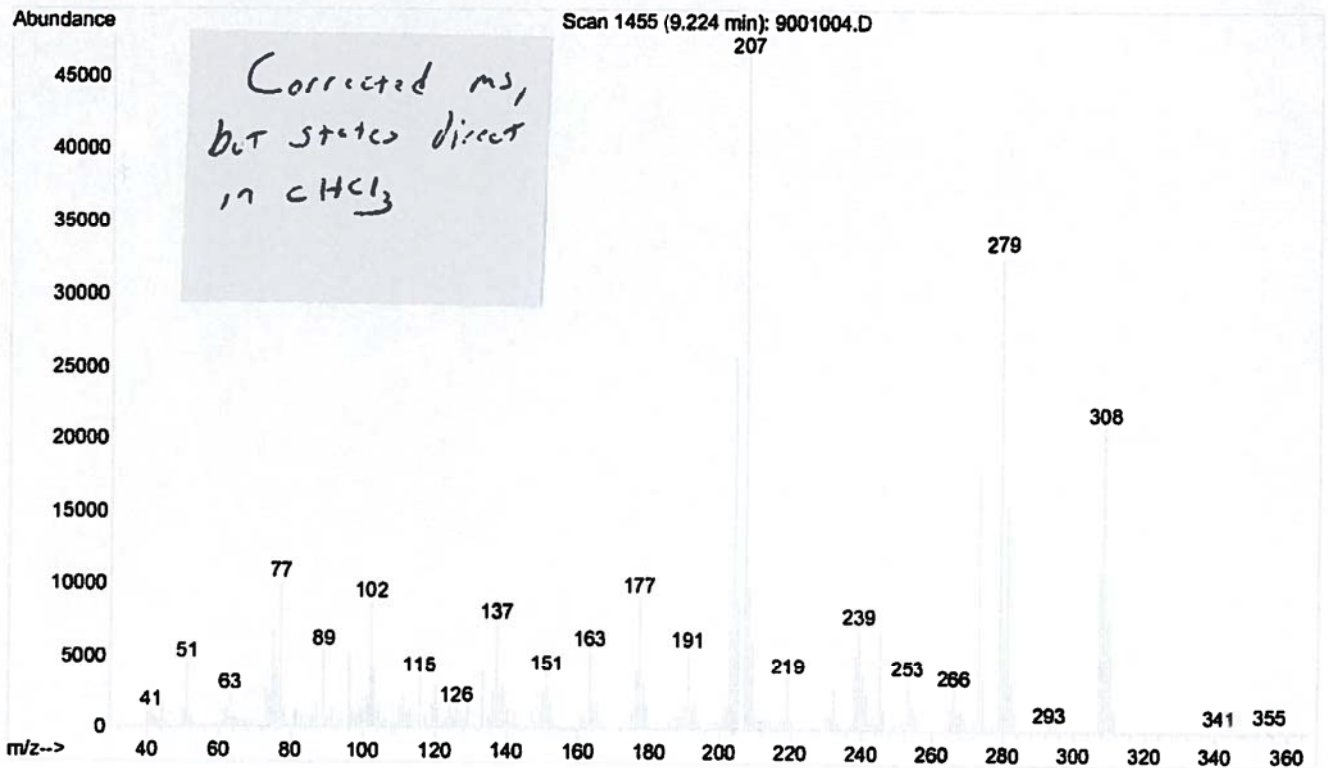
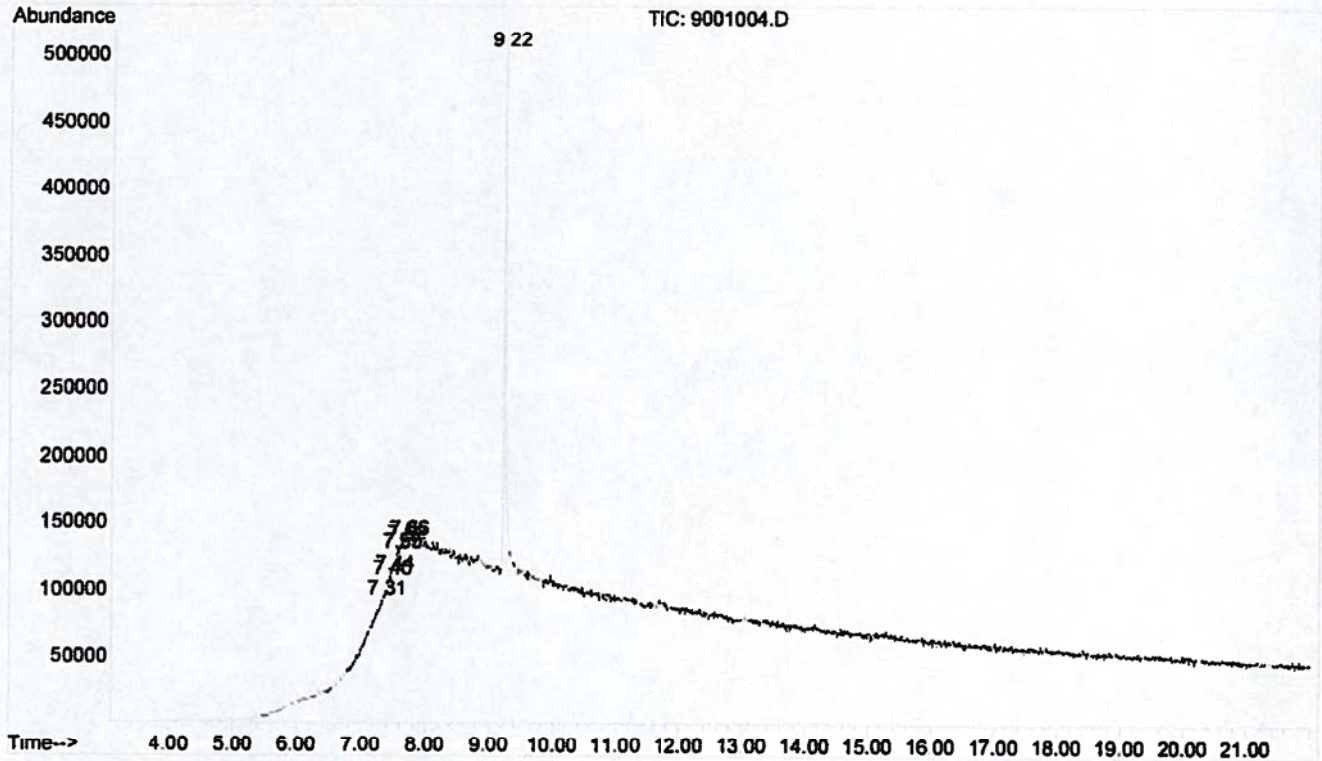
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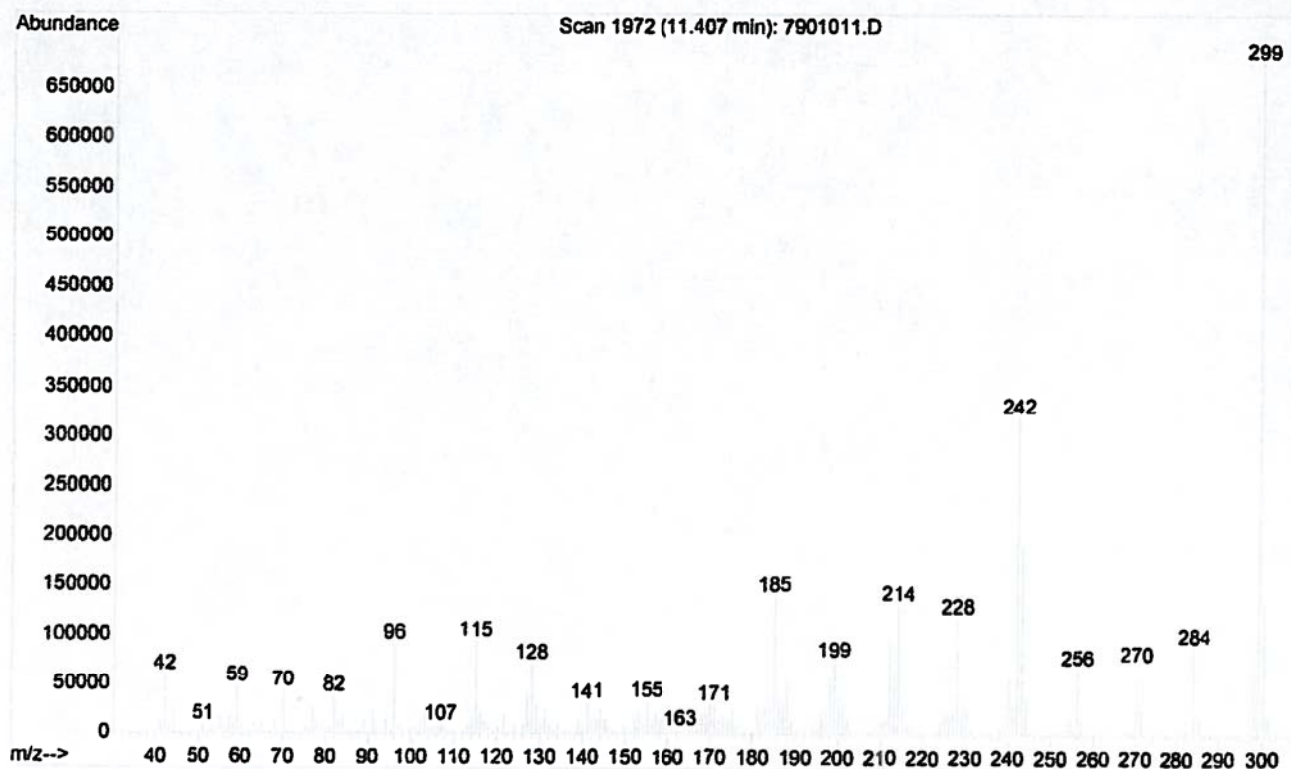
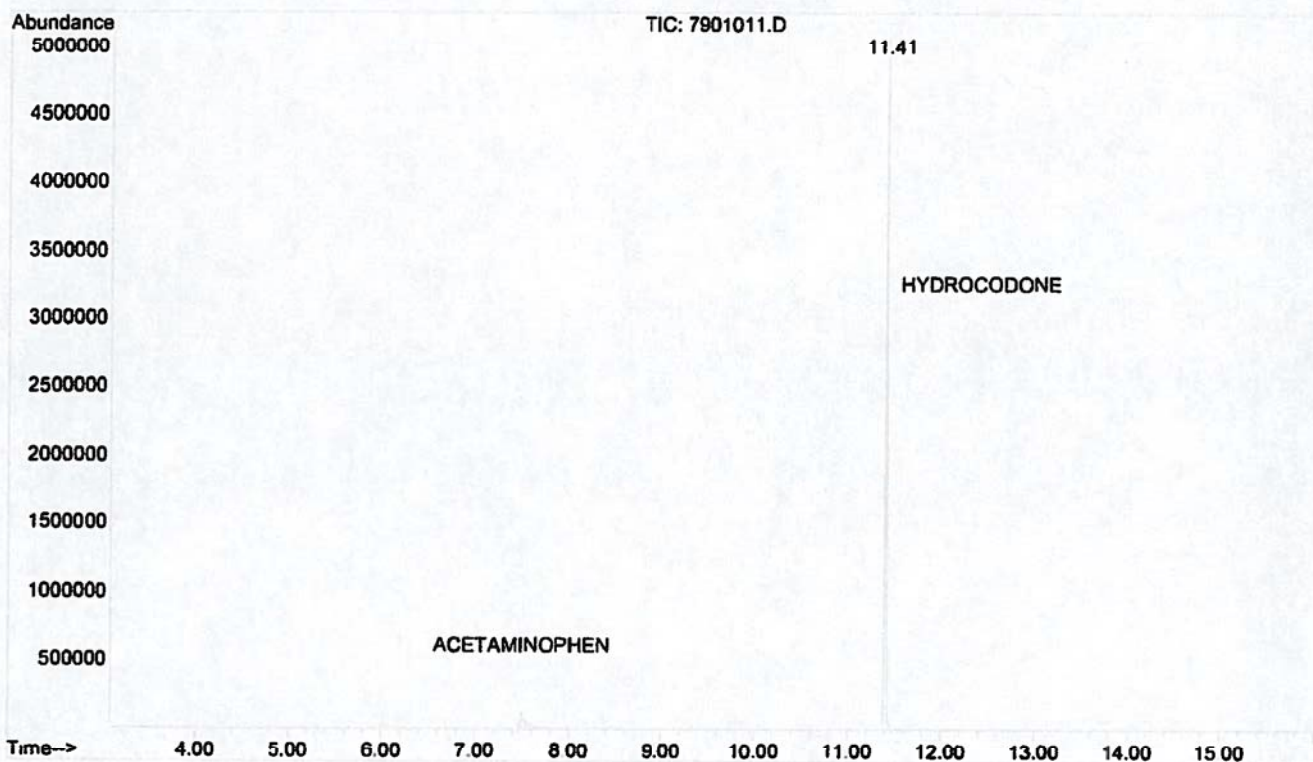
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Misc Info : oven 150/2min(30/min)280/15min spl  
Vial Number: 90

91

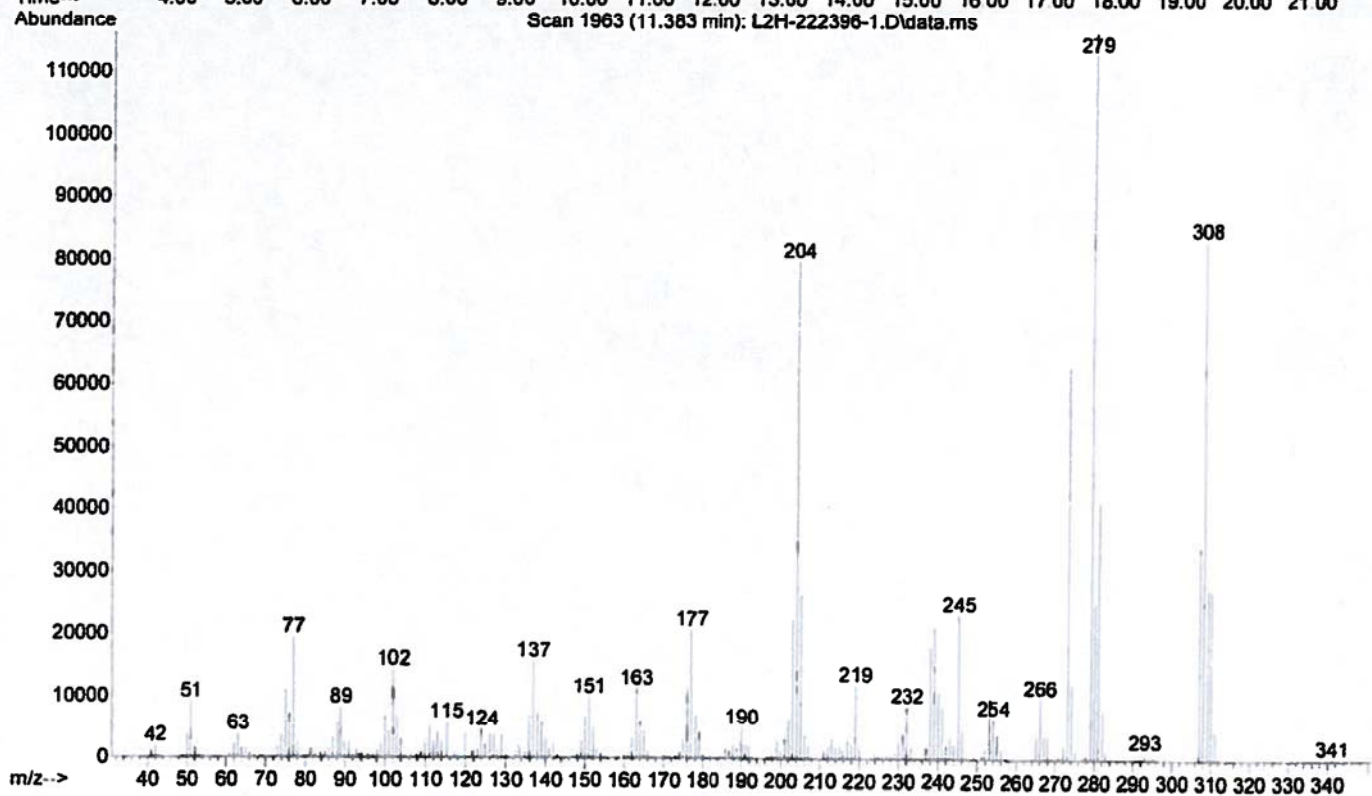
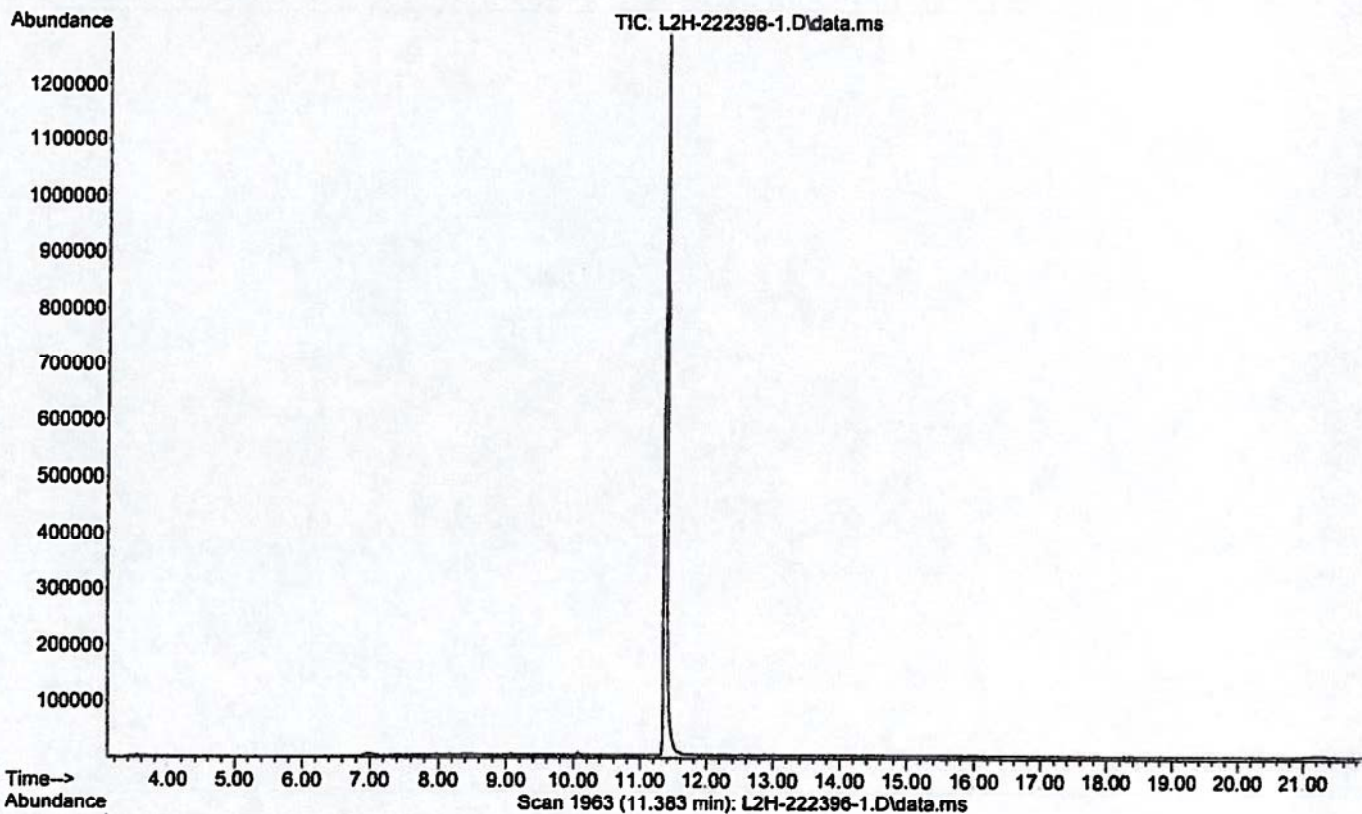


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Acquired : 12 Jan 2012 12:49 using AcqMethod COCSEQ  
Instrument : HOGCMS204  
Sample Name: L2H-222396 ITEM#2 B>CHCl3 JS  
Misc Info : oven 100/2min(20/min)280/5min spl  
Vial Number: 79

JK



File :D:\1\DATA\2012\012612\L2H-222396-1.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 26 Jan 2012 9:20 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: L2H-222396 Item 1  
Misc Info : it:150/2m; rt:30c/m; ft:280c/15m A>CHC13  
Vial Number: 18





TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

Lab Case # L2H- 222396

Date Started 1/10/2012

Analyst JA

Date Completed 1/27/2012

Page

Controlled Substances Worksheet

LAB-CS-01 Rev.02 (07/2008)

Gross Inventory Wt

9X12 Yellow Env

Exhibit #	Items #	# Analyzed	# Exams	Weights			Marquis	SNP	Co(SCN) <sub>2</sub>	Microscopic	Duquenois	TLC	FTIR	GC / MS	UV		Other Tests	Class
				Balance ID	Before Analysis	Tare									Net	After Analysis		

Item 1	4	2	5	HOBAL 211			1.22 g	0.52 g						+M	2	+DC GCMS Blank	3	Contains Alprazolam
--------	---	---	---	-----------	--	--	--------	--------	--	--	--	--	--	----	---	-------------------	---	---------------------

Wax Paper Bag ----> 3 Whole and 1 Partial White Pentagon Shaped Tablets (G / 0.5)

0.5 mg Alprazolam	Item 2	2	1	3	HOBAL 211		1.02 g	0.71 g						+M		+DC	10	Contains Dihydrocodeinone
-------------------	--------	---	---	---	-----------	--	--------	--------	--	--	--	--	--	----	--	-----	----	---------------------------

Wax Paper Bag ----> 1 Whole and 1 Partial White Tablets (WATSON 349)

500 mg Acetaminophen, 5 mg Hydrocodone																			Note 18
--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	---------

Empty Pill Bottle ----> No Analysis																			
-------------------------------------	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Additional Notes

# TEXAS DEPARTMENT OF PUBLIC SAFETY



STEVEN C. McCRAW  
DIRECTOR  
DAVID G. BAKER  
CHERYL MacBRIDE  
DEPUTY DIRECTORS

REGIONAL CRIME LABORATORY  
12230 WEST ROAD  
HOUSTON, TEXAS 77065-4523  
Voice 281-517-1380 Fax 281-517-1395



COMMISSION  
ALLAN B. POLUNSKY, CHAIR  
ADA BROWN  
JOHN STEEN  
CARIN MARCY BARTH  
A. CYNTHIA LEON

## Drug Analysis Laboratory Report

January 27, 2012

E. Cox  
League City Police Department  
500 West Walker  
League City, Texas 77573

### Laboratory Case Number

L2H-222396

### Agency Case Number

20116285

### Offense Date

12/16/11

### Suspect(s)

Graham, William Keith DOB 08/09/1965

**Offense:** Controlled Substance Offense

**County of Offense:** Galveston (084)

**Evidence Submitted on:** December 29, 2011 in person from Andrew Saum

### Results of Analysis and Interpretation

<u>Exhibit</u>	<u>Net Weight</u>	<u>Conclusion</u>
Item 1	1.22grams	Contains Alprazolam
Item 2	1.02grams	Contains Dihydrocodeinone * 1

\* 1 Information from the pharmaceutical company indicates not more than 300 milligrams of dihydrocodeinone (hydrocodone), or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

Jonathan Salvador  
Forensic Scientist  
Texas DPS Houston Laboratory

CAUSE NUMBER \_\_\_\_\_

THE STATE OF TEXAS

IN THE \_\_\_\_\_ COURT

VS.

GALVESTON COUNTY, TEXAS

GRAHAM, WILLIAM KEITH

PETITION FOR REIMBURSEMENT UNDER ARTICLE 42.12, Sec. 11(a)(19), CODE OF  
CRIMINAL PROCEDURE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW THE STATE OF TEXAS by and through the undersigned attorney and moves the Court to include in the terms and conditions of probation, ordered under Article 42.12, Code of Criminal Procedure, in this case, reimbursement to the law enforcement agency, the Texas Department of Public Safety, Crime Laboratory, for its costs incurred in the (analysis) (1), (storage) (2), or (disposal) (3) of raw materials, controlled substances, chemical precursors, drug paraphernalia, or other materials seized in connection with this offense. The sum (4) of the cost to be reimbursed is \$140.00.

- 1. Analysis        \$ 140
- 2. Storage        \$ \_\_\_\_\_
- 3. Disposal       \$ \_\_\_\_\_
- 4. Sum            \$ 140

\_\_\_\_\_  
Signature of Attorney Representing the State

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

IF REIMBURSEMENT IS ORDERED AS A TERM OF  
COMMUNITY SUPERVISION, SEND PAYMENT TO:

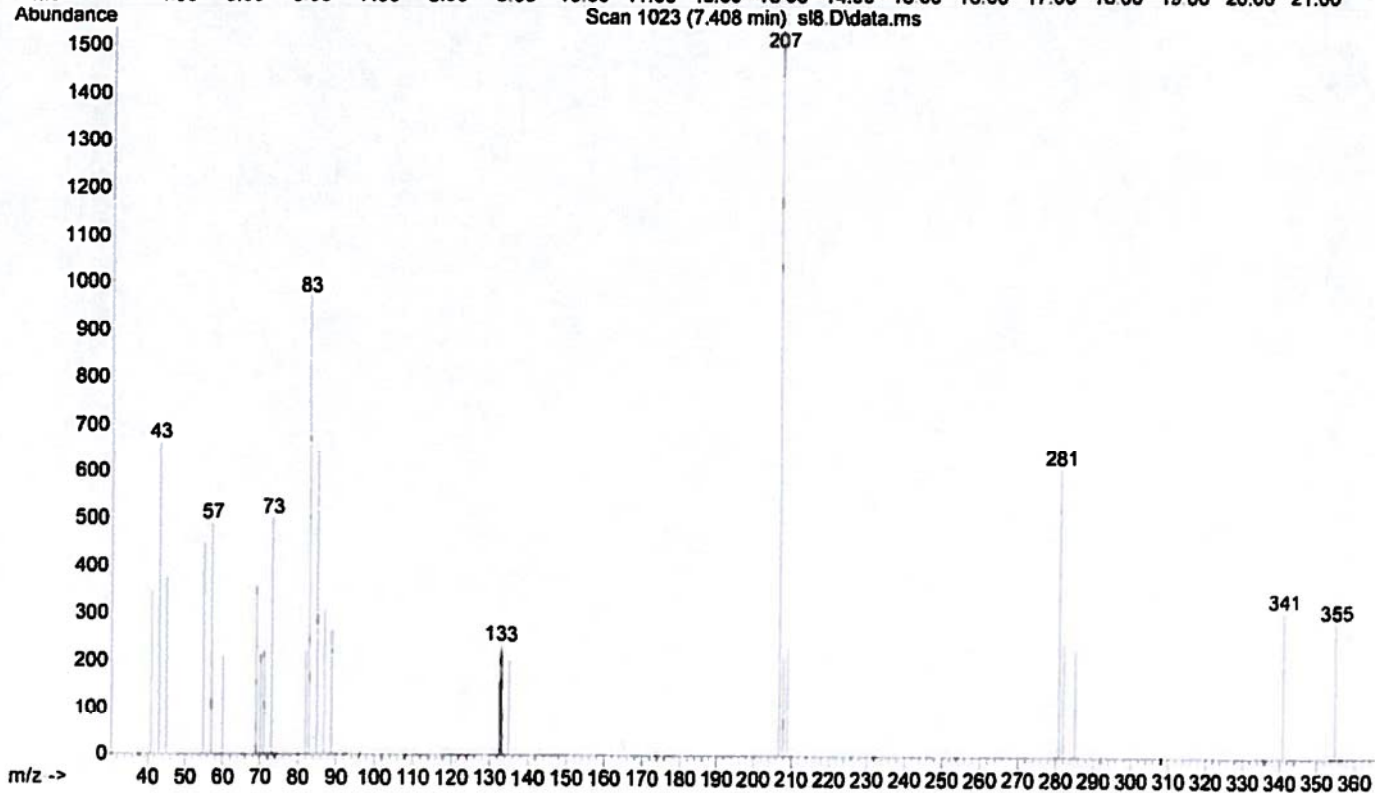
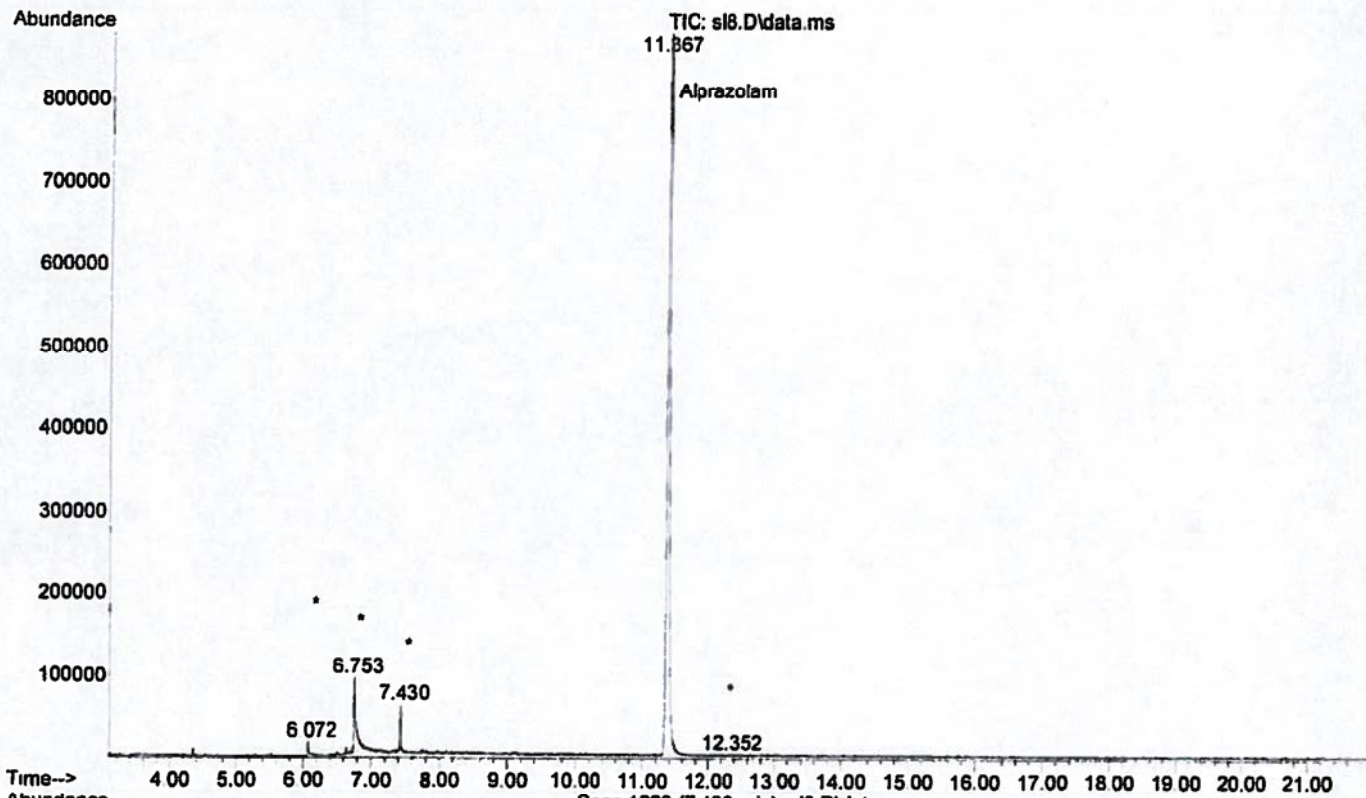
DPS Laboratory Number:    L2H-222396

Agency File Number:    20116285

Texas Department of Public Safety  
RESTITUTION ACCOUNTING  
P.O. Box 4087  
Austin, Texas 78773-0130  
512-424-2241

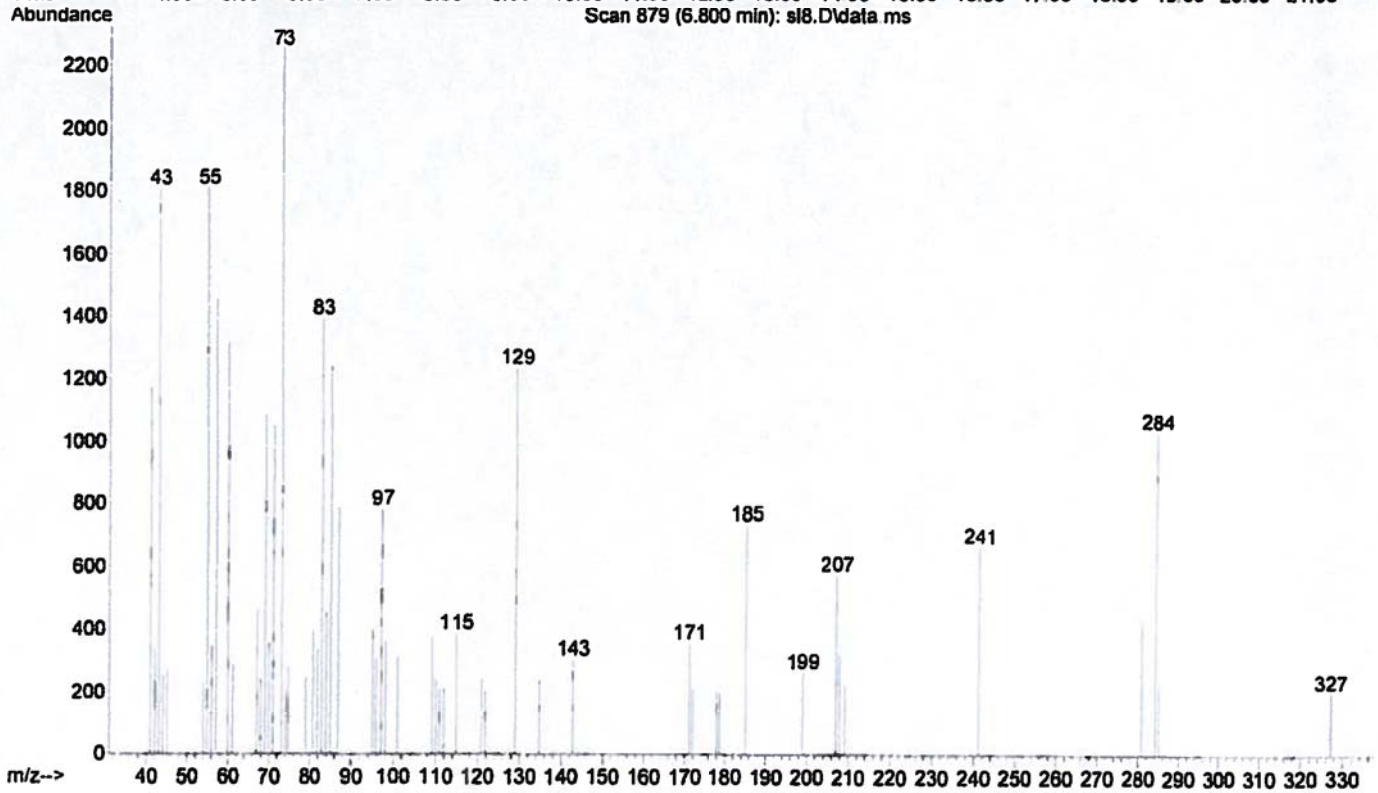
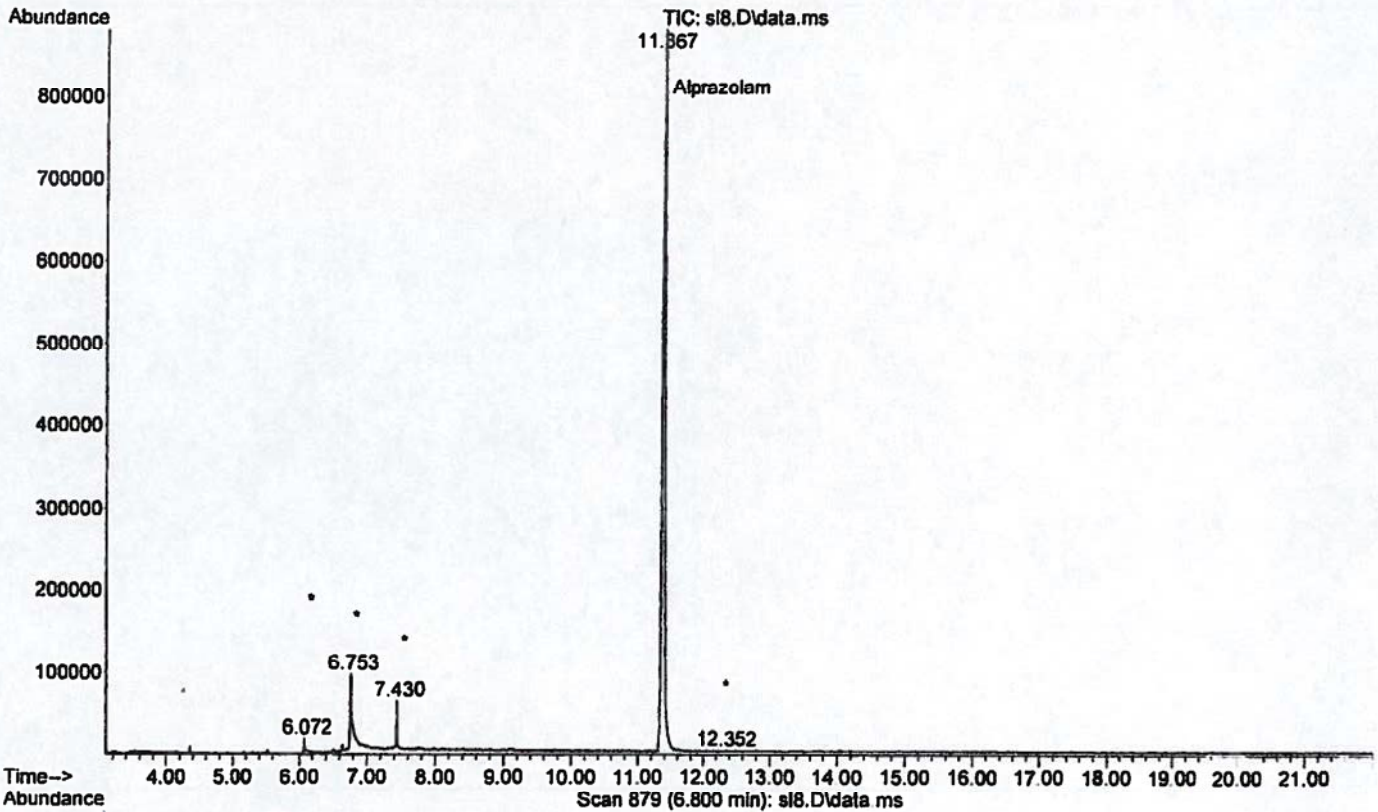


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Operator : MR 40-400, inj 250, det 280  
Acquired : 3 Feb 2012 18:18 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: L2H-222396 #1 A>CHCl3  
Misc Info : oven 150/2(30/min)300/15 spl  
Vial Number: 85

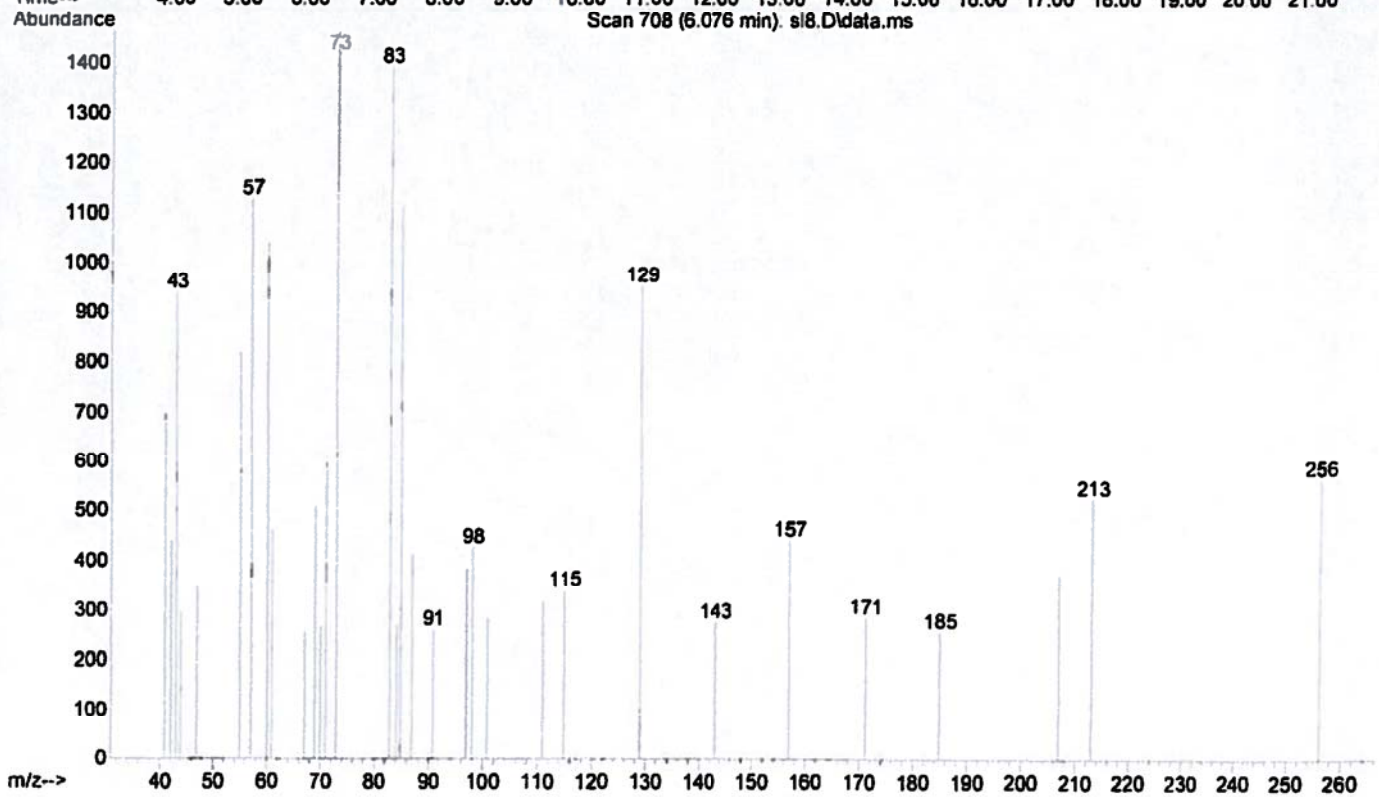
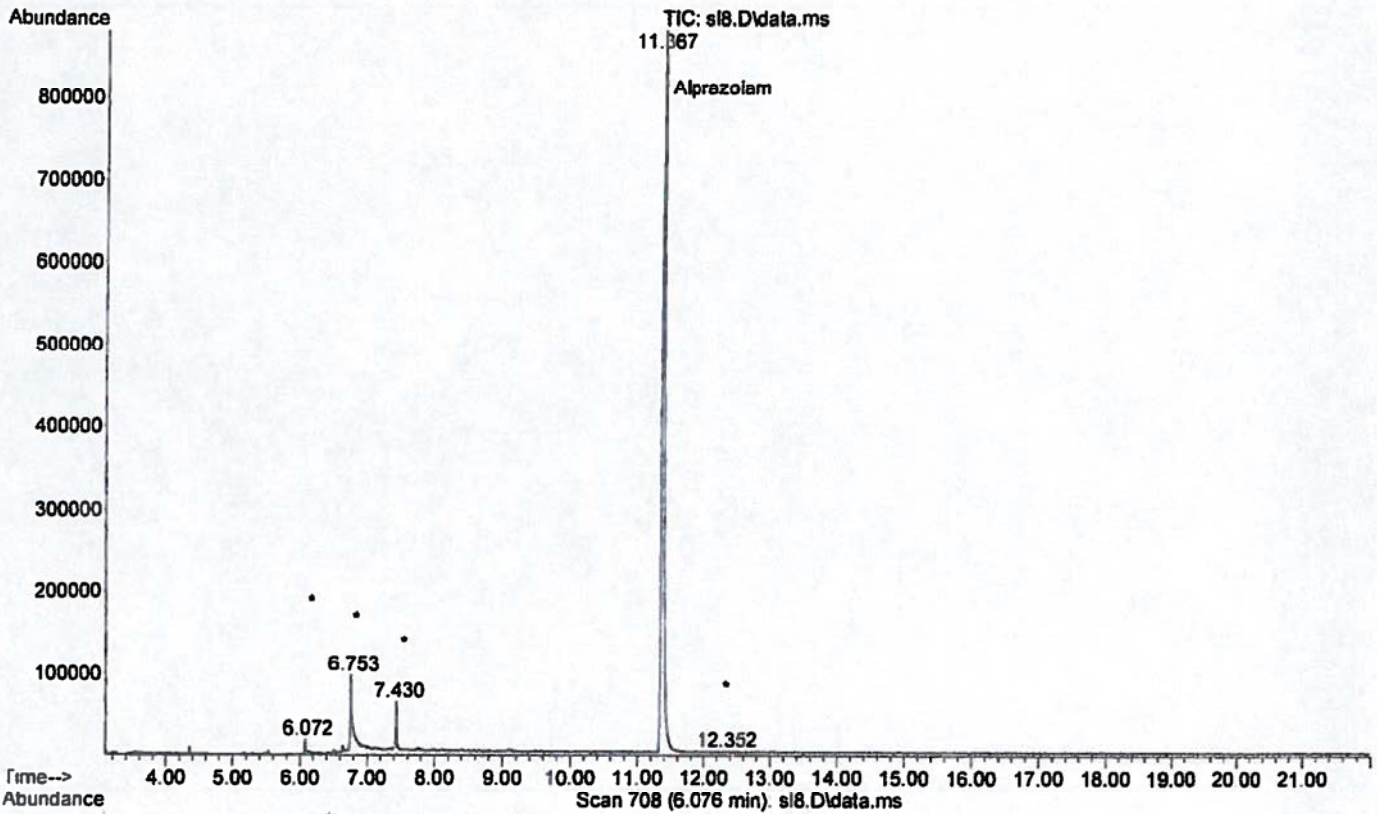




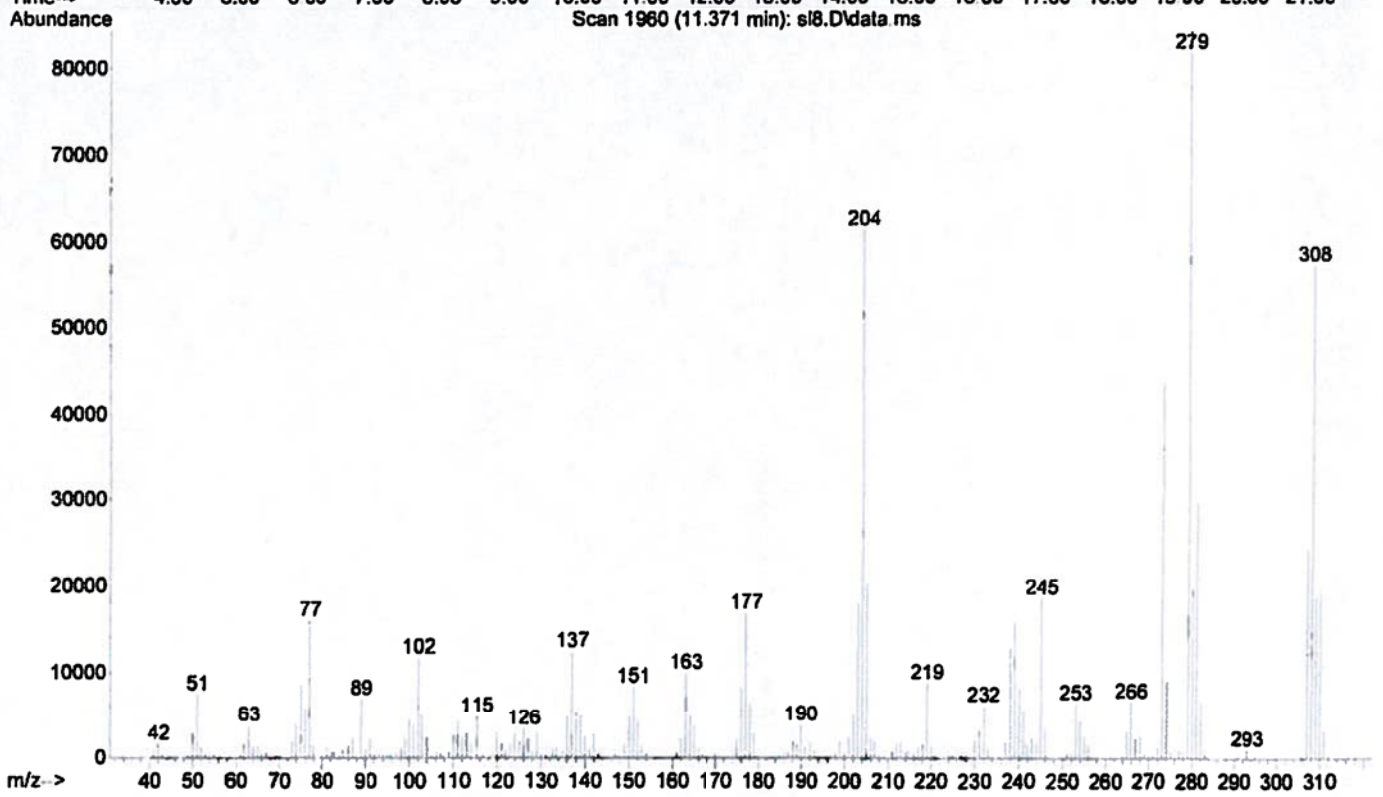
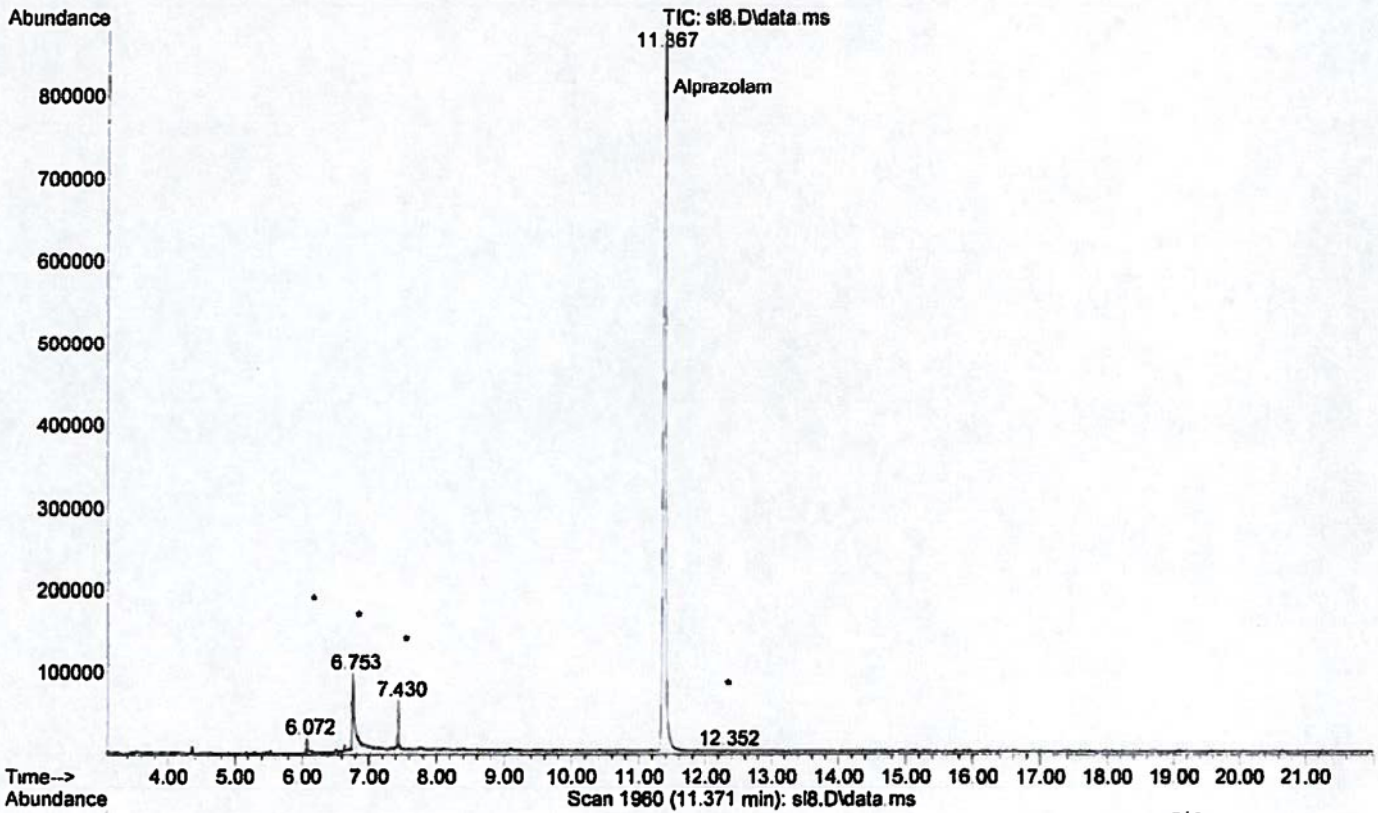
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Misc Info : oven 150/2(30/min)300/15 spl  
Vial Number: 85



File :D:\1\DATA\2012\020312\s18.D  
Operator : MR 40-400, inj 250, det 280  
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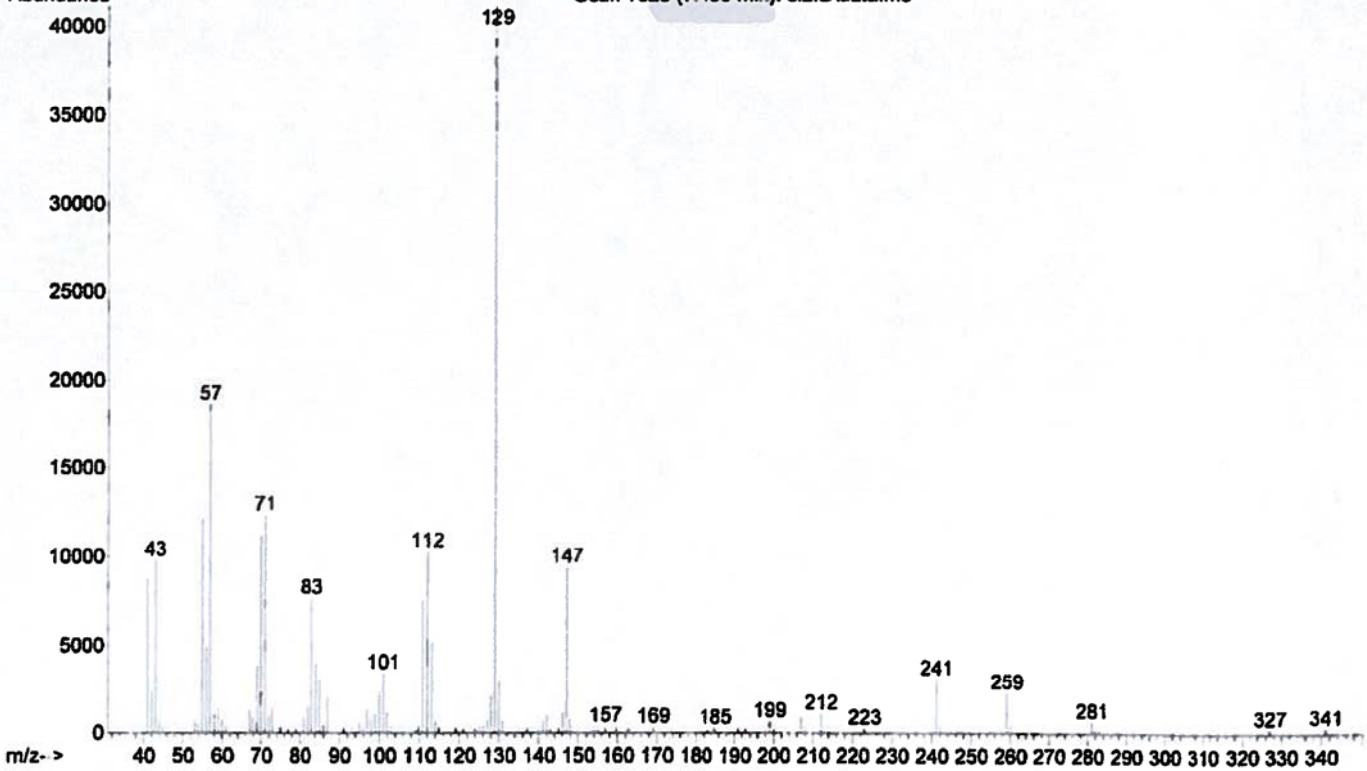
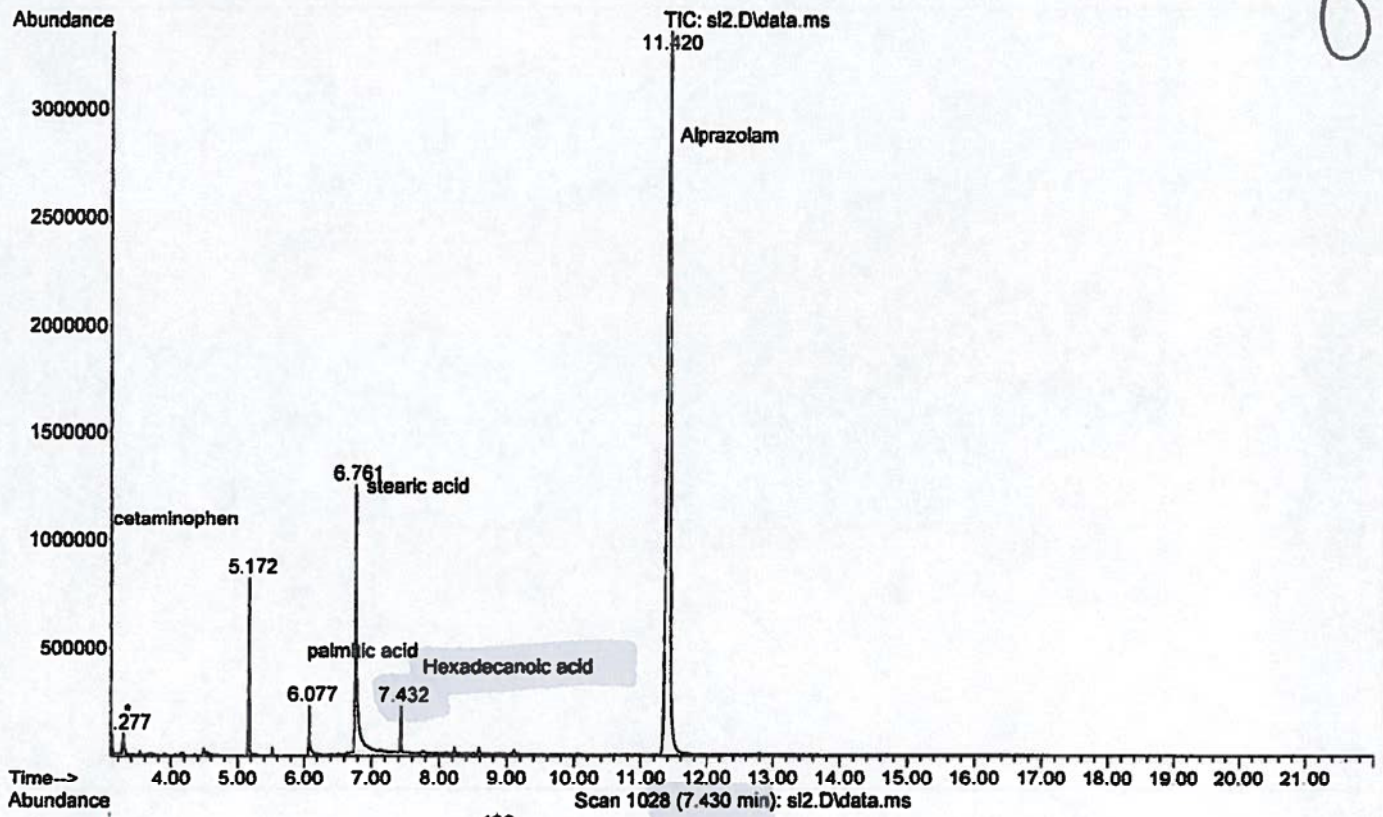


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Misc Info : oven 150/2(30/min)300/15 spl1  
Vial Number: 85

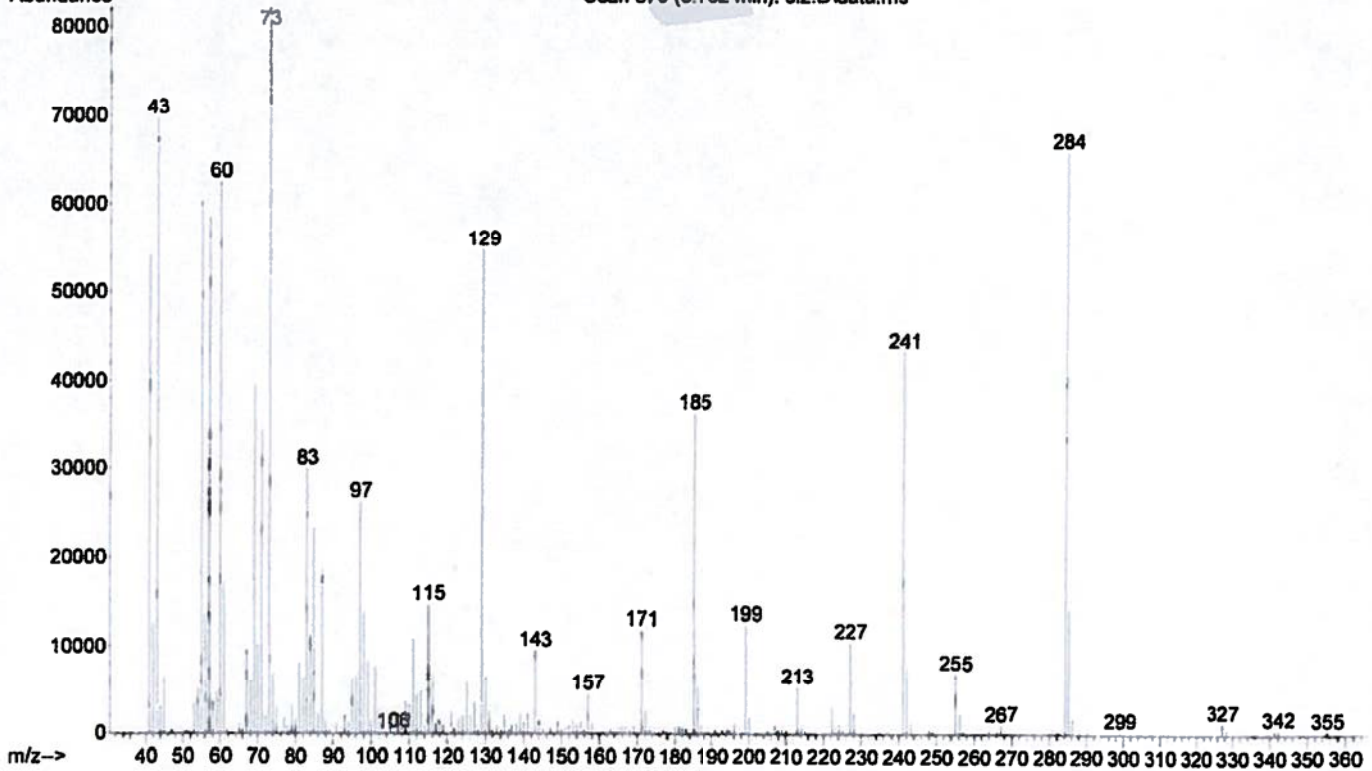
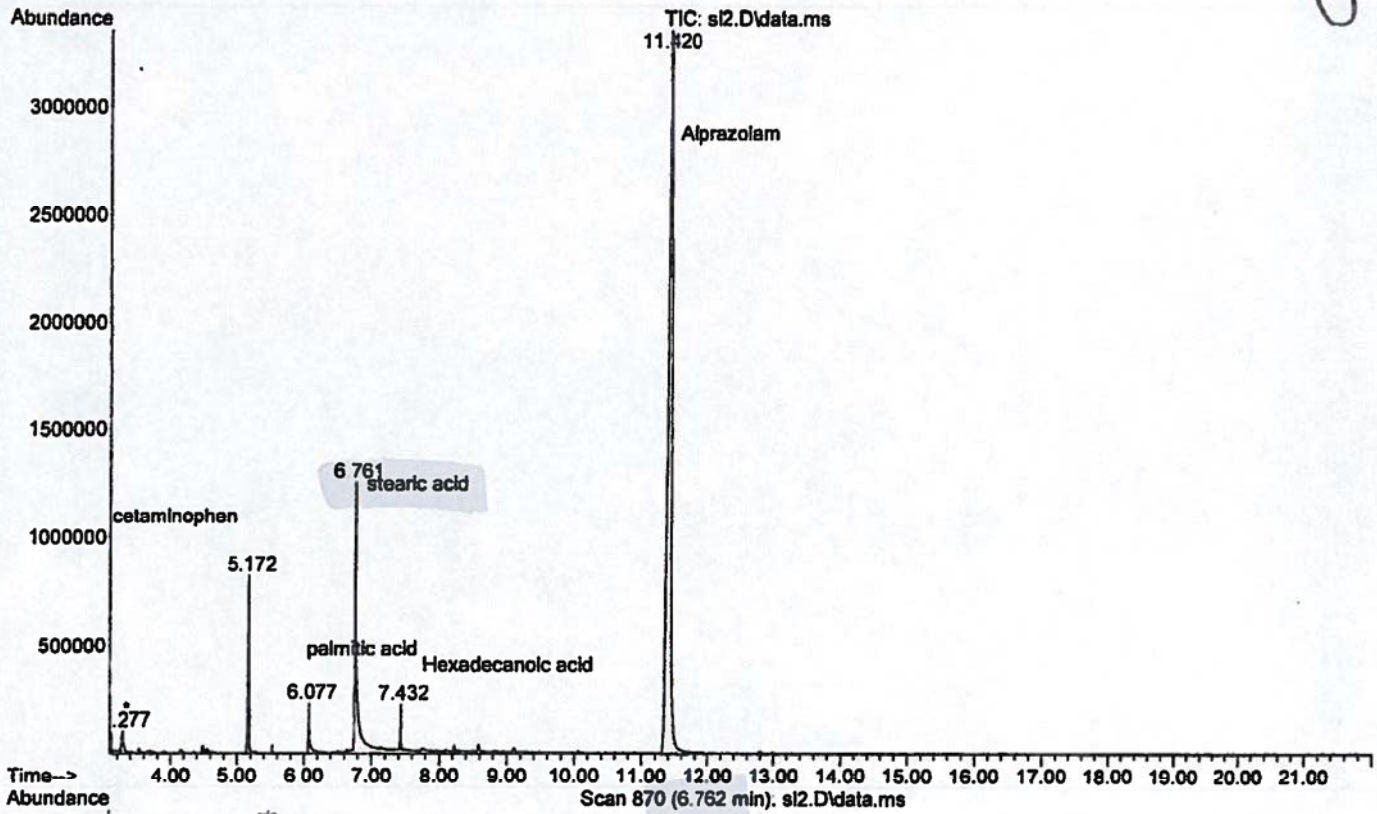




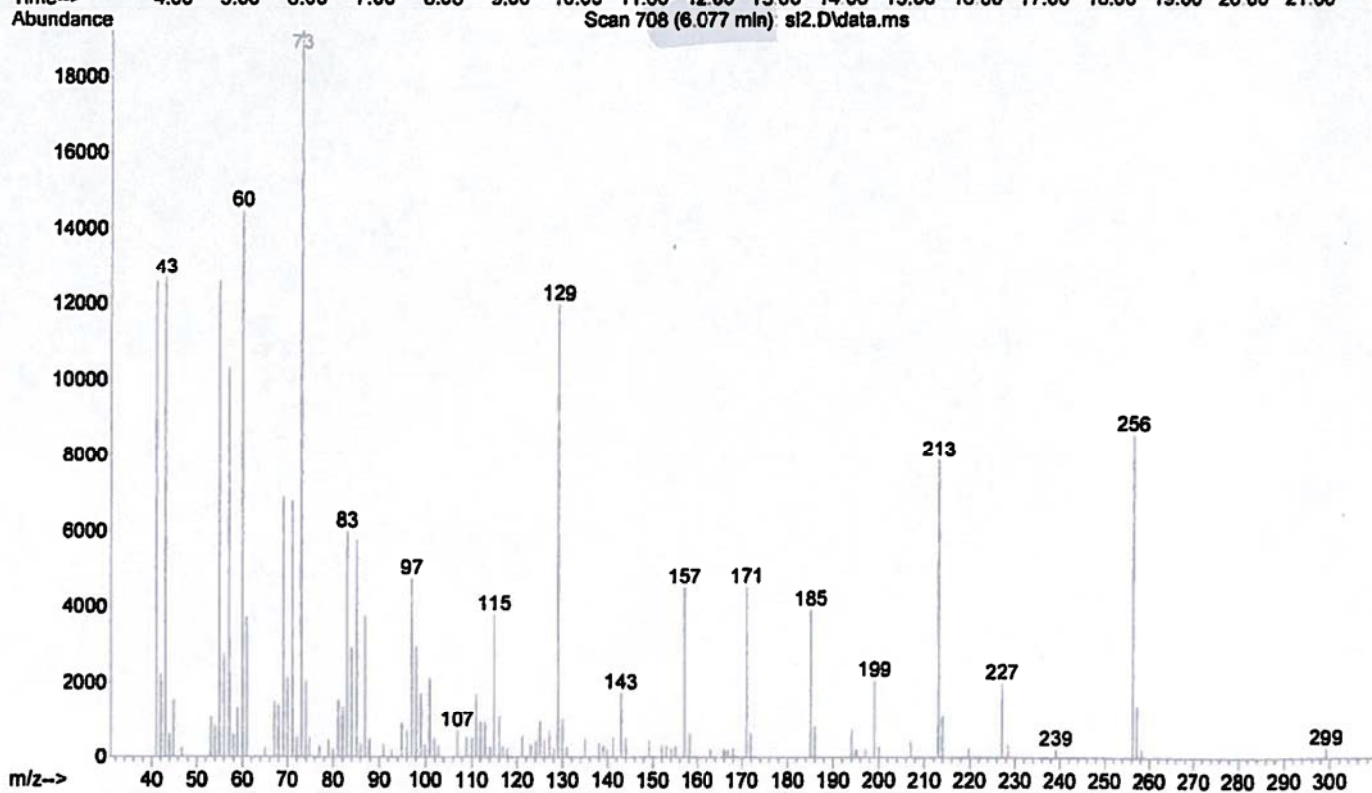
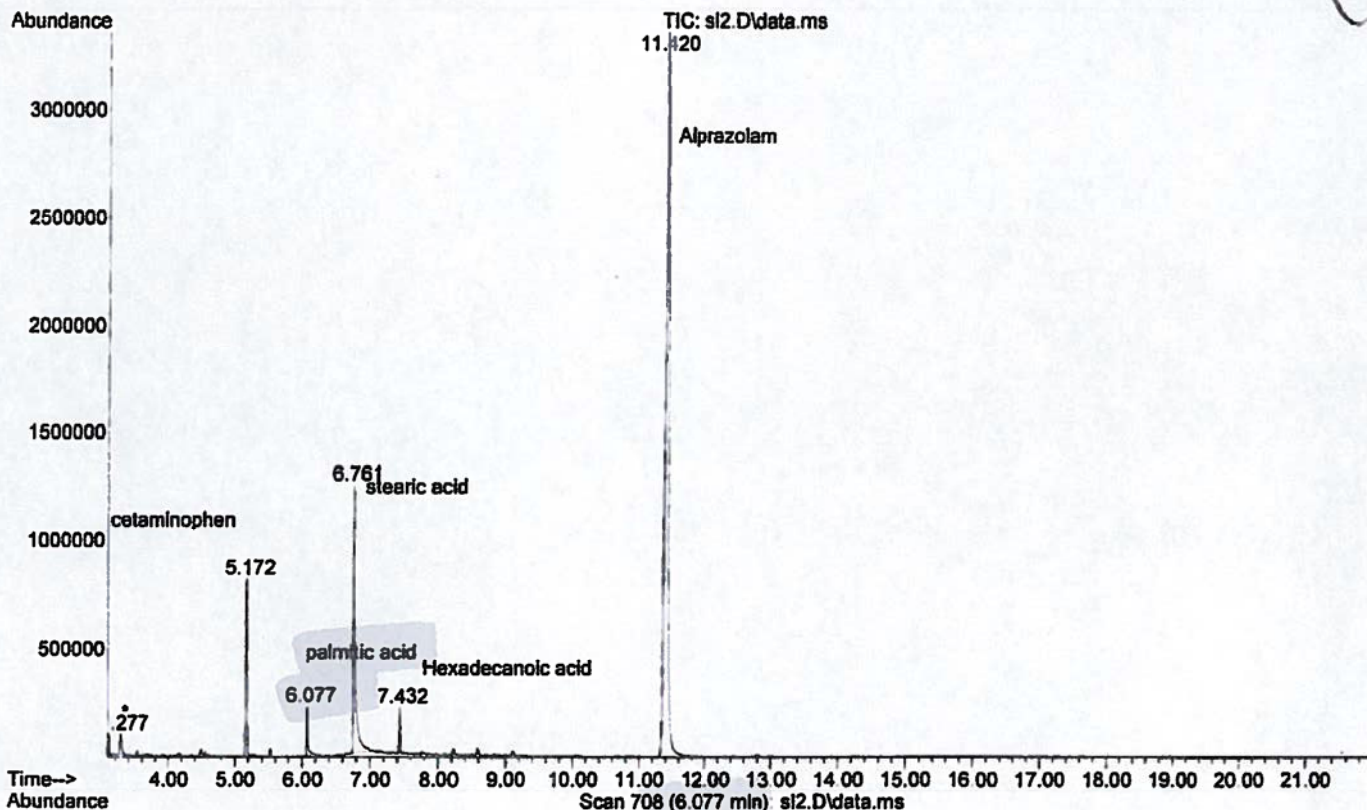
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Instrument : HOGCMS206  
Sample Name: L2H-222396 #1 Direct in CHCl3  
Misc Info : oven 150/2(30/min)300/15 splt  
Vial Number: 77



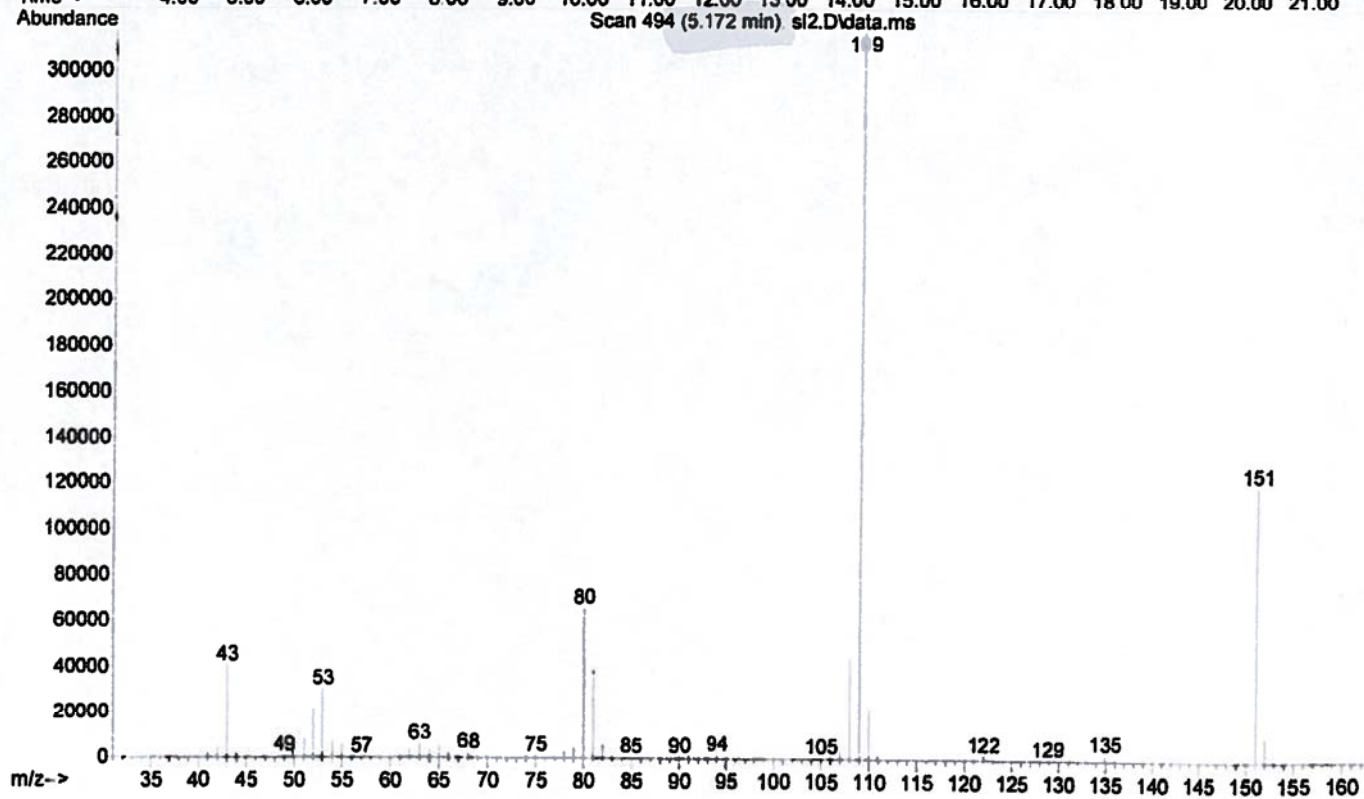
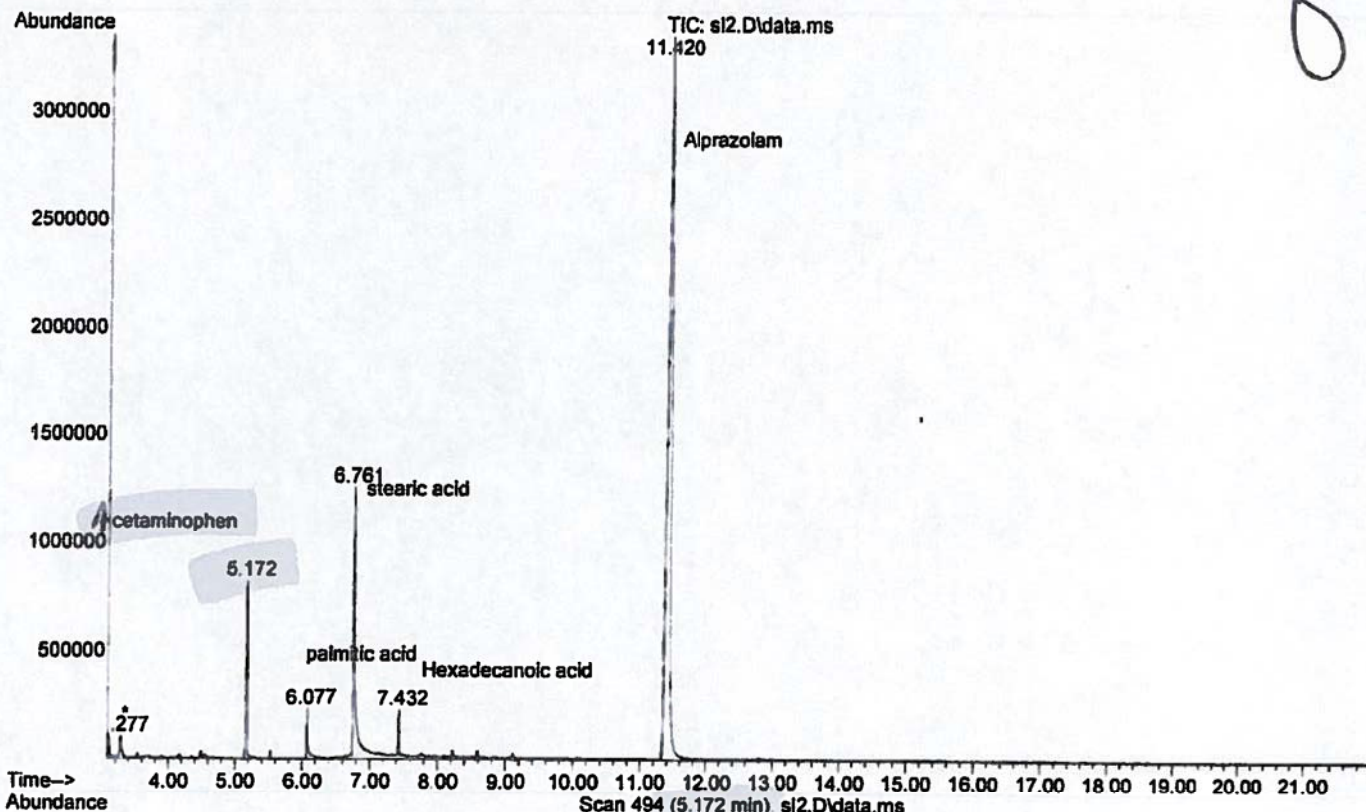
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Instrument : HOGCMS206  
Sample Name: L2H-222396 #1 Direct in CHCl3  
Misc Info : oven 150/2(30/min)300/15 spl  
Vial Number: 77



File :D:\1\DATA\2012\020312\s12.D  
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Misc Info : oven 150/2(30/min)300/15 splt  
Vial Number: 77

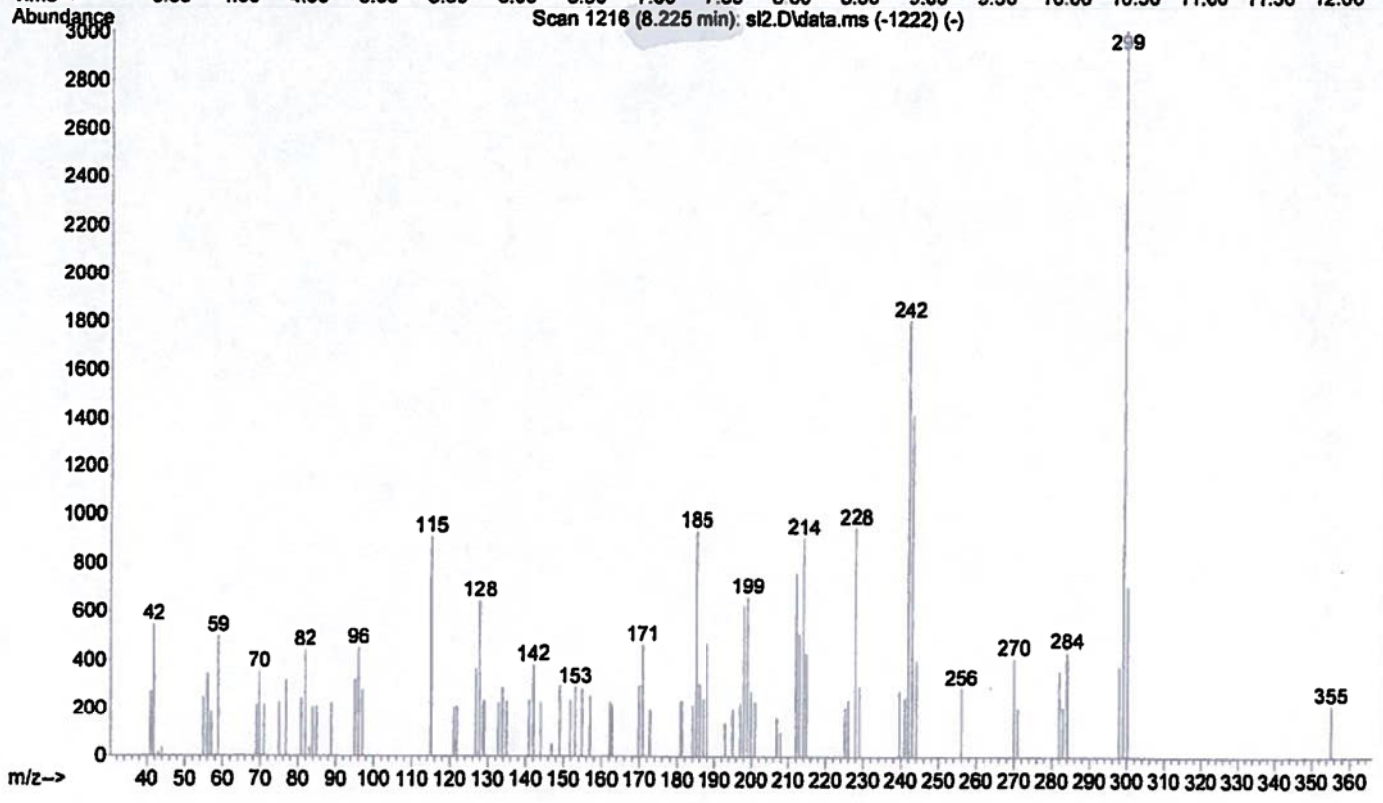
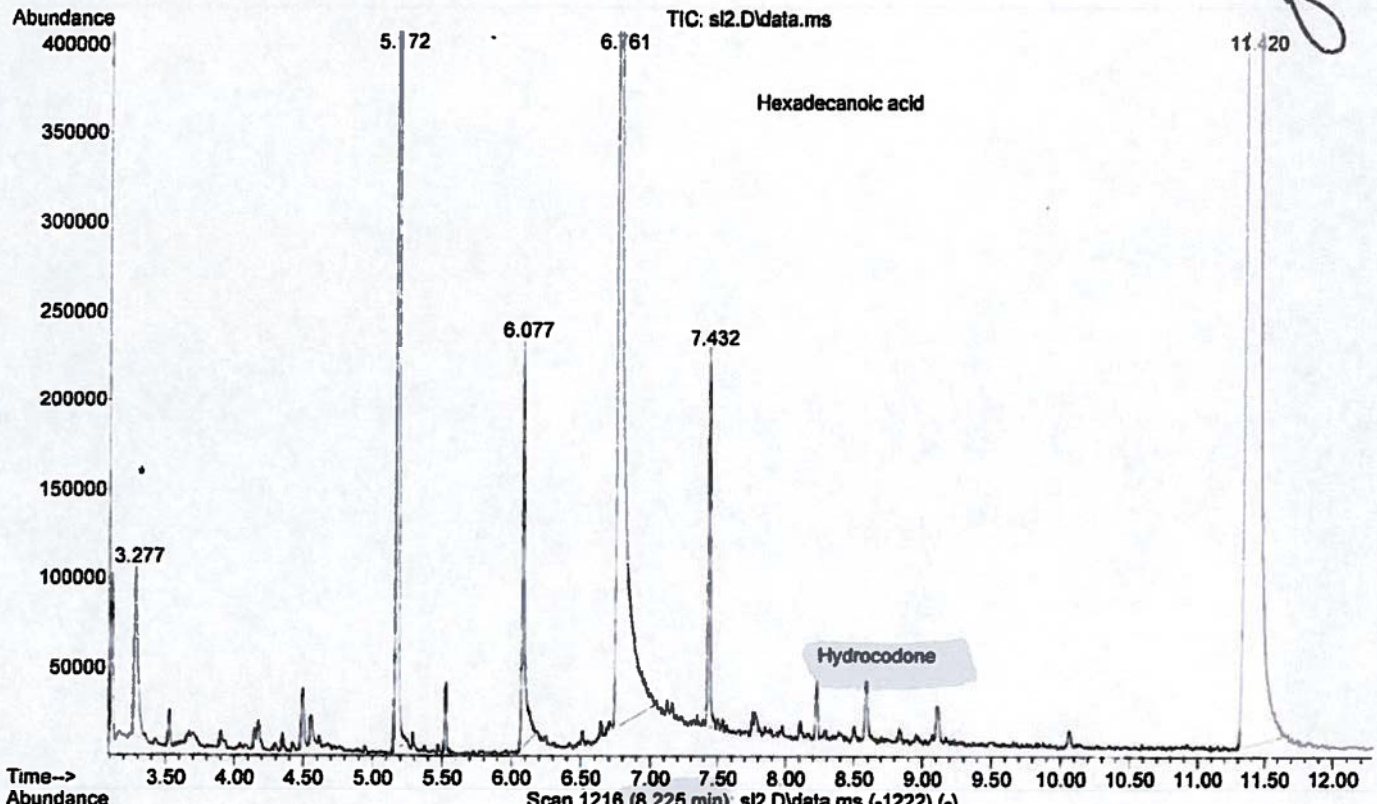


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Sample Name: L2H-222396 #1 Direct in CHCl3  
Misc Info : oven 150/2(30/min)300/15 spl  
Vial Number: 77

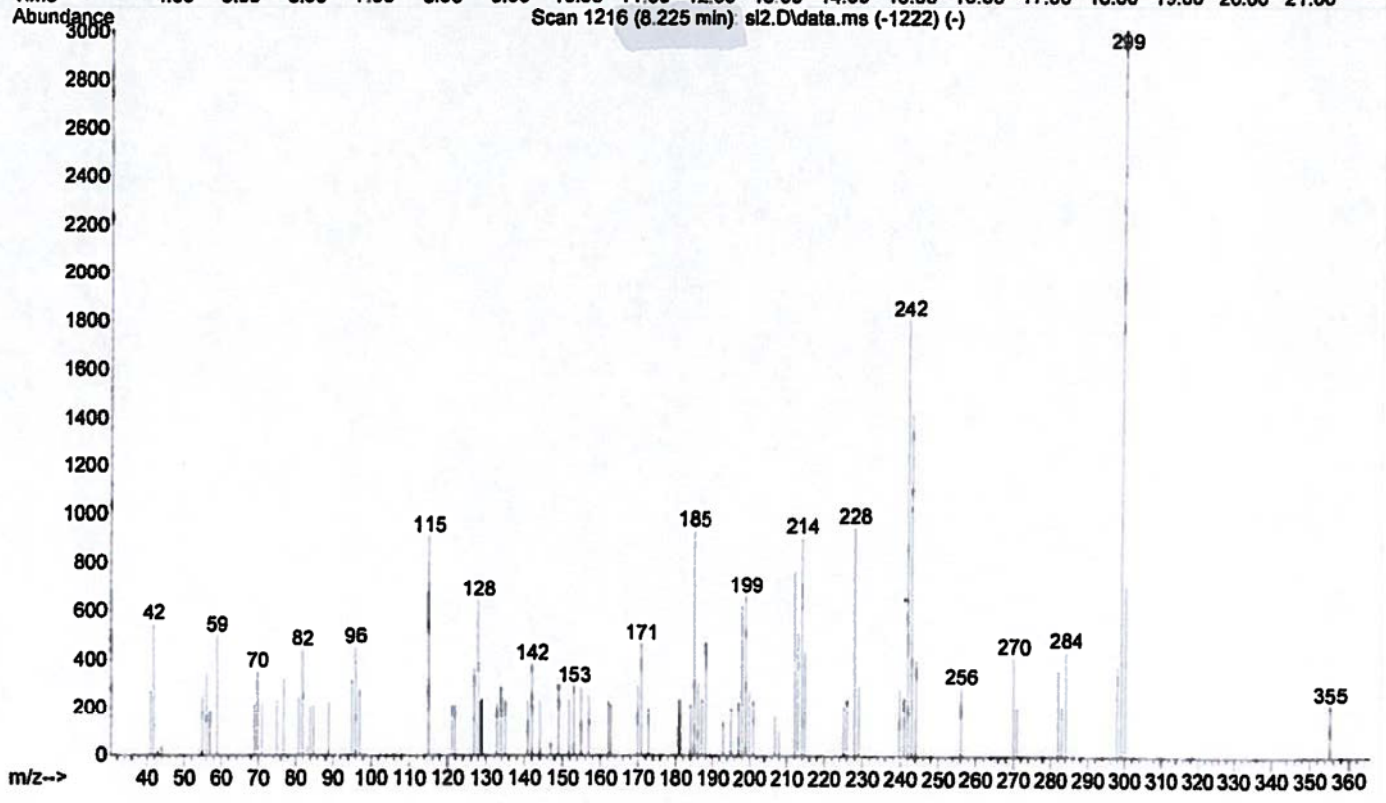
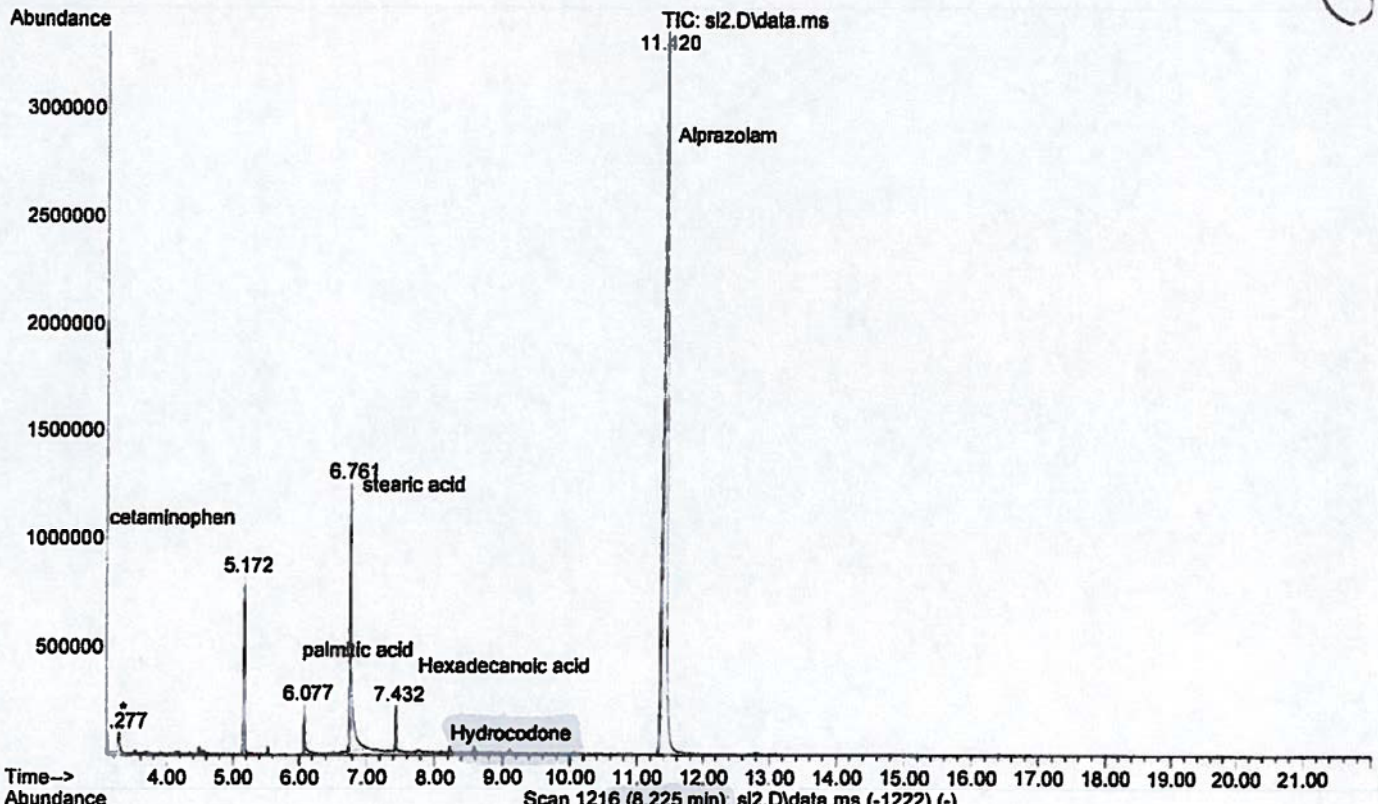




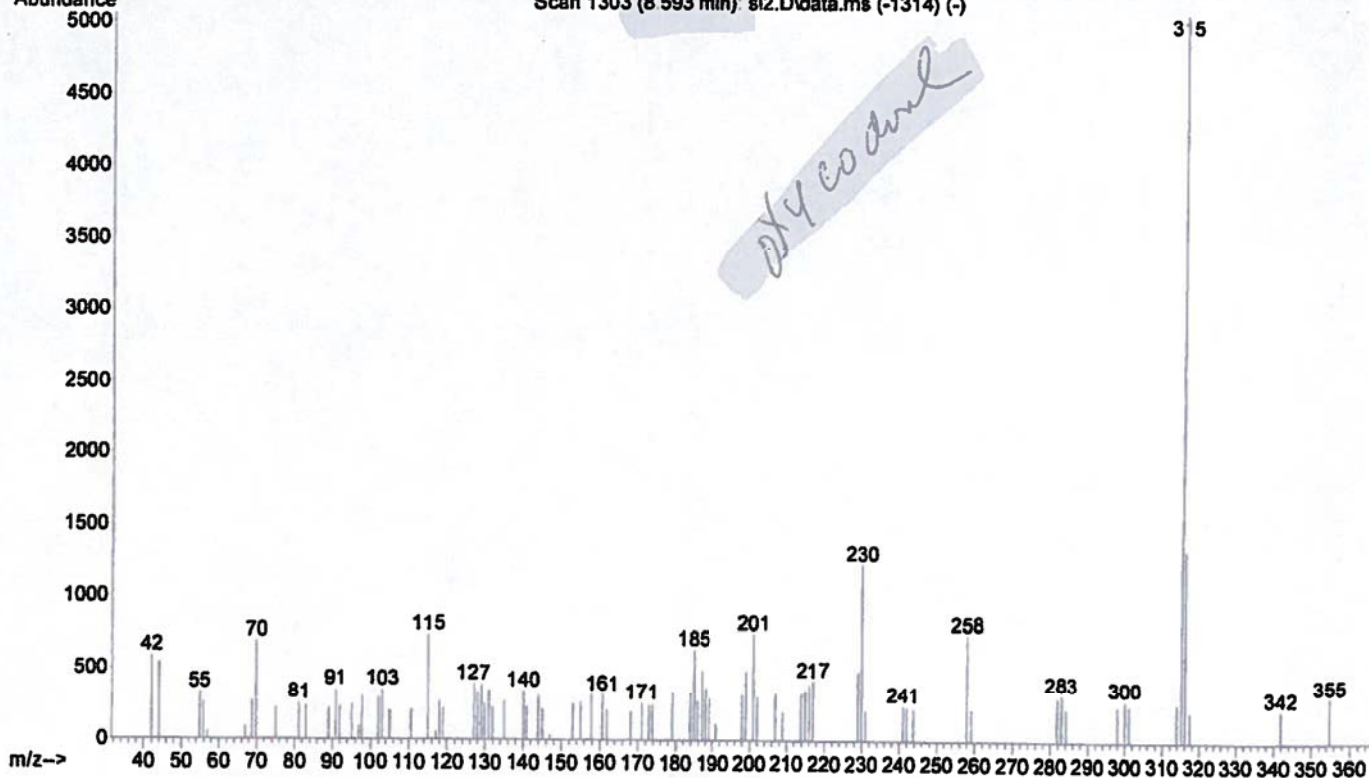
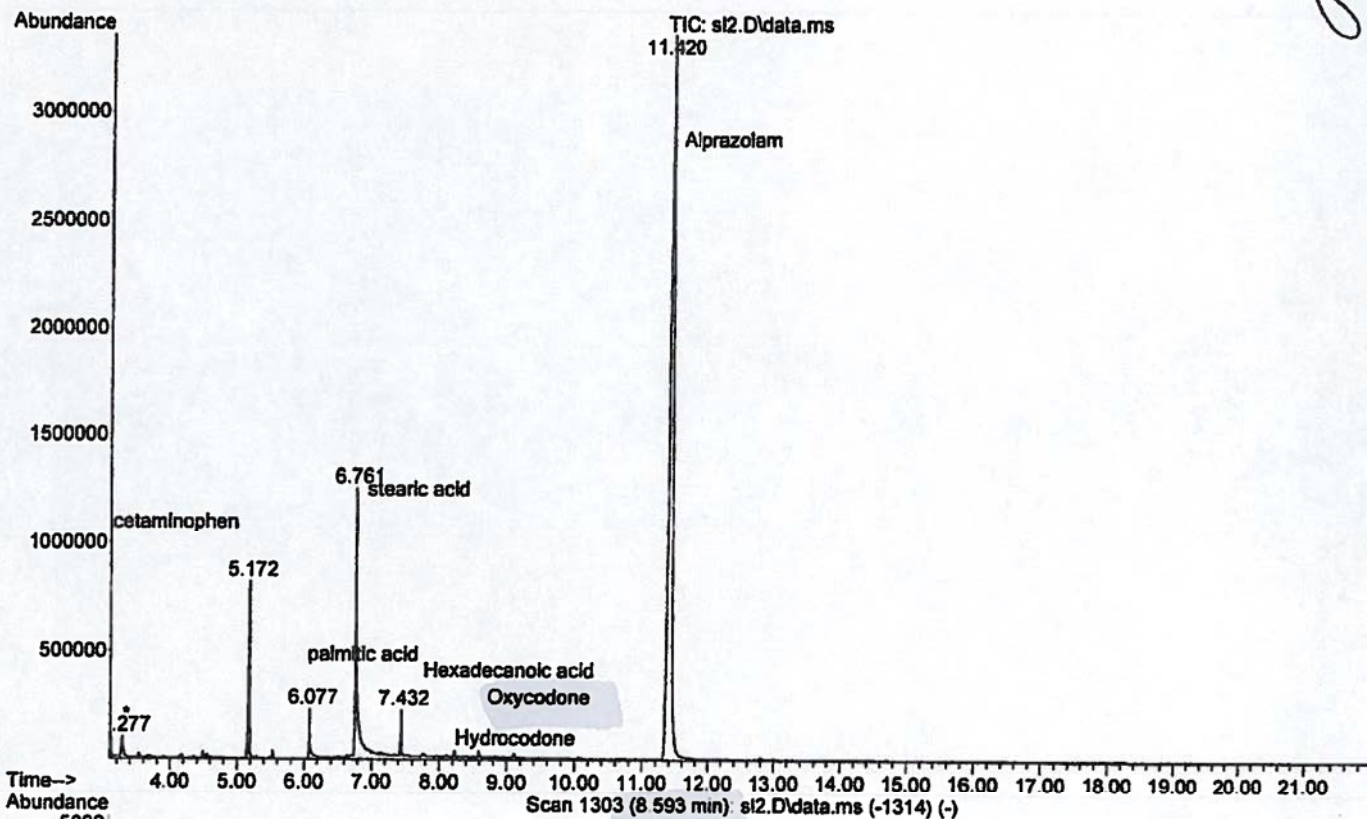
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Vial Number: 77



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Misc Info : oven 150/2(30/min)300/15 splt  
Vial Number: 77



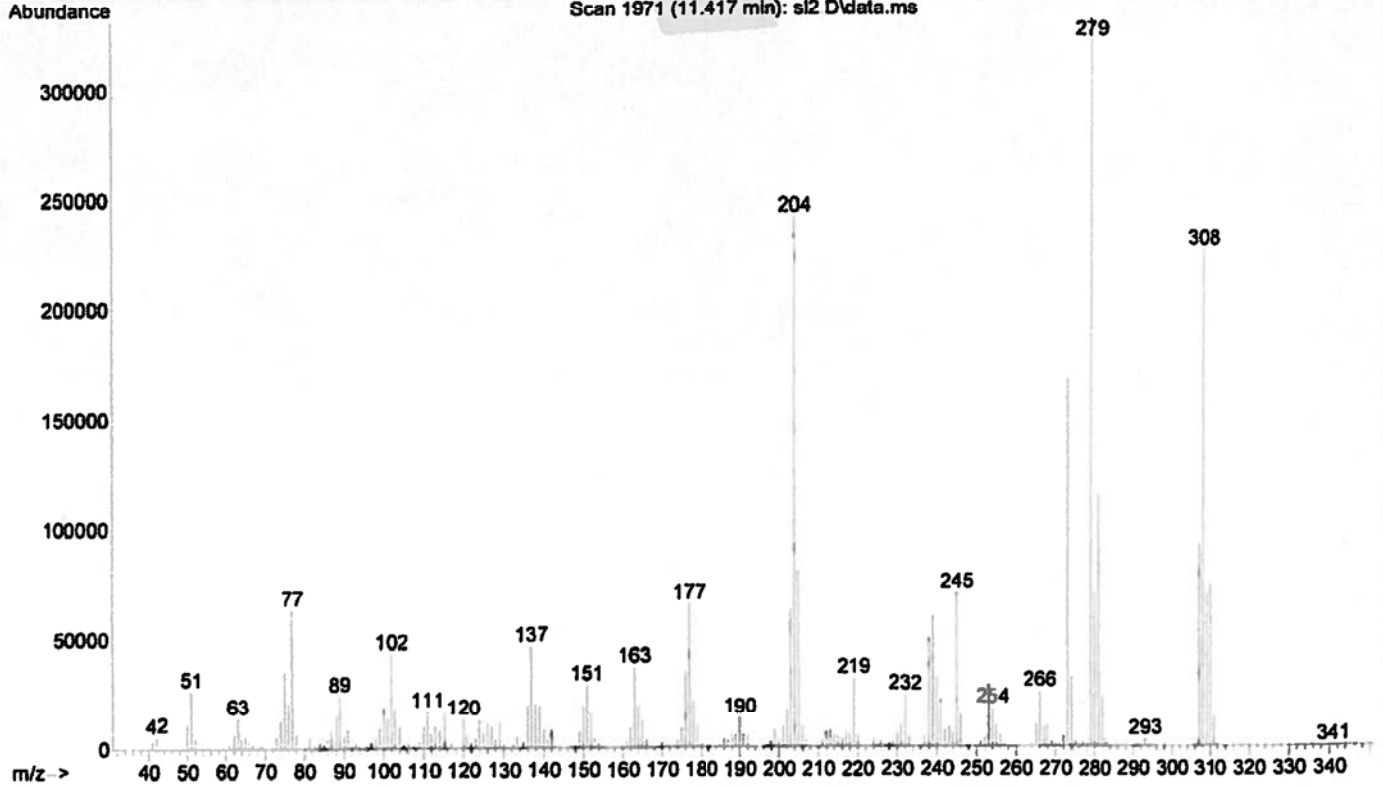
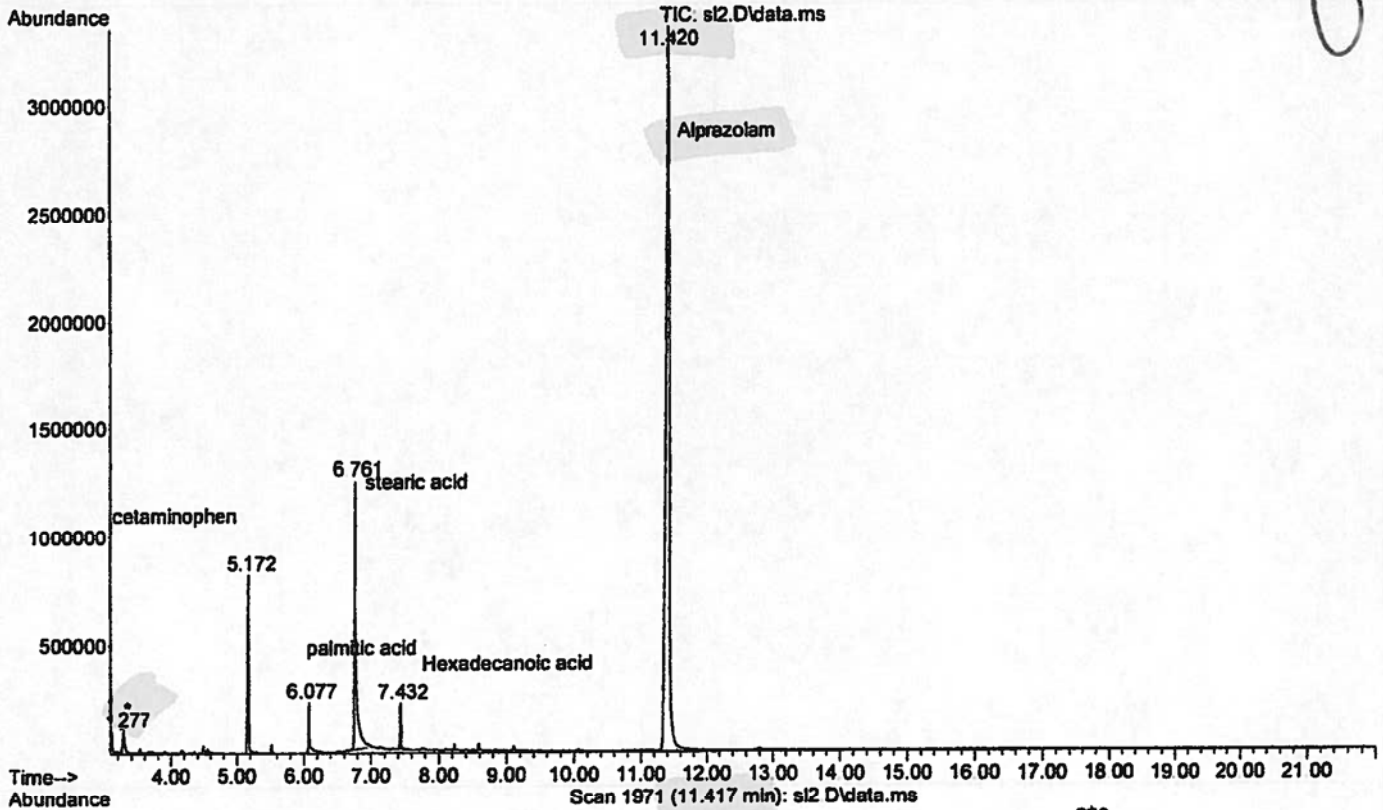
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Instrument : HOGCMS206  
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Misc Info : oven 150/2(30/min)300/15 spl  
Vial Number: 77



*Oxycodone*

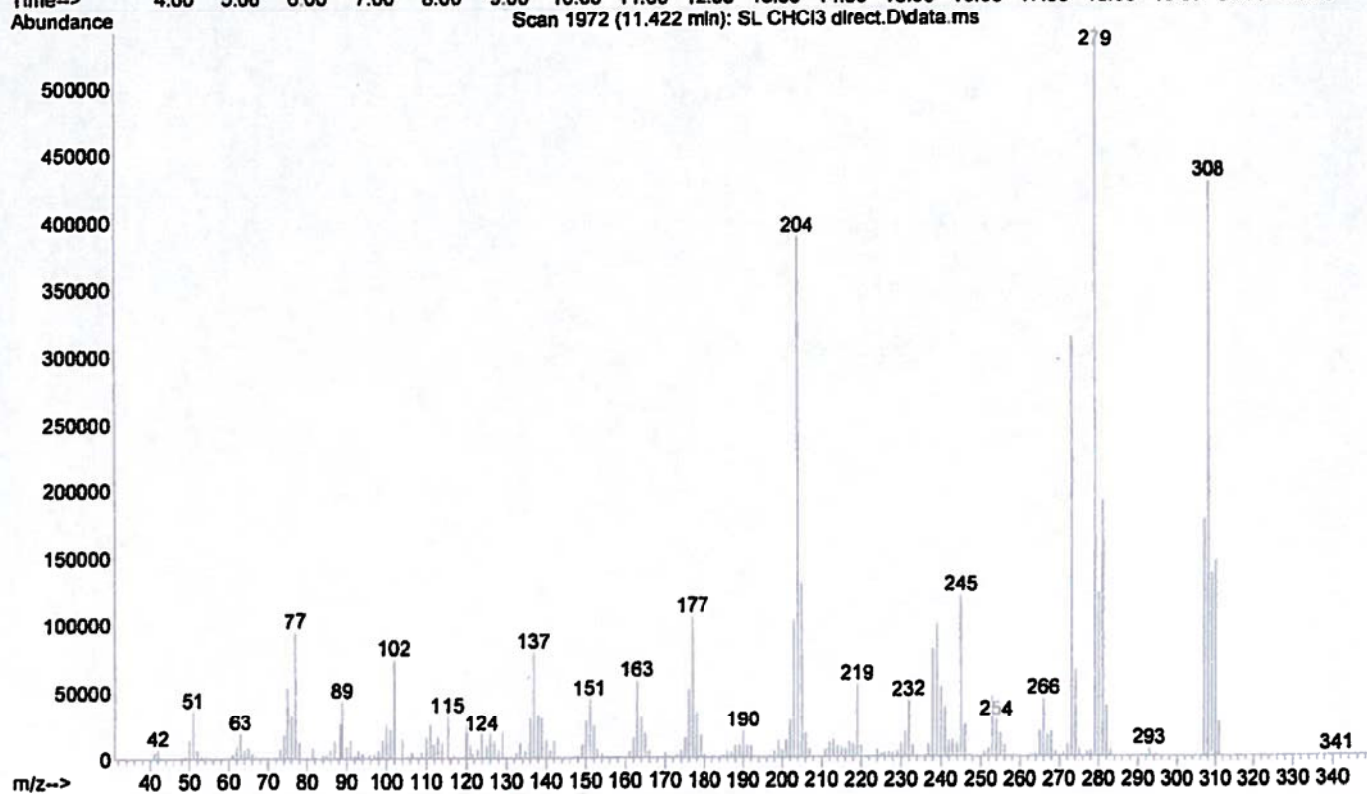
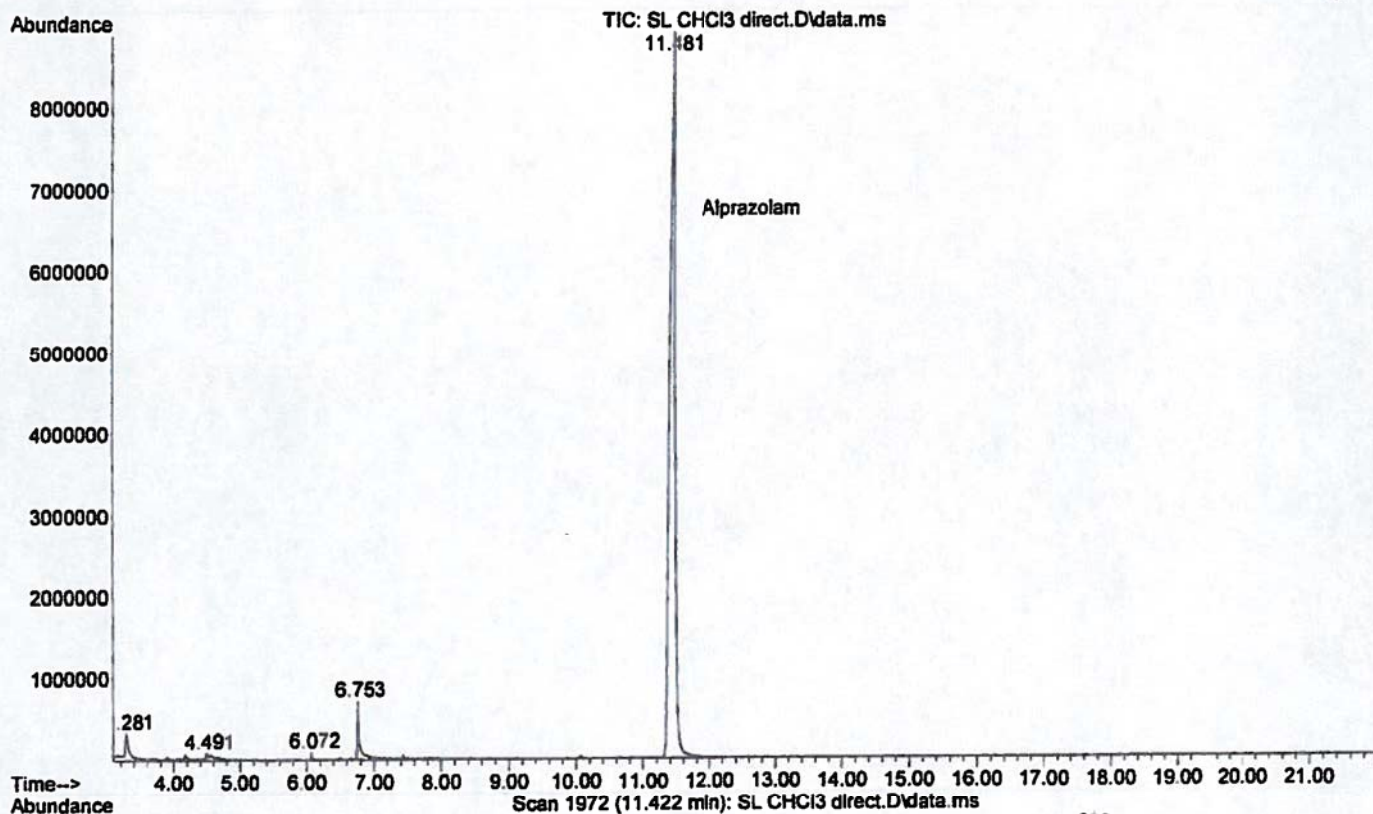
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Vial Number: 77

8

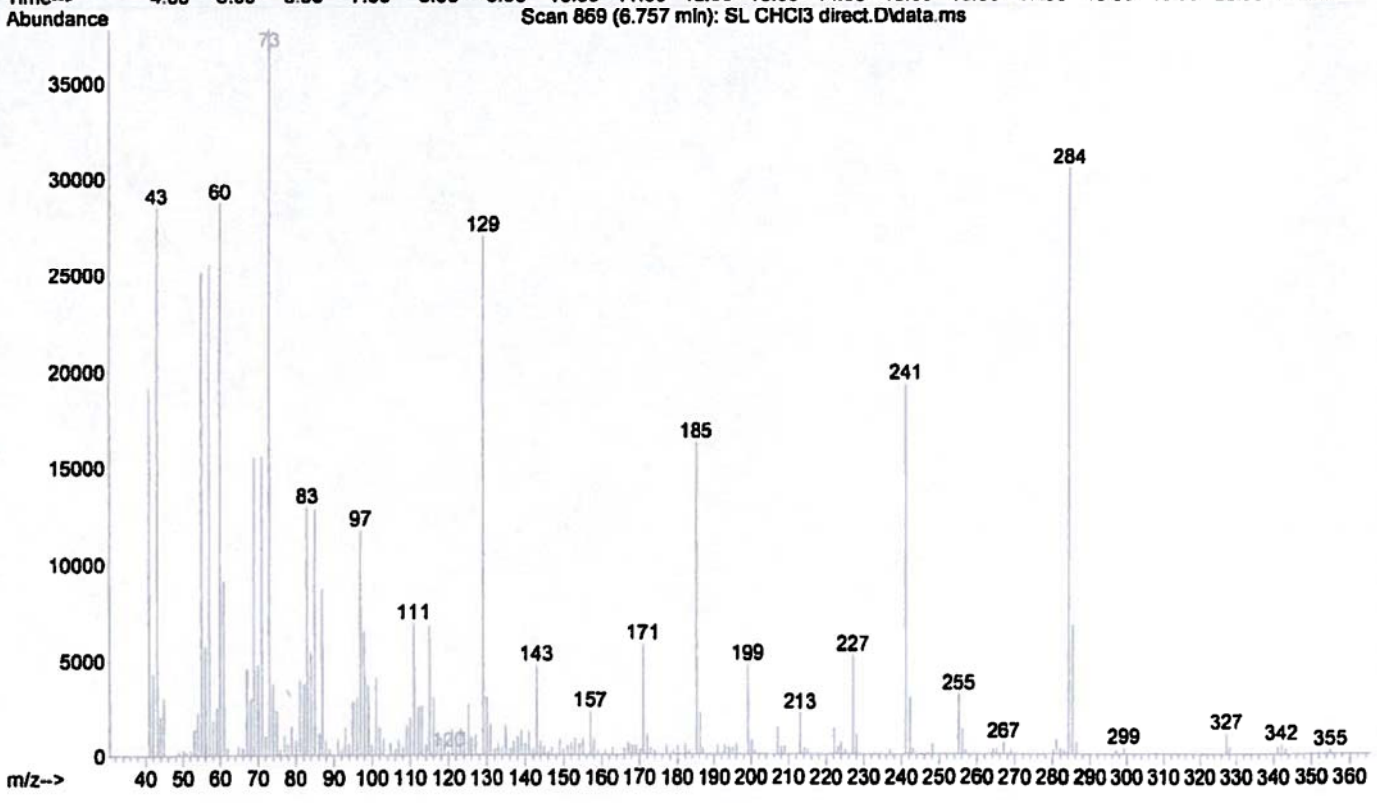
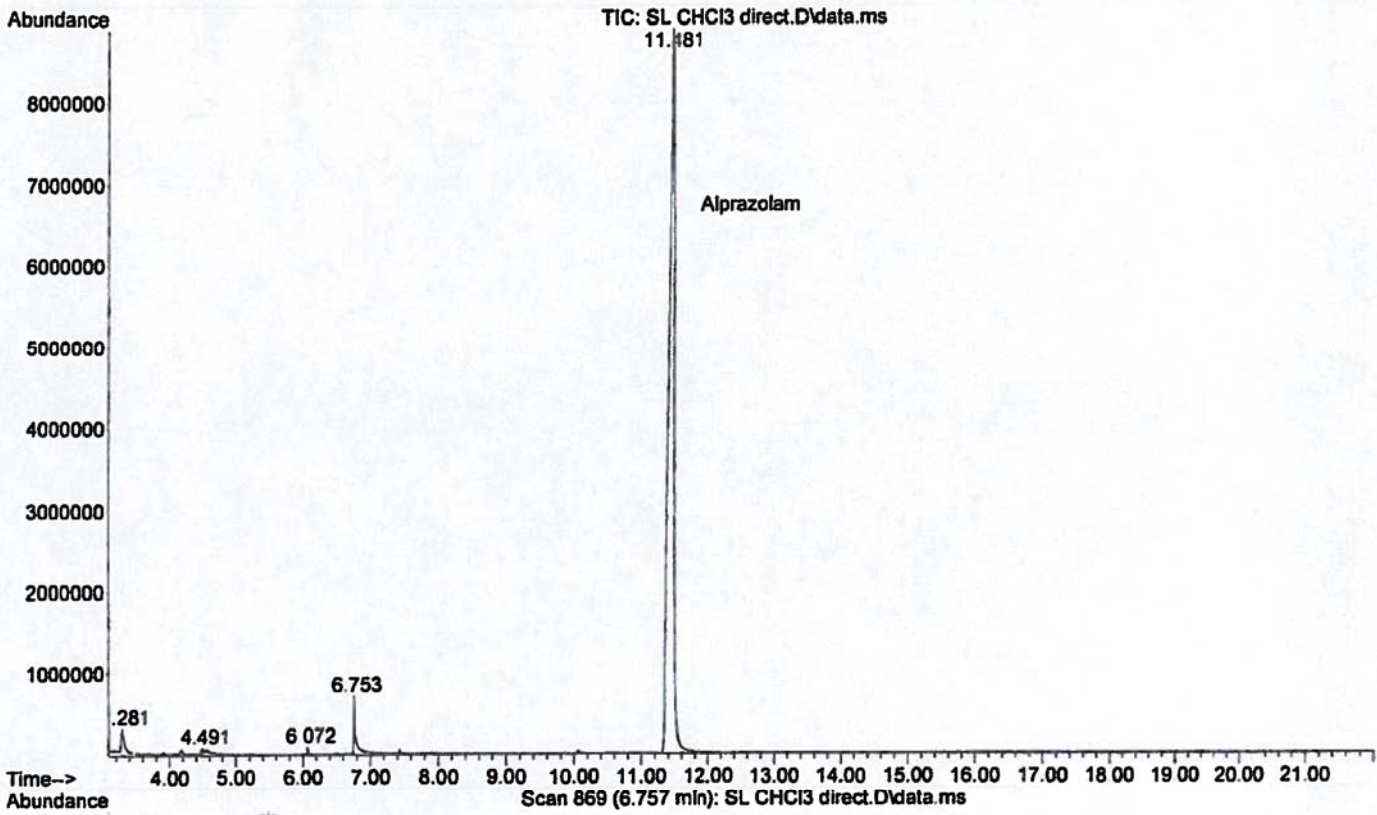




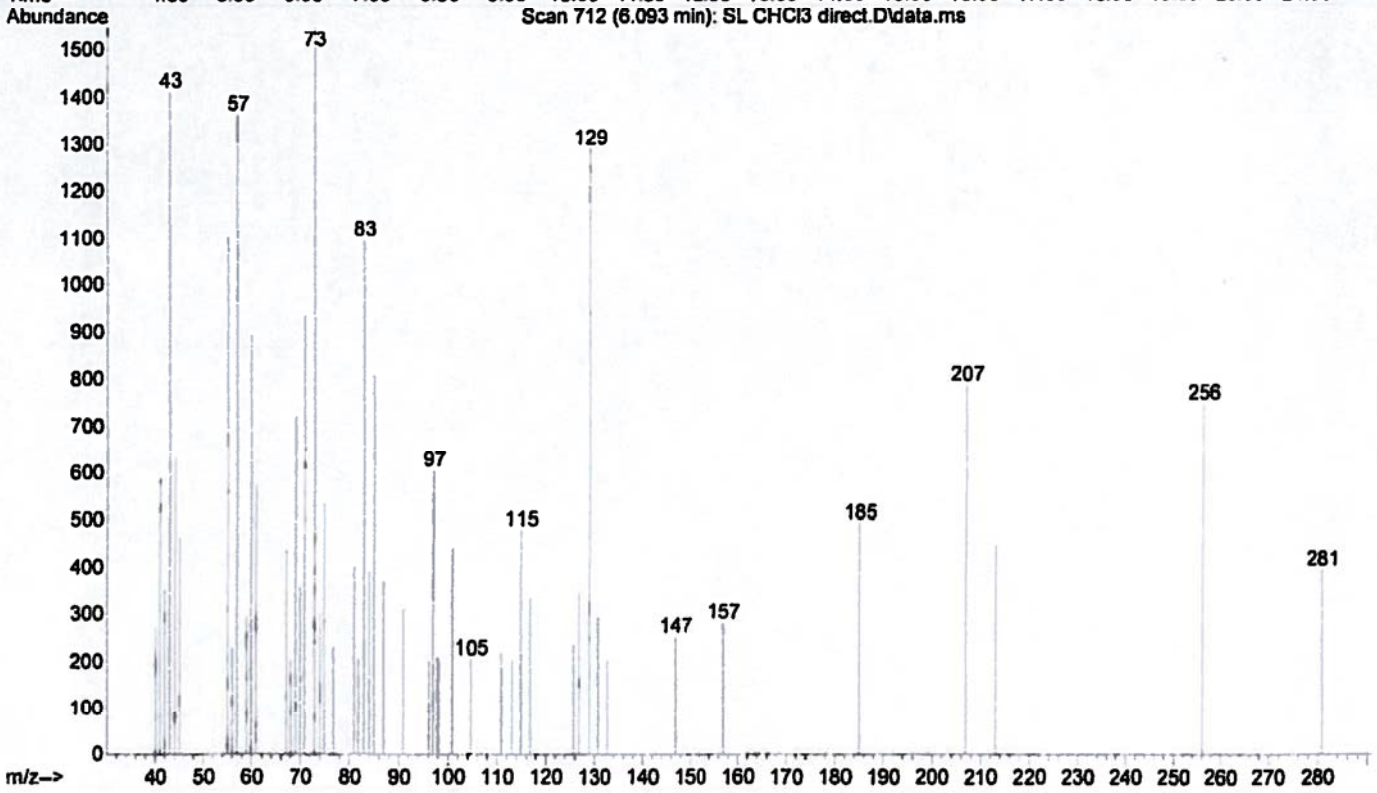
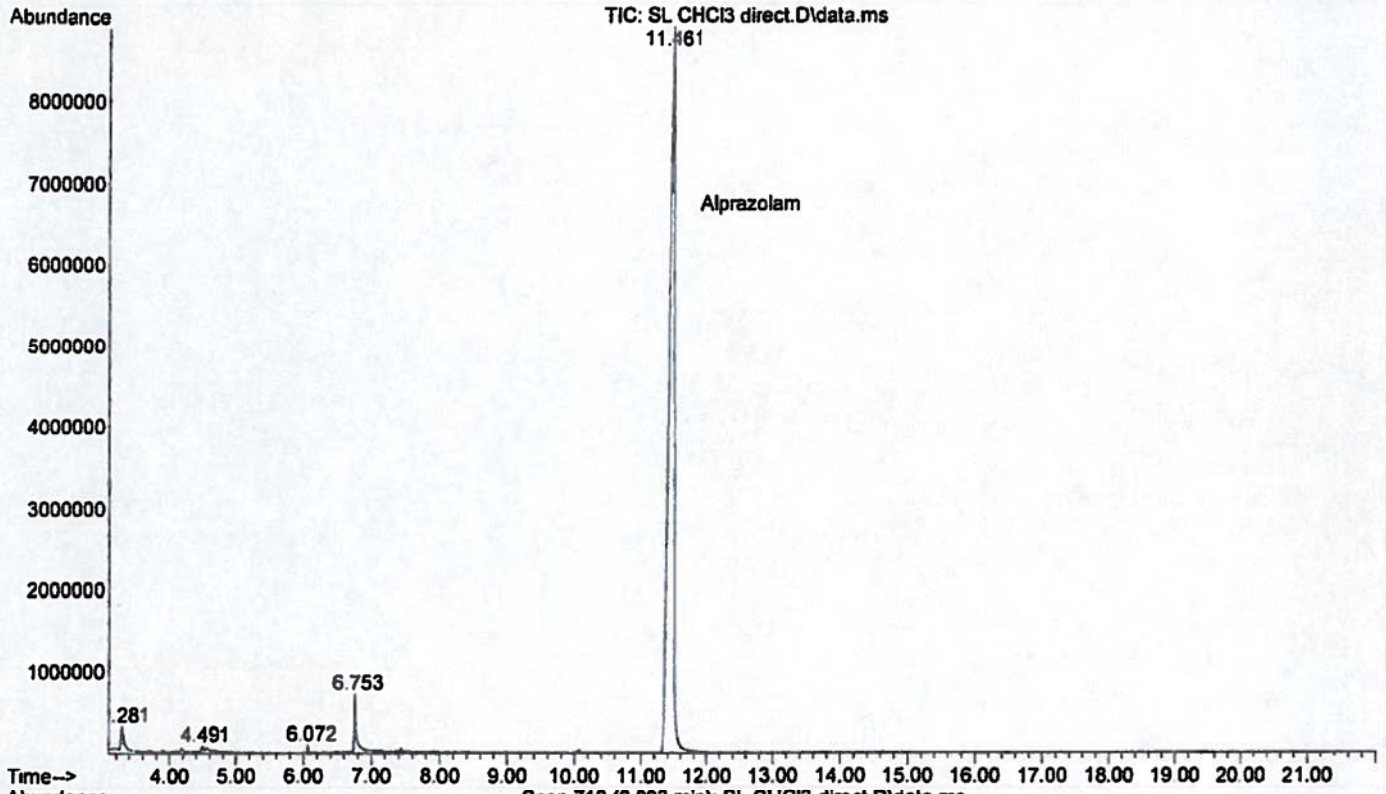
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Acquired : 8 Feb 2012 19:19 using AcqMethod DPMSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: SL CHCl3 direct  
Misc Info : it:150/2m; rt:30c/m; ft:300c/15m CHCl3  
Vial Number: 97



File :D:\1\DATA\2012\020812\SL CHCl3 direct.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 8 Feb 2012 19:19 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: SL CHCl3 direct  
Misc Info : it:150/2m; rt:30c/m; ft:300c/15m CHCl3  
Vial Number: 97

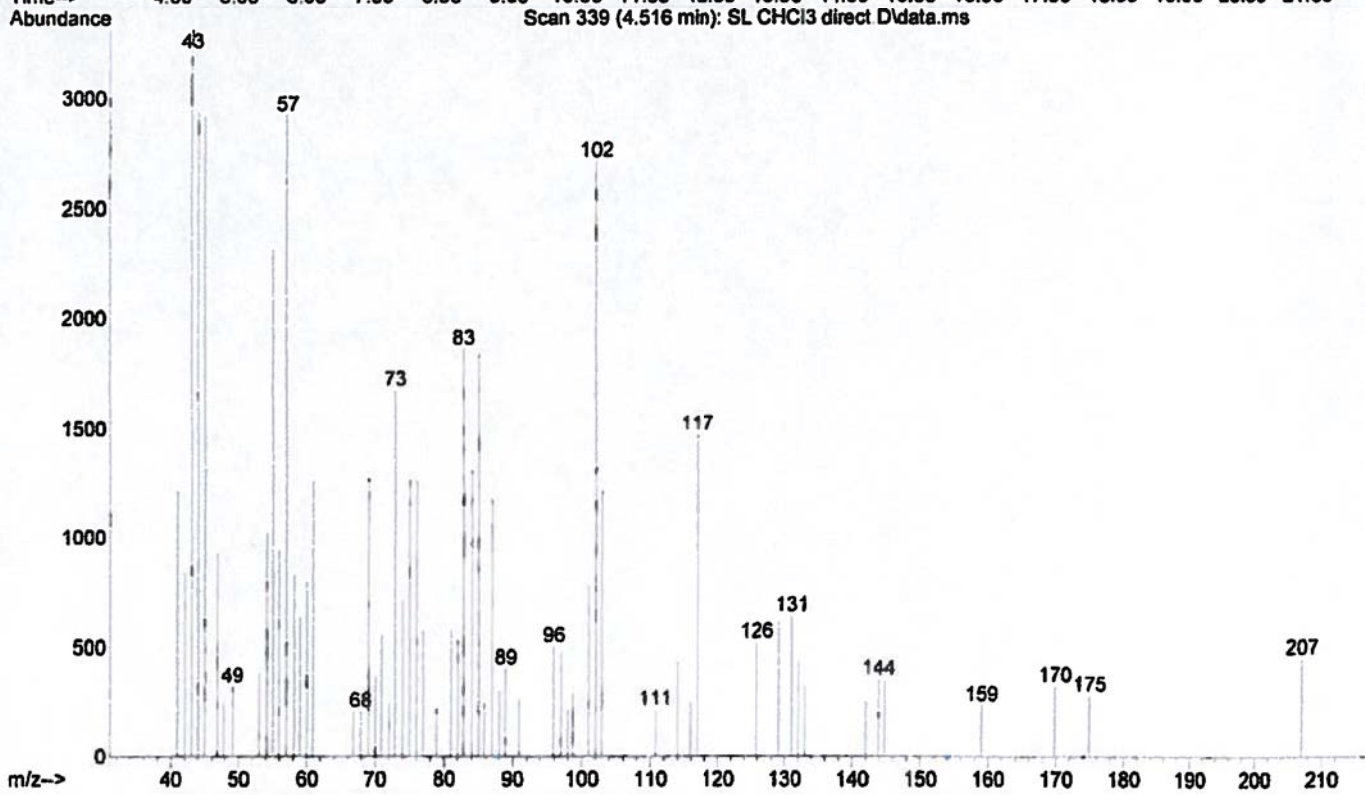
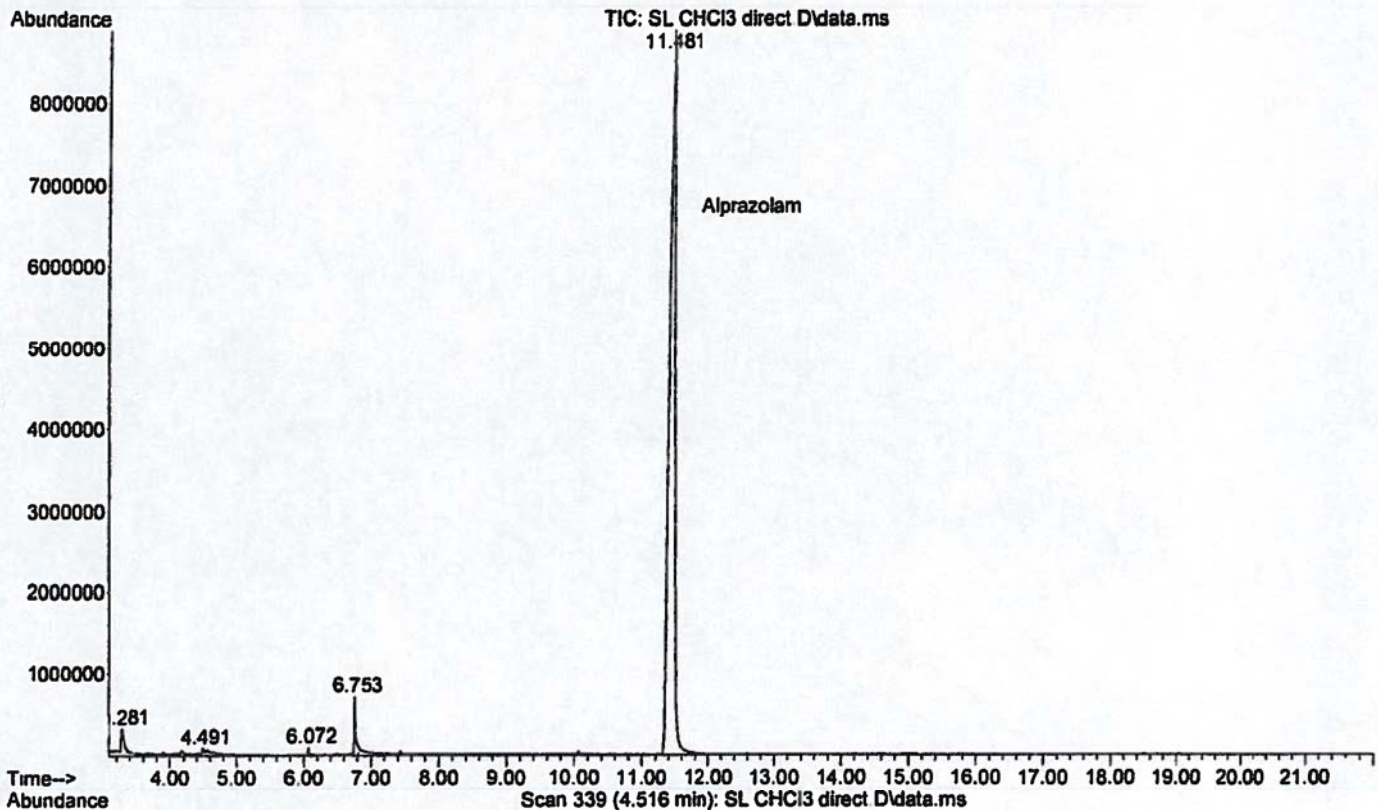


File :D:\1\DATA\2012\020812\SL CHCl3 direct.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 8 Feb 2012 19:19 using AcqMethod DPMSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: SL CHCl3 direct  
Misc Info : it:150/2m; rt:30c/m; ft:300c/15m CHCl3  
Vial Number: 97

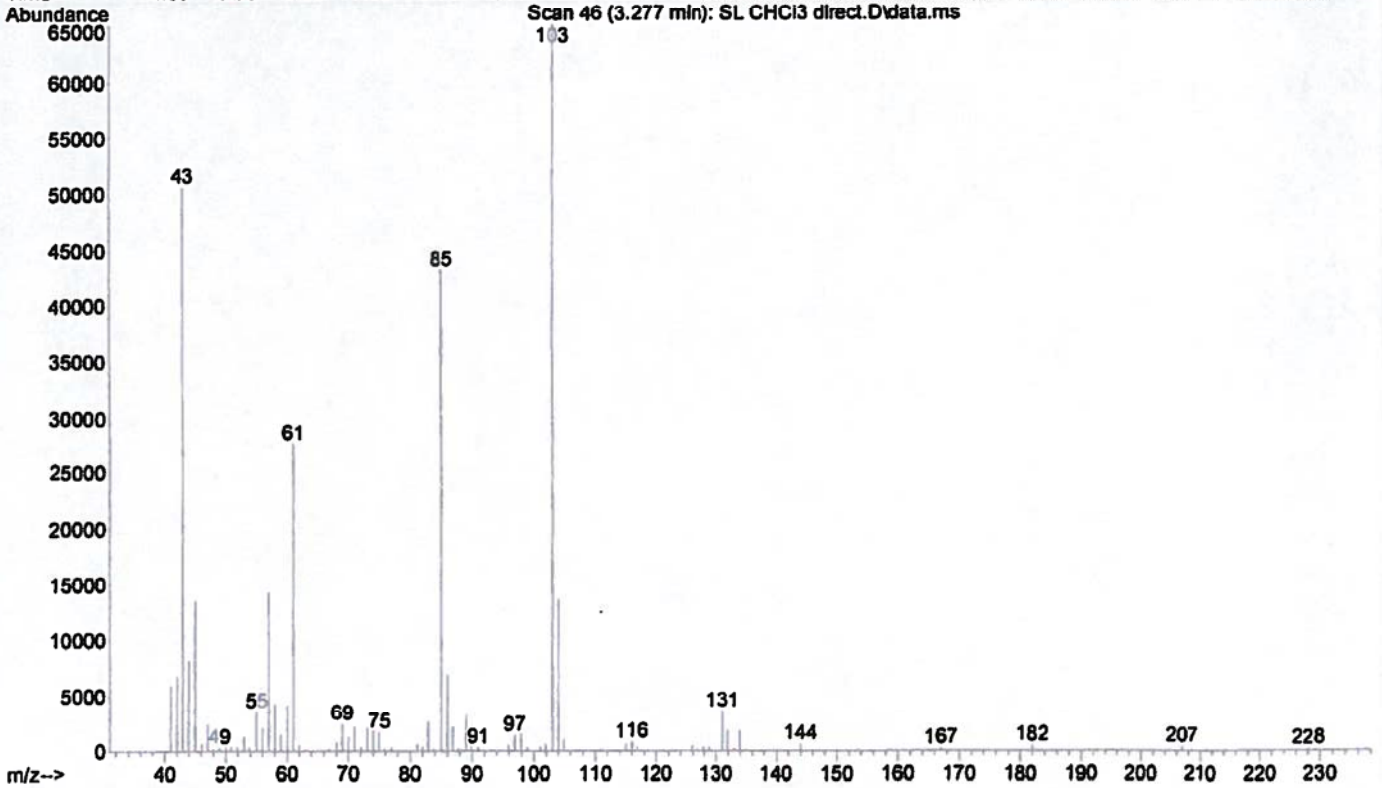
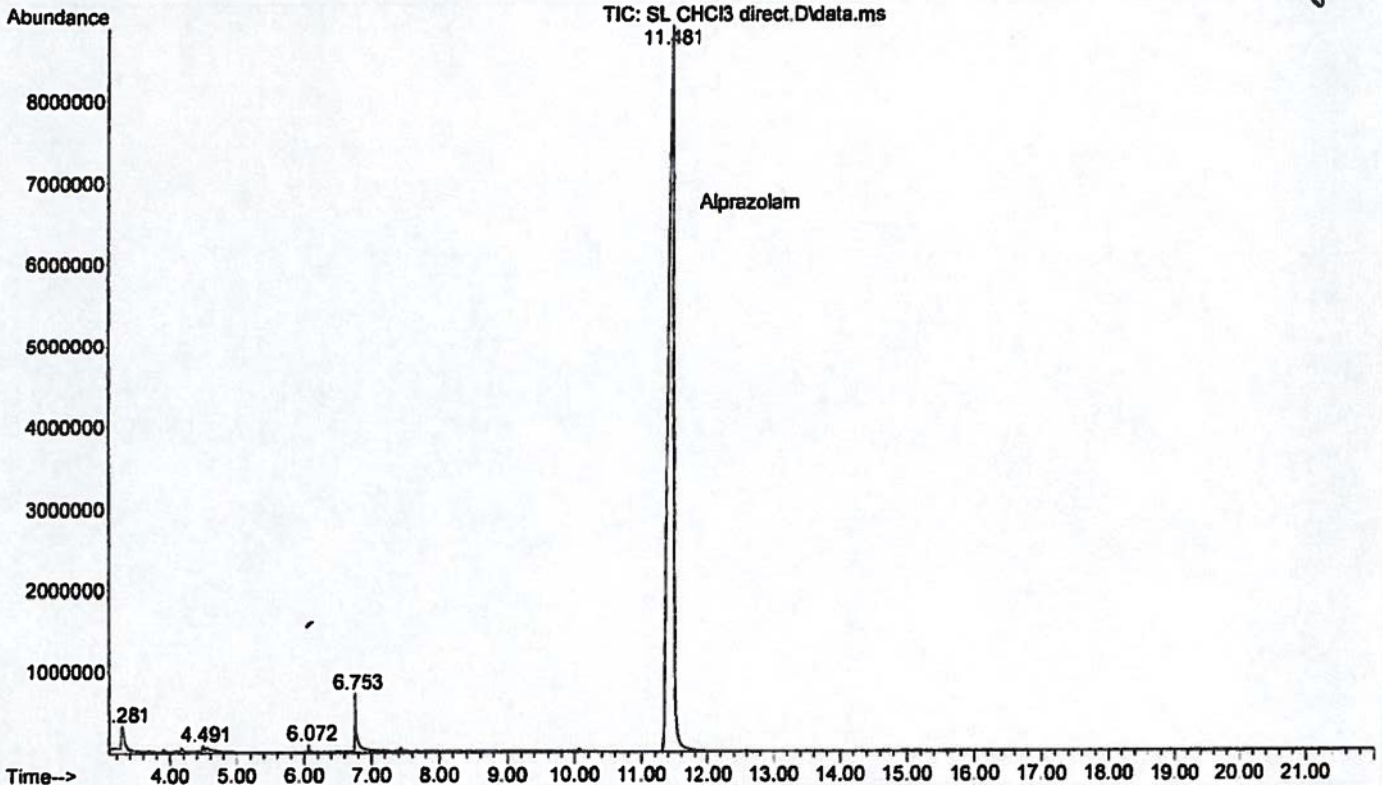




File :D:\1\DATA\2012\020812\SL CHCl3 direct.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 8 Feb 2012 19:19 using AcqMethod DPMSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: SL CHCl3 direct  
Misc Info : it:150/2m; rt:30c/m; ft:300c/15m CHCl3  
Vial Number: 97

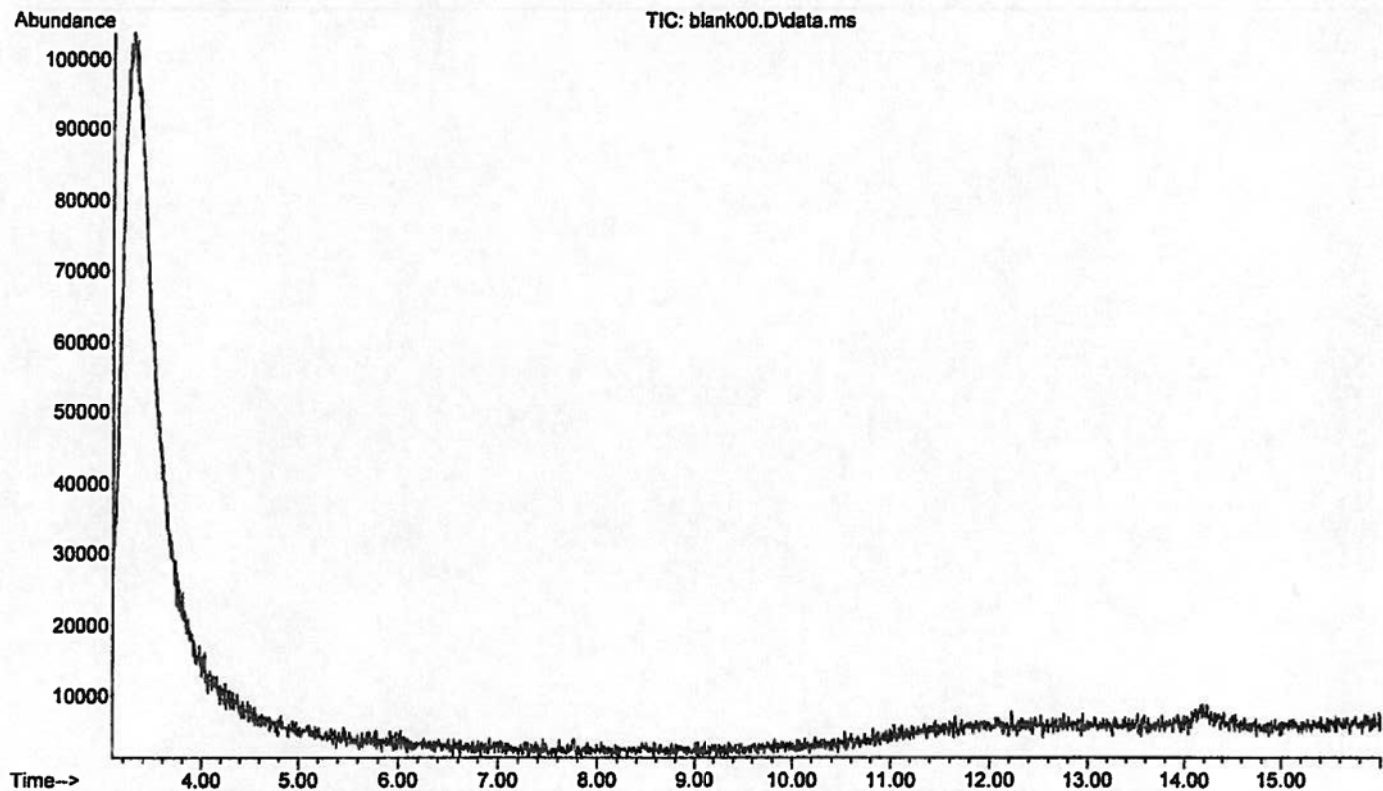


File :D:\1\DATA\2012\020812\SL CHCl3 direct.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 8 Feb 2012 19:19 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: SL CHCl3 direct  
Misc Info : it:150/2m; rt:30c/m; ft:300c/15m CHCl3  
Vial Number: 97



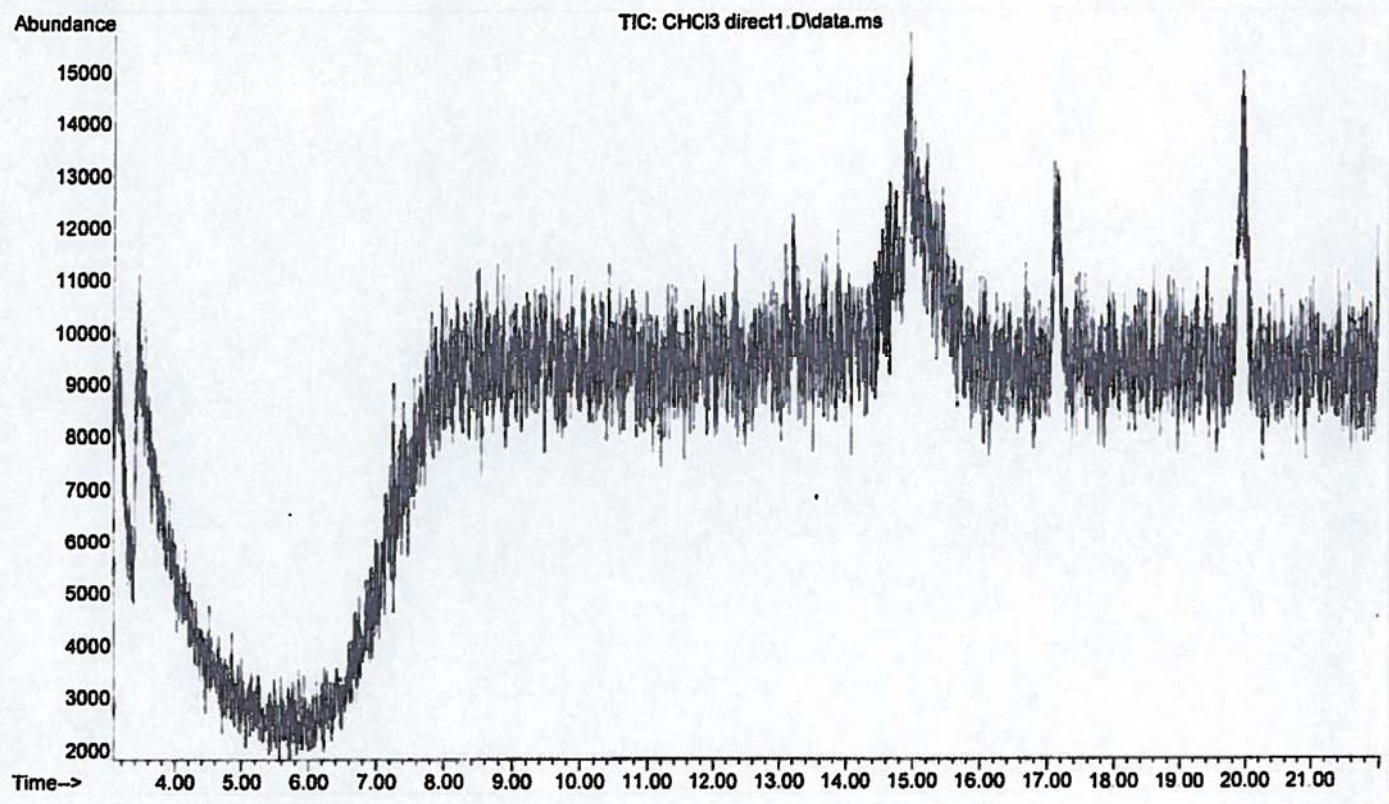
File :D:\1\DATA\2012\020812\blank00.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 8 Feb 2012 16:56 using AcqMethod DPSCOC.M  
Instrument : HOGCMS206  
Sample Name: blank00  
Misc Info : it:100/2m; rt:20c/m; ft:280c/5m A>CHCl3  
Vial Number: 100

2



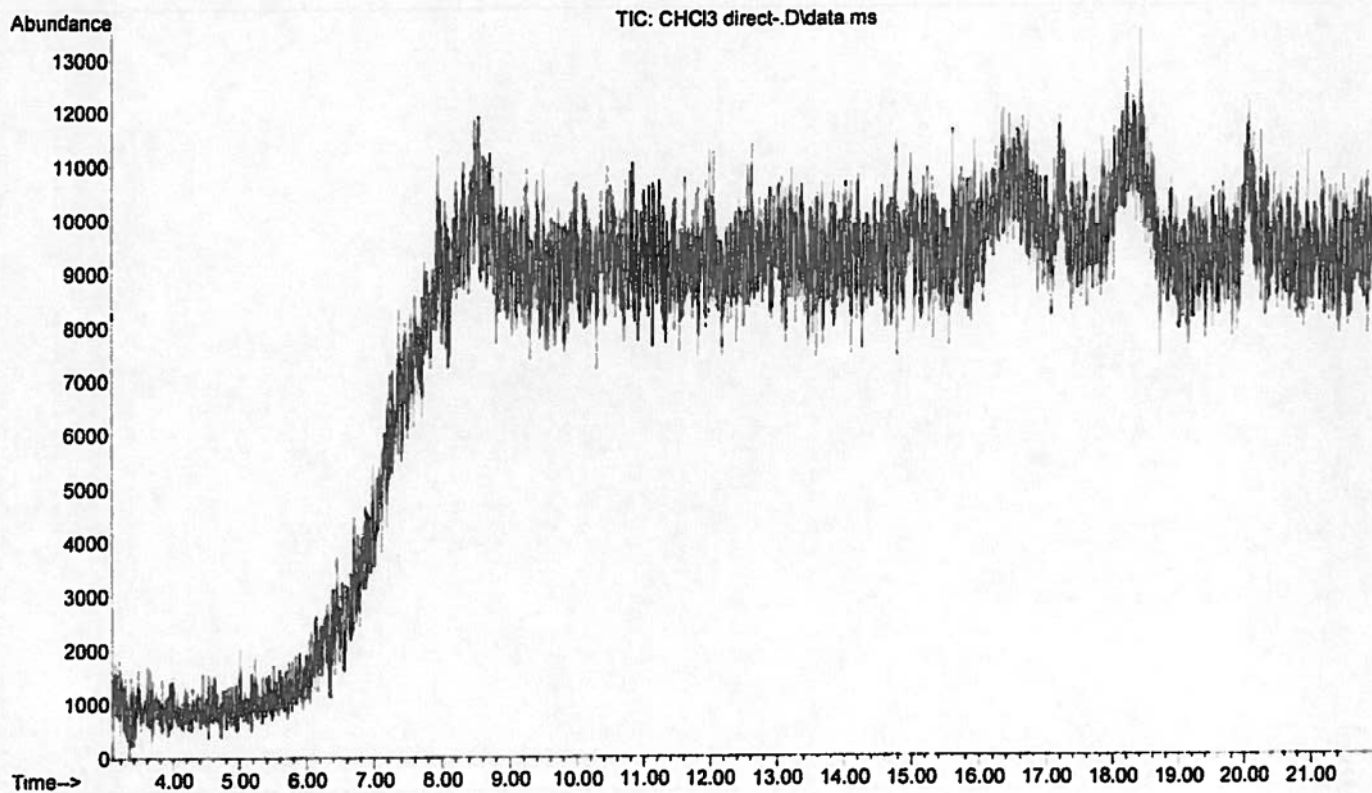
File :D:\1\DATA\2012\020812\CHCl3 direct1.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 8 Feb 2012 18:54 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: CHCl3 direct1  
Misc Info : it:150/2m; rt:30c/m; ft:300c/15m CHCl3  
Vial Number: 99

8

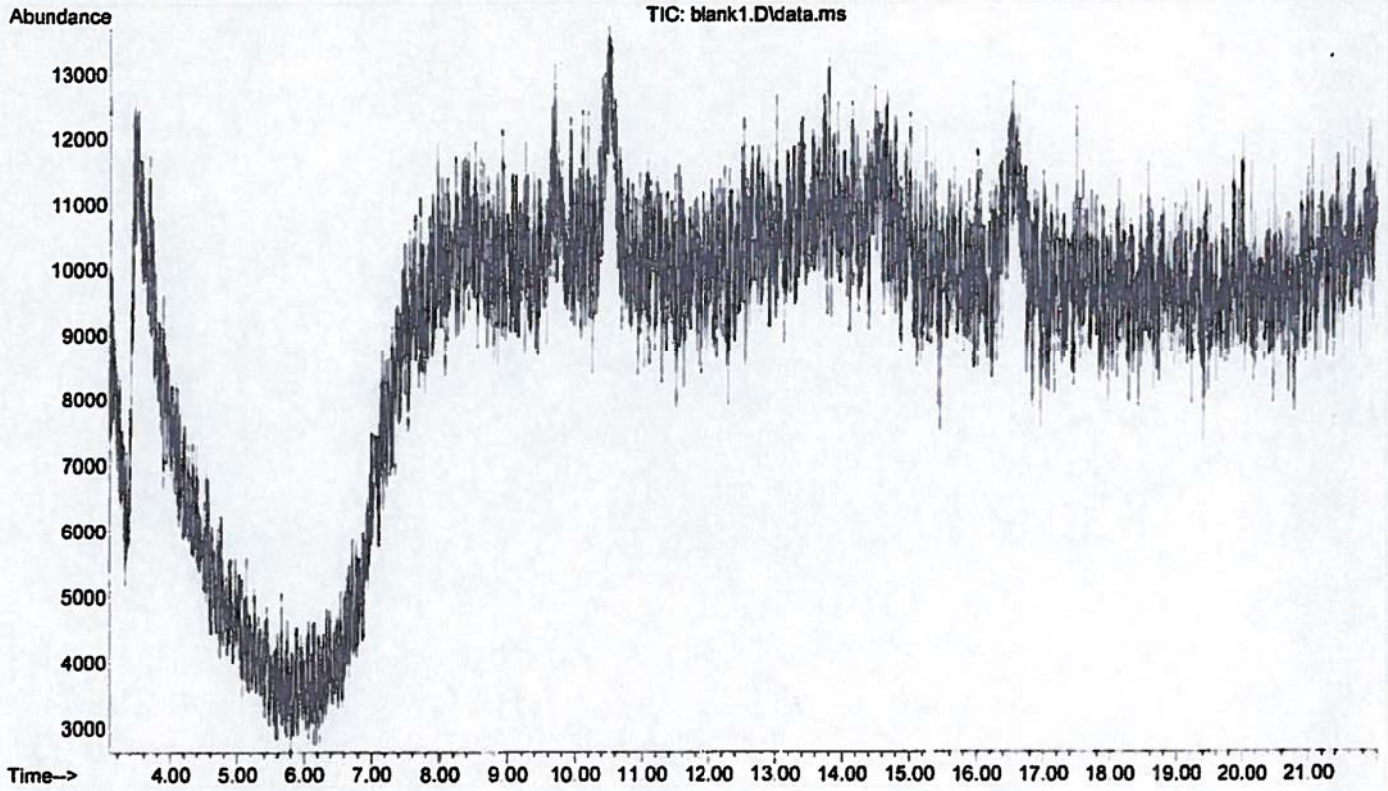


File :D:\1\DATA\2012\020812\CHCl3 direct-.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 8 Feb 2012 17:52 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: CHCl3 direct  
Misc Info : it:150/2m; rt:30c/m; ft:300c/15m CHCl3  
Vial Number: 99

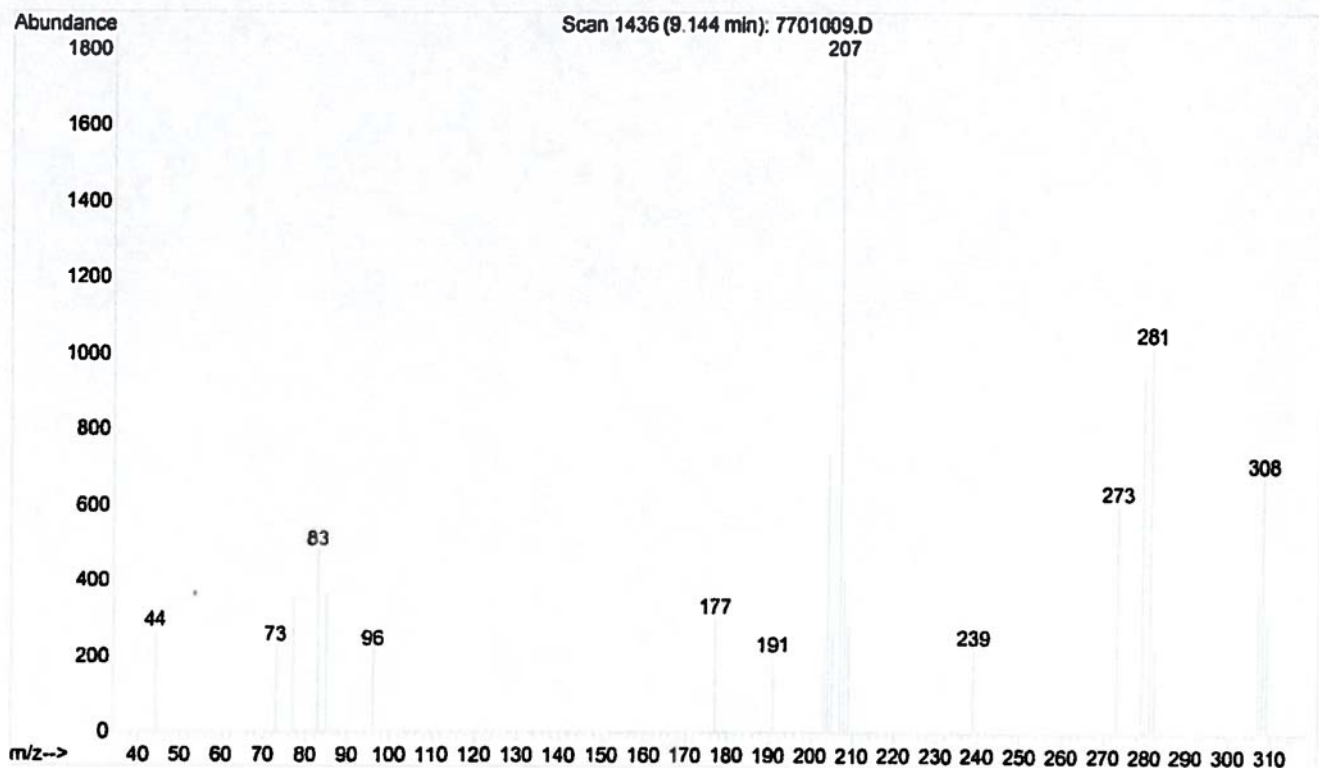
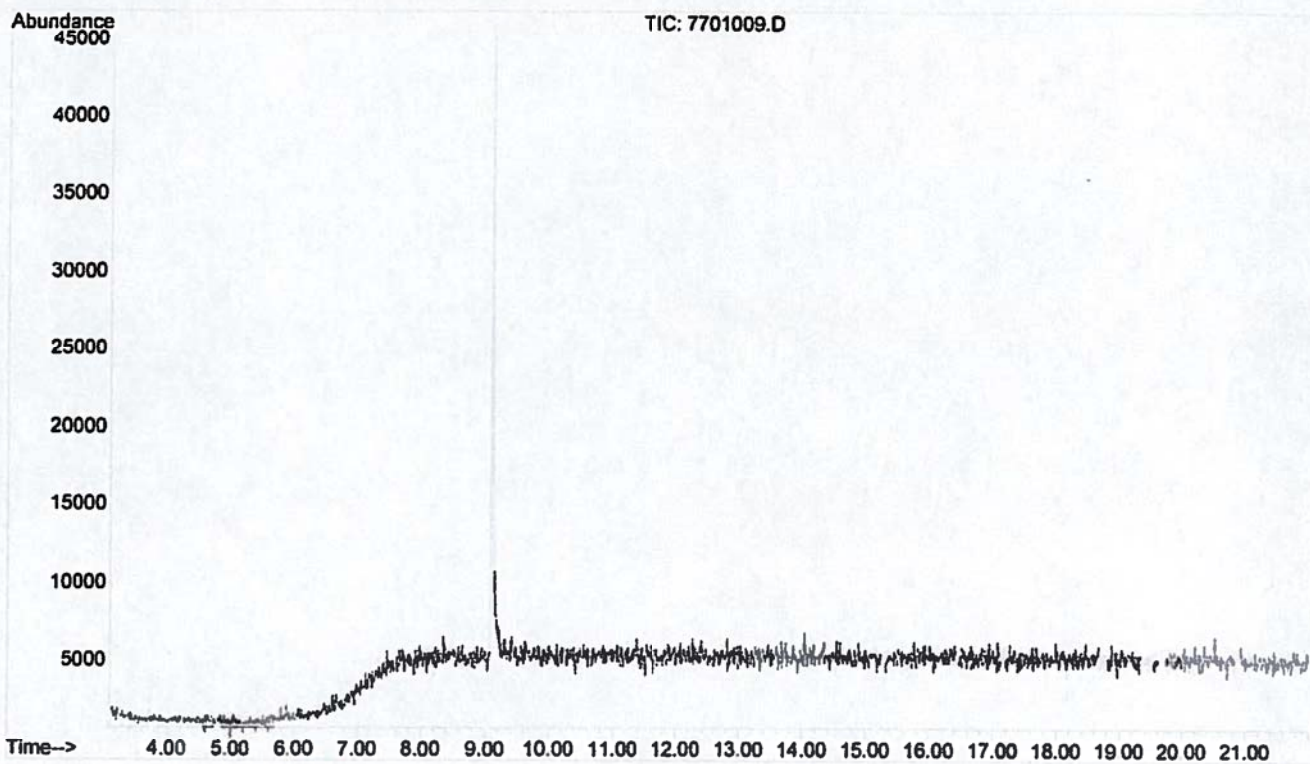
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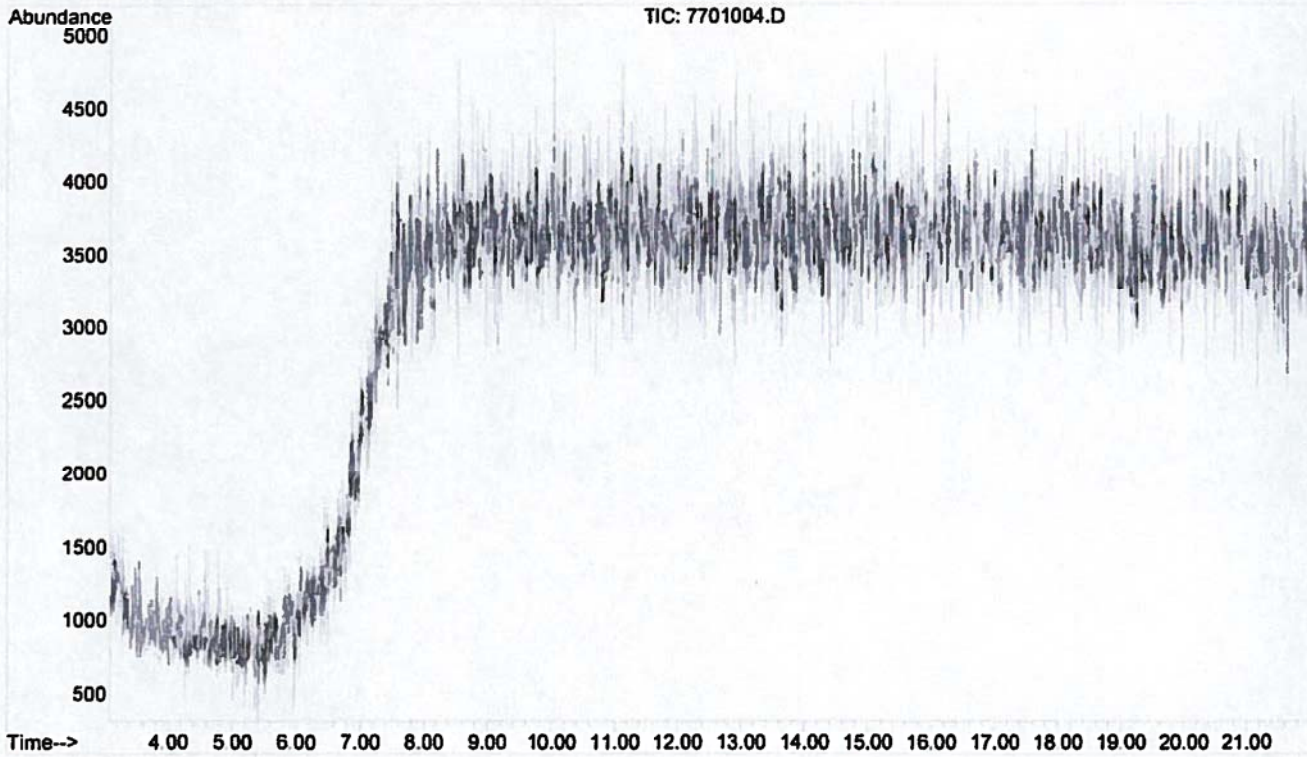
File :D:\1\DATA\2012\020812\blank1.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 8 Feb 2012 17:15 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: blank1  
Misc Info : it:150/2m; rt:30c/m; ft:300c/15m A>CHCl3  
Vial Number: 100



File : D:\DATA\HOUSTON\020812\7701009.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 8 Feb 2012 19:57 using AcqMethod MISCSEQ  
Instrument : HOGCMS204  
Sample Name: CHCl3 direct Blank  
Misc Info : oven 150/2(30/min)300/15 spl  
Vial Number: 77



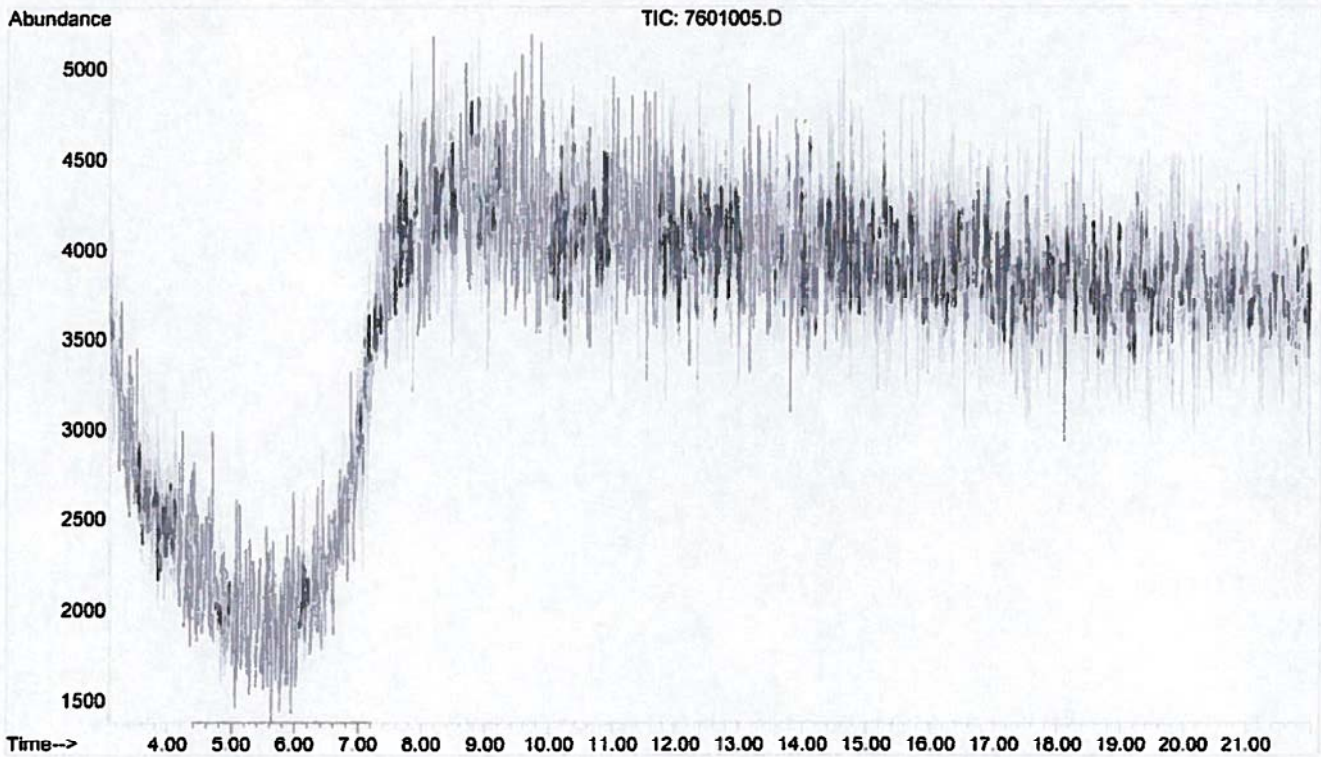
File : D:\DATA\HOUSTON\020812\7701004.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 8 Feb 2012 17:45 using AcqMethod MISCSEQ  
Instrument : HOGCMS204  
Sample Name: CHCl3 direct Blank  
Misc Info : oven 150/2(30/min)300/15 spl  
Vial Number: 77





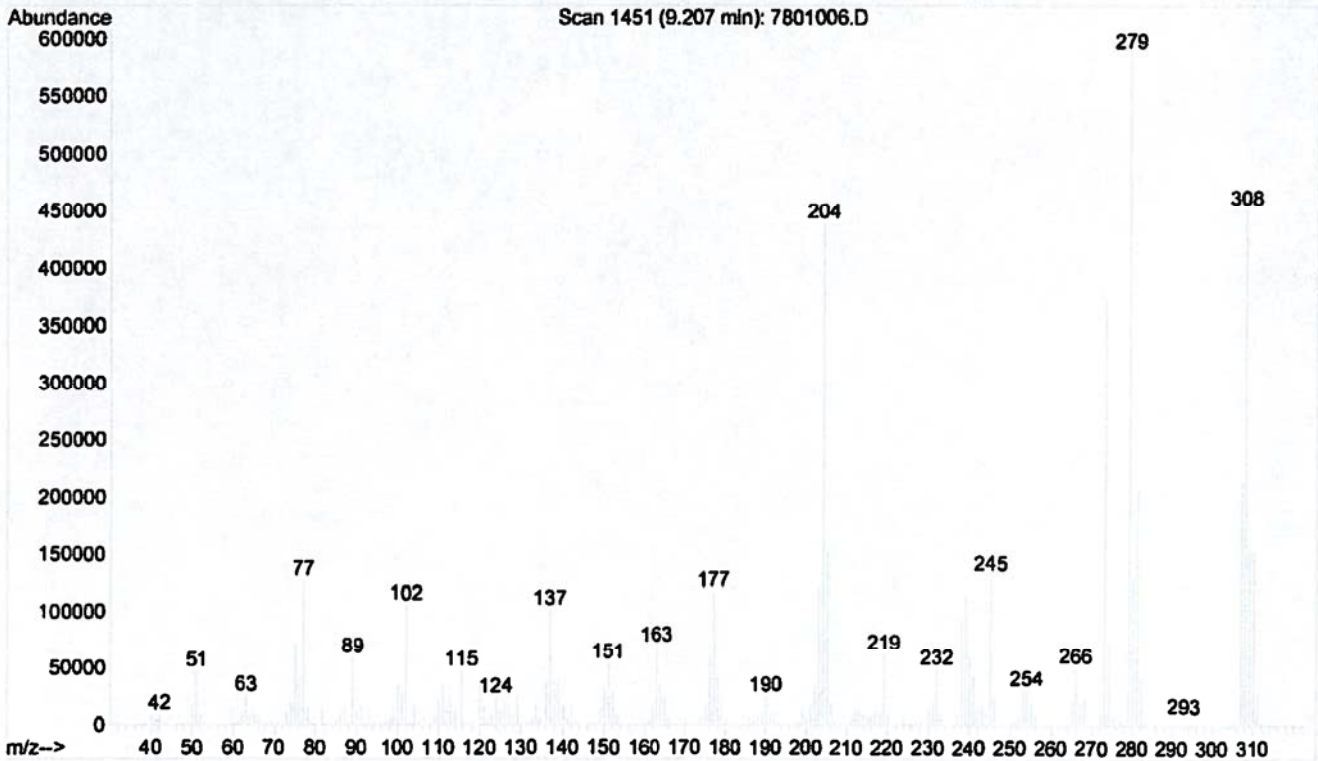
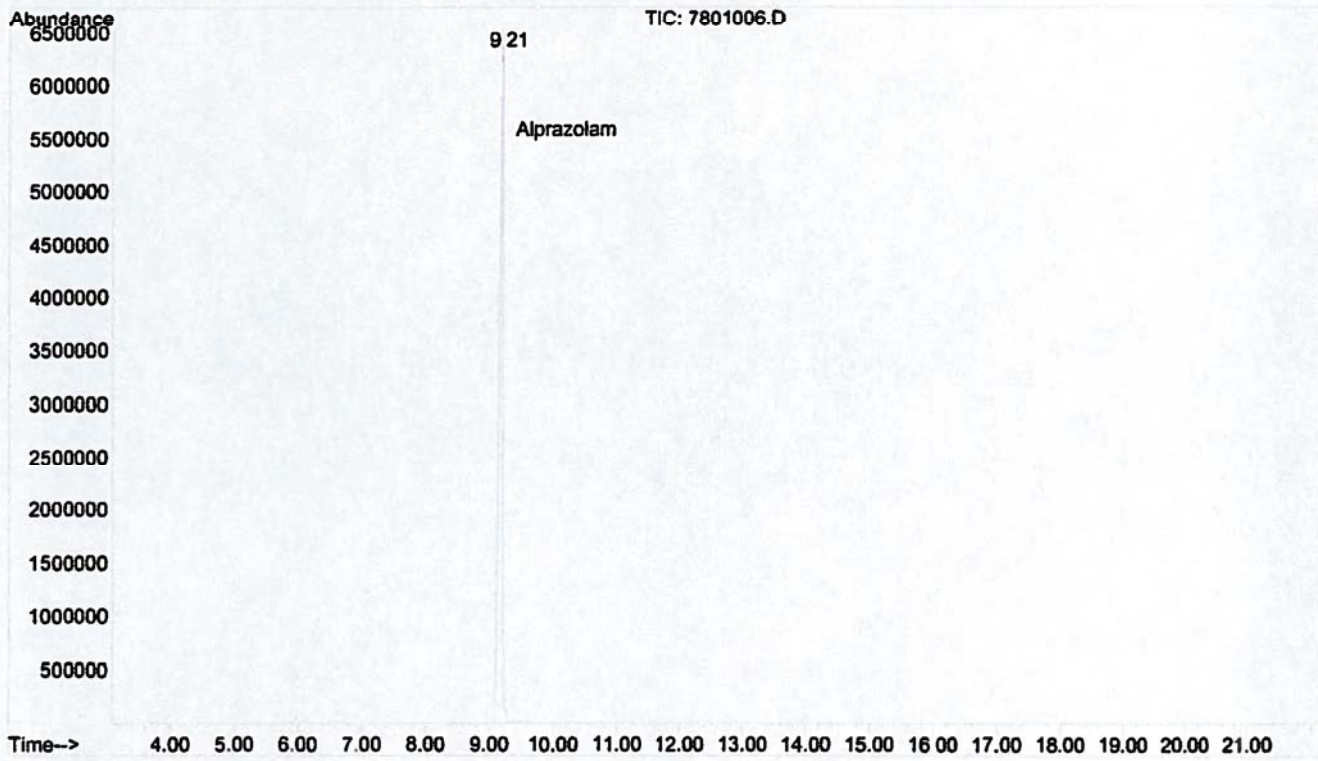
File : D:\DATA\HOUSTON\020812\7601005.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 8 Feb 2012 18:11 using AcqMethod MISCSEQ  
Instrument : HOGCMS204  
Sample Name: Method Blank A>CHCl3  
Misc Info : oven 150/2(30/min)300/15 spl  
Vial Number: 76

8

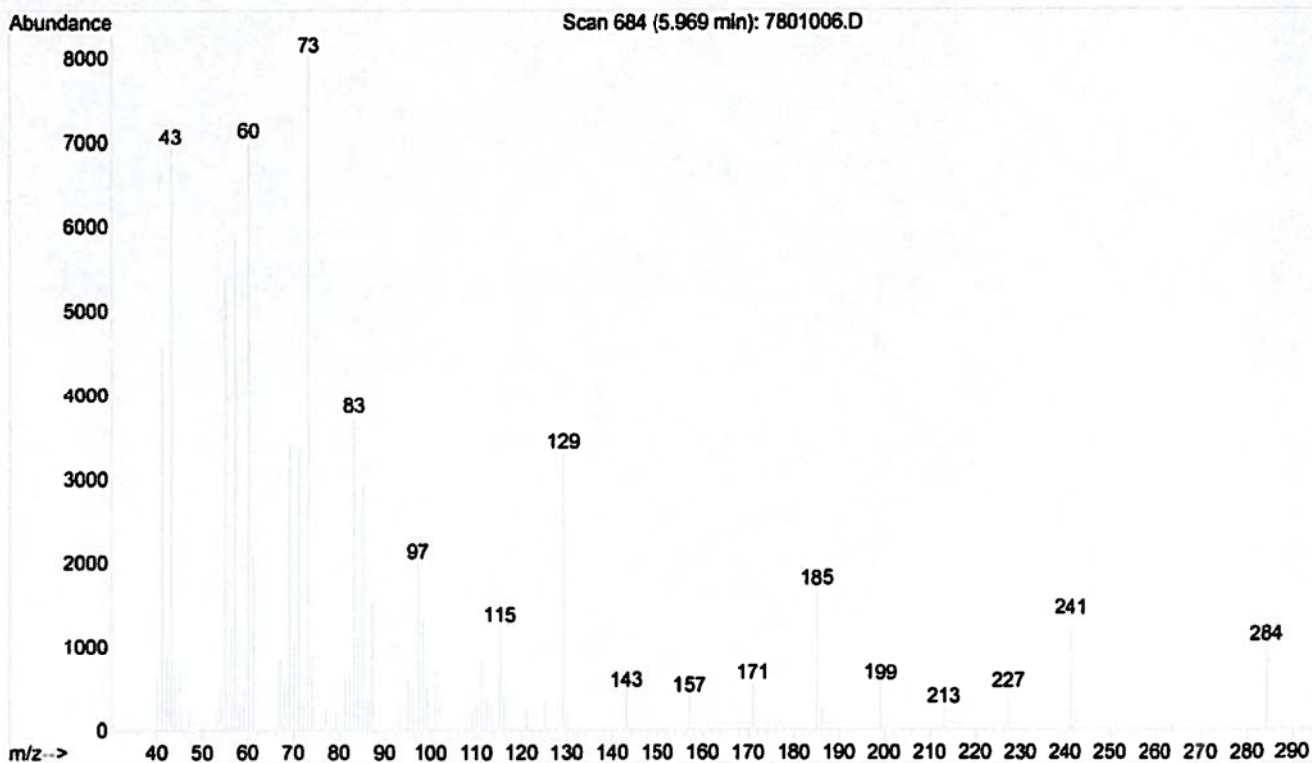
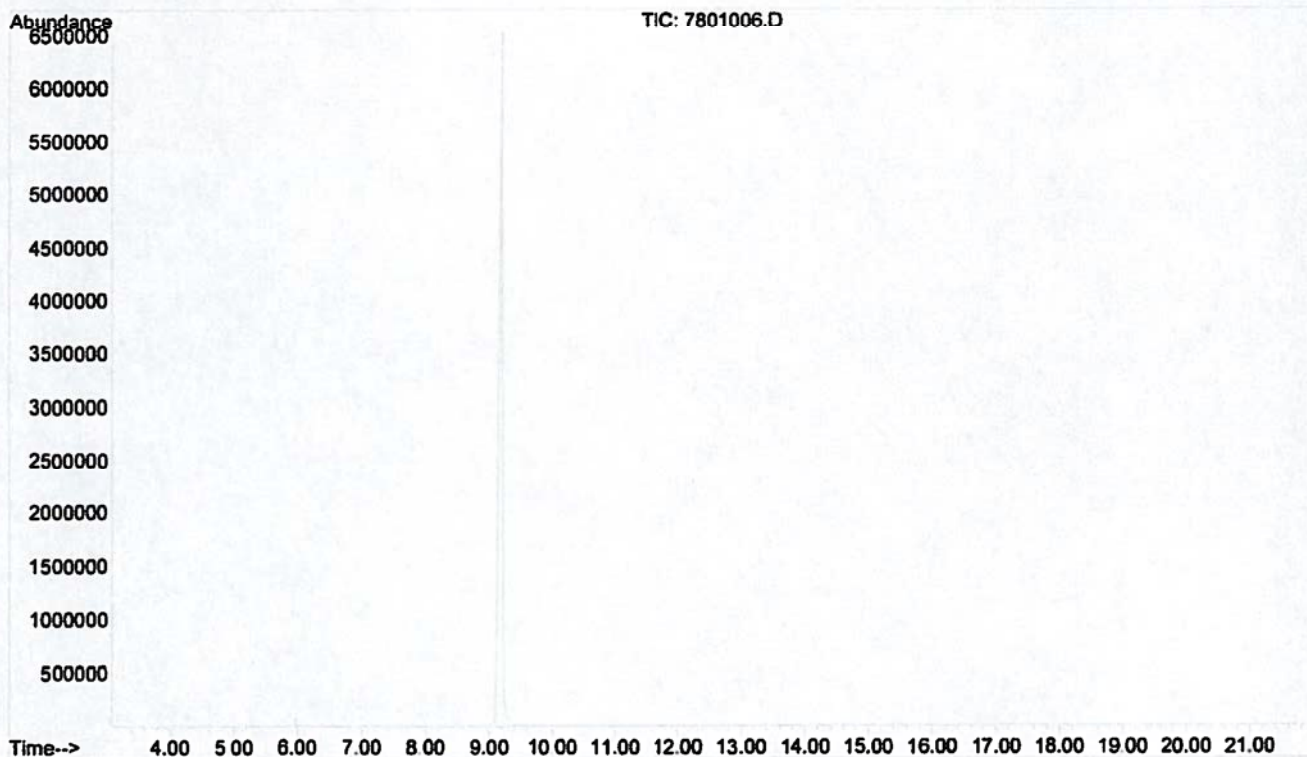


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Operator : MR 40-400, inj 250, det 280  
Acquired : 8 Feb 2012 18:38 using AcqMethod MISCSEQ  
Instrument : HOGCMS204  
Sample Name: L2H-222403 #7.2 A>CHCl3  
Misc Info : oven 150/2(30/min)300/15 spl  
Vial Number: 78

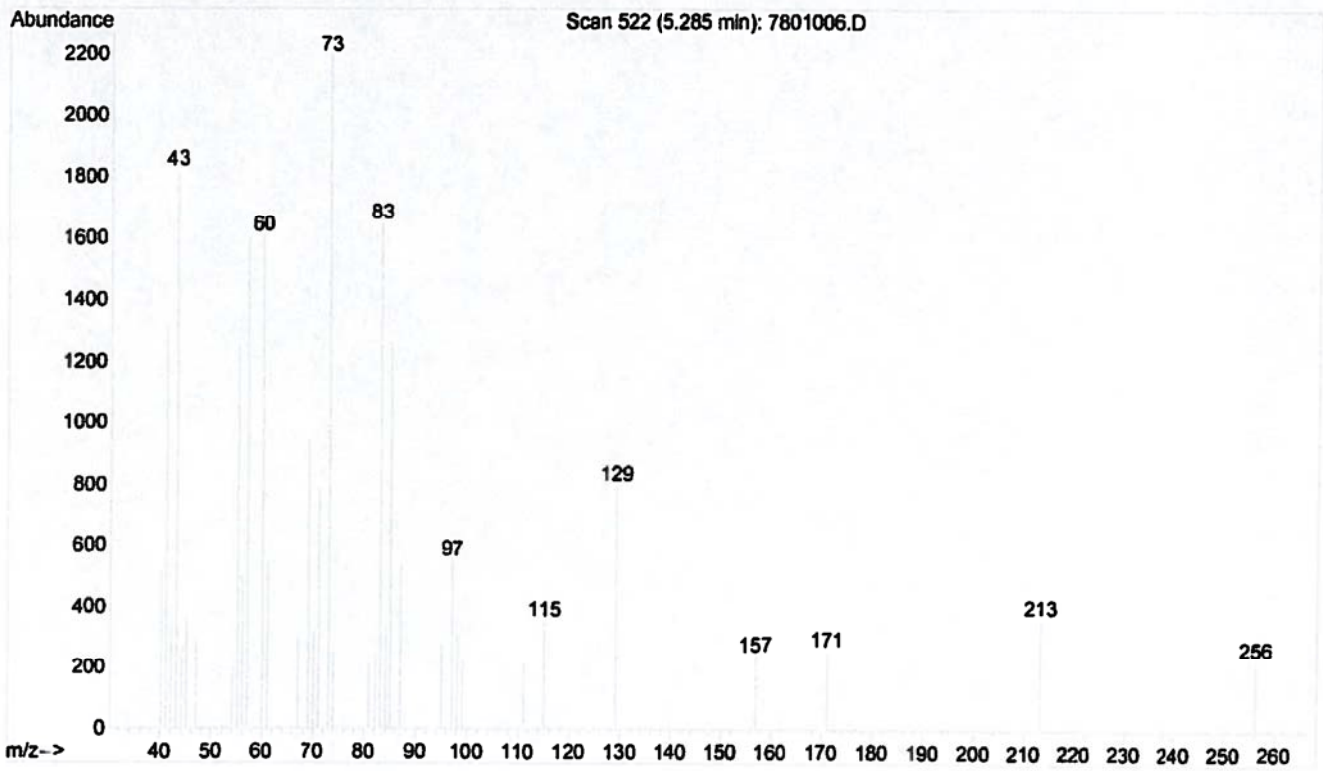
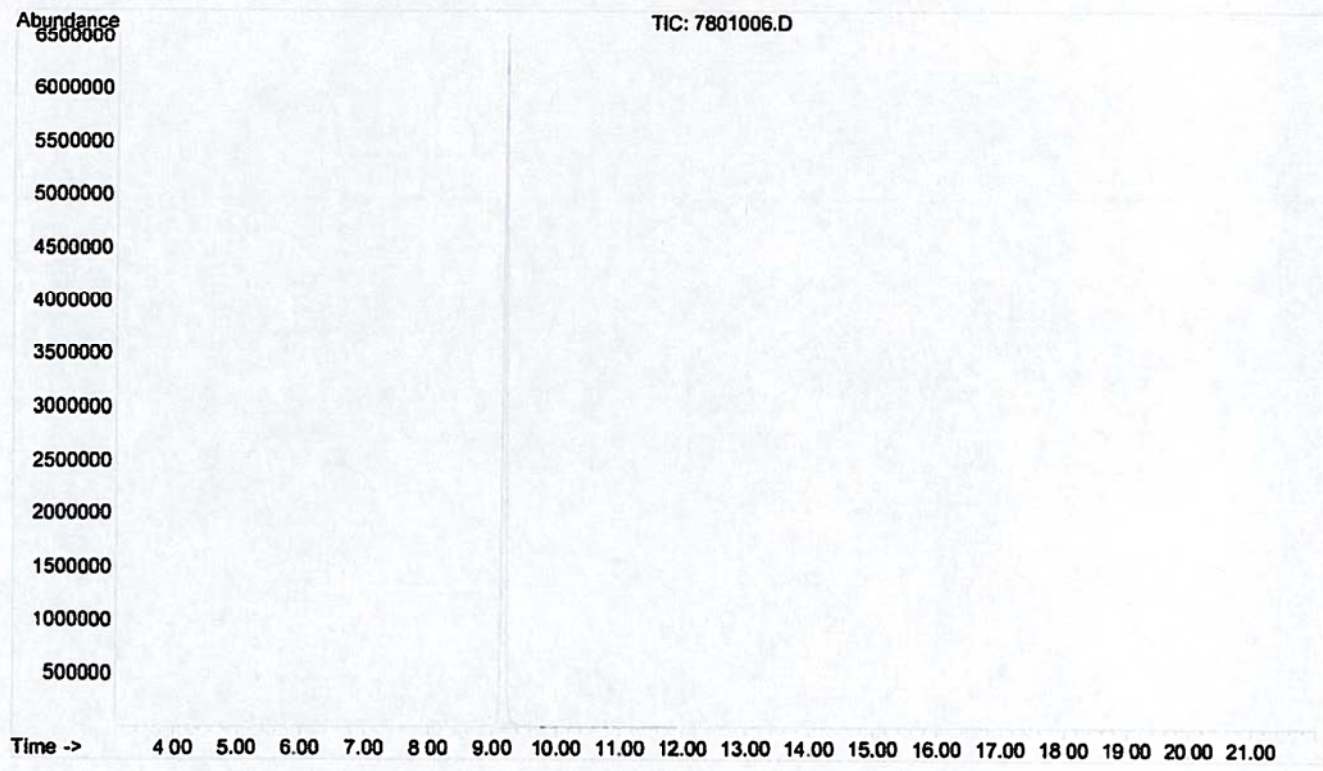
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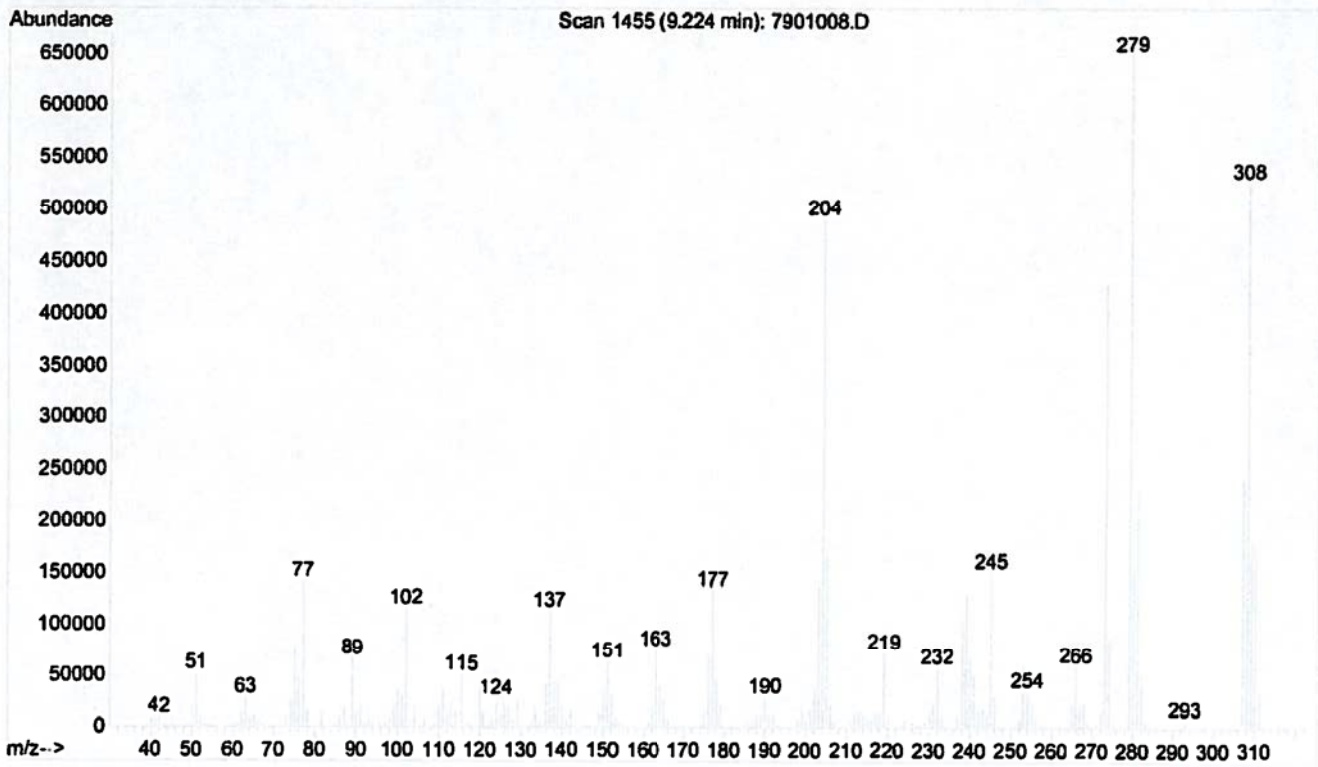
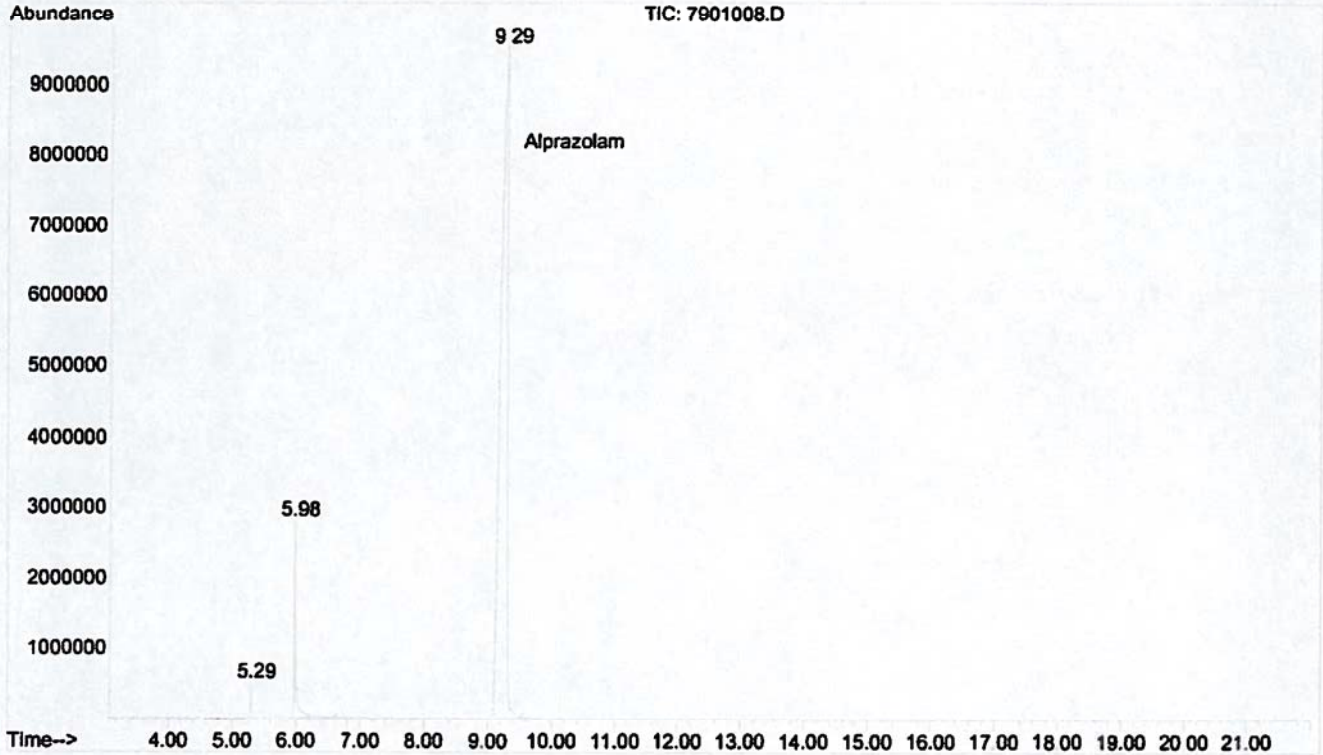
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Operator : MR 40-400, inj 250, det 280  
Acquired : 8 Feb 2012 18:38 using AcqMethod MISCSEQ  
Instrument : HOGCMS204  
Sample Name: L2H-222403 #7.2 A>CHCl3  
Misc Info : oven 150/2(30/min)300/15 spl  
Vial Number: 78



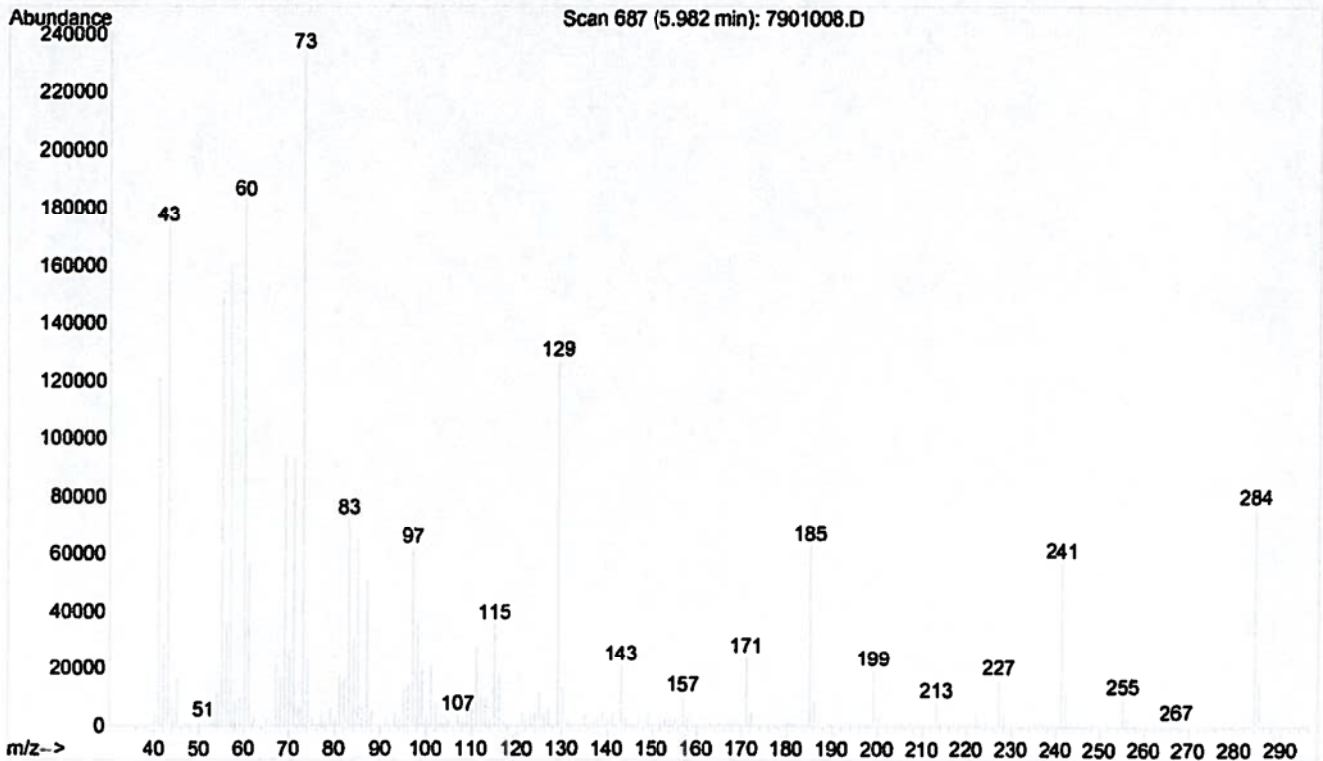
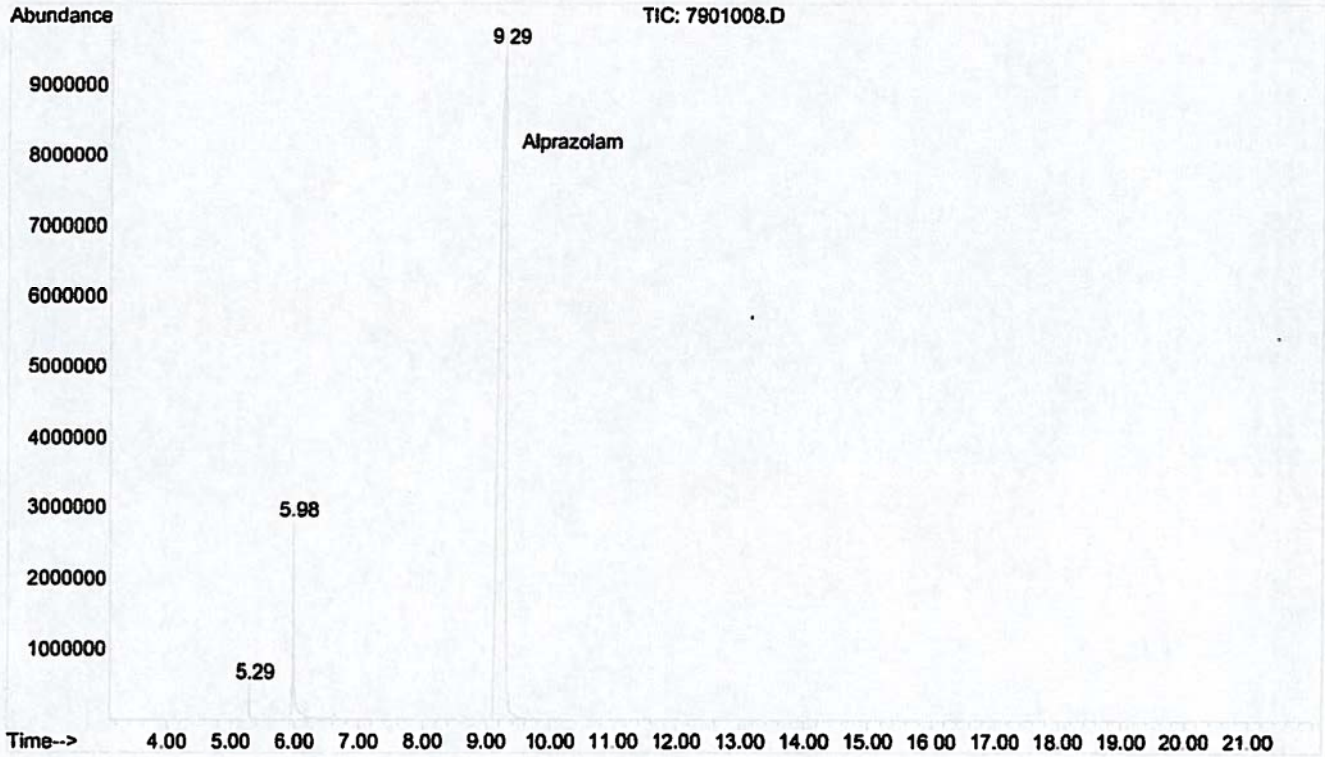
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Operator : MR 40-400, inj 250, det 280  
Acquired : 8 Feb 2012 18:38 using AcqMethod MISCSEQ  
Instrument : HOGCMS204  
Sample Name: L2H-222403 #7.2 A>CHCl3  
Misc Info : oven 150/2(30/min)300/15 splt  
Vial Number: 78



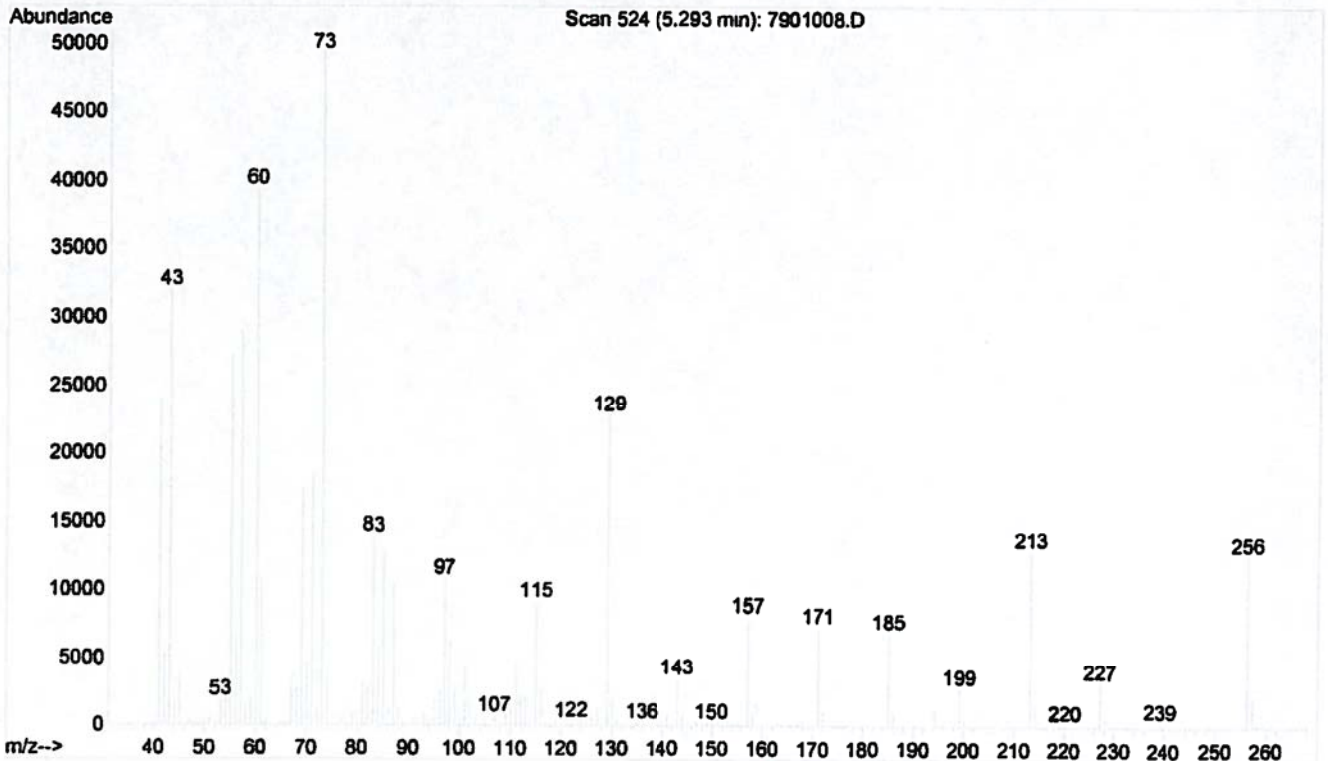
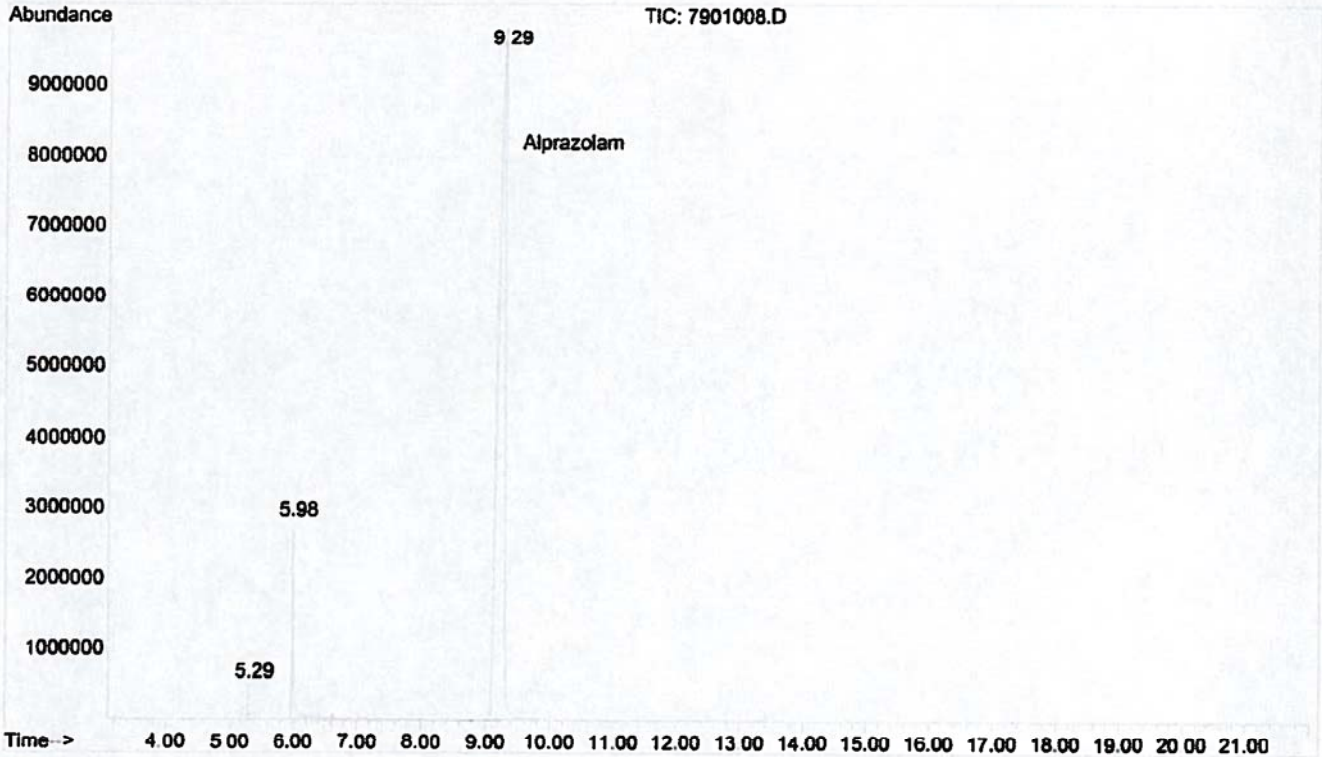
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Operator : MR 40-400, inj 250, det 280  
Acquired : 8 Feb 2012 19:30 using AcqMethod MISCSEQ  
Instrument : HOGCMS204  
Sample Name: L2H-222403 #7.2 direct in CHCl3  
Misc Info : oven 150/2(30/min)300/15 spl  
Vial Number: 79



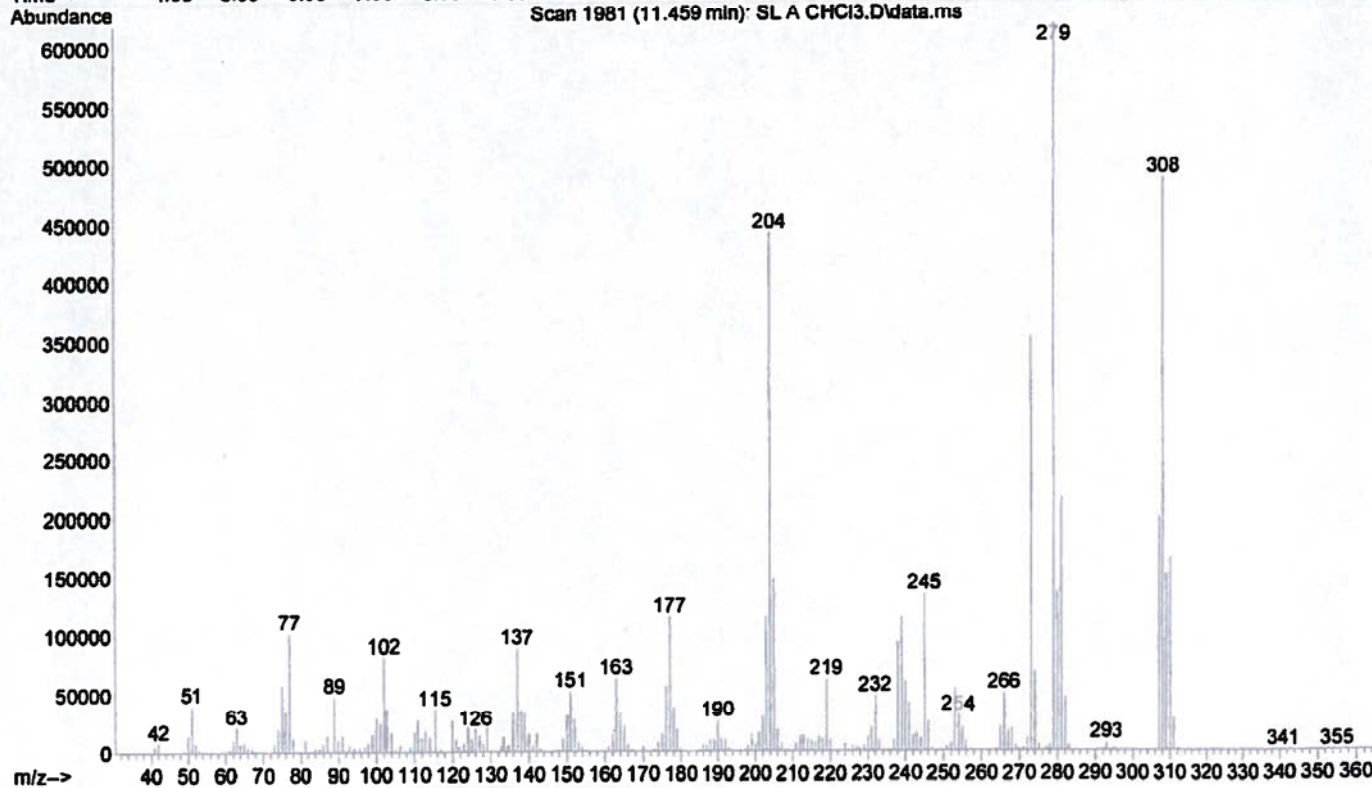
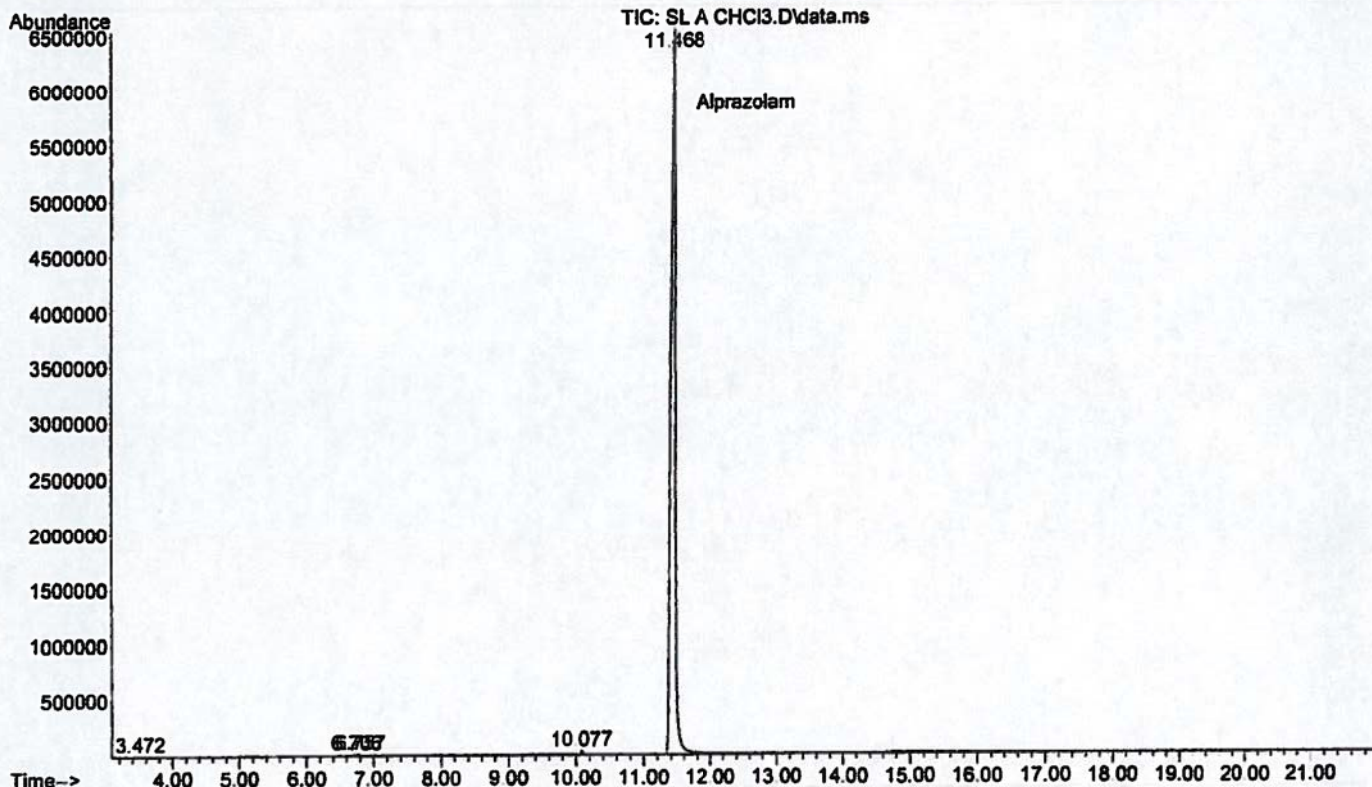
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Acquired : 8 Feb 2012 19:30 using AcqMethod MISCSEQ  
Instrument : HOGCMS204  
Sample Name: L2H-222403 #7.2 direct in CHCl3  
Misc Info : oven 150/2(30/min)300/15 spl  
Vial Number: 79



File : D:\DATA\HOUSTON\020812\7901008.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 8 Feb 2012 19:30 using AcqMethod MISCSEQ  
Instrument : HOGCMS204  
Sample Name: L2H-222403 #7.2 direct in CHCl3  
Misc Info : oven 150/2(30/min)300/15 spl  
Vial Number: 79

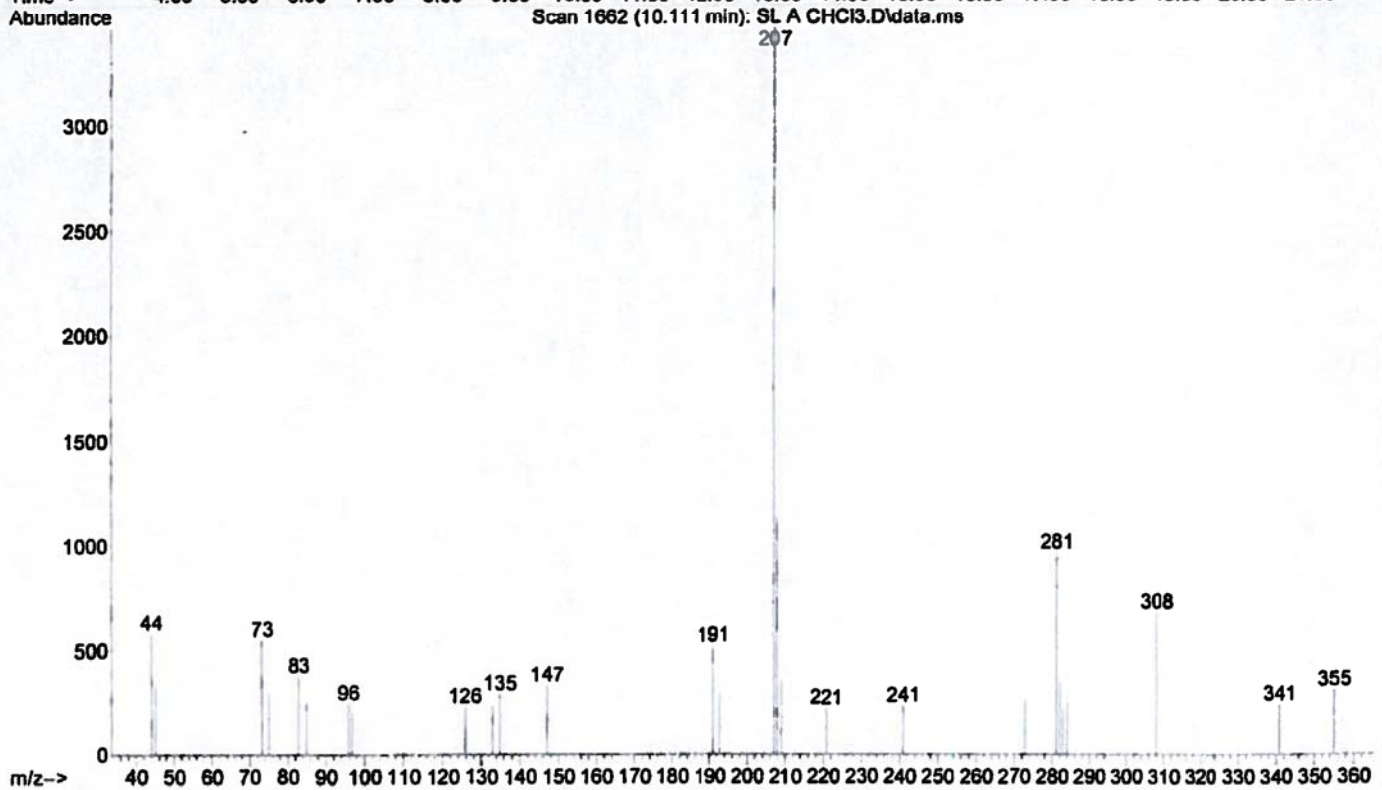
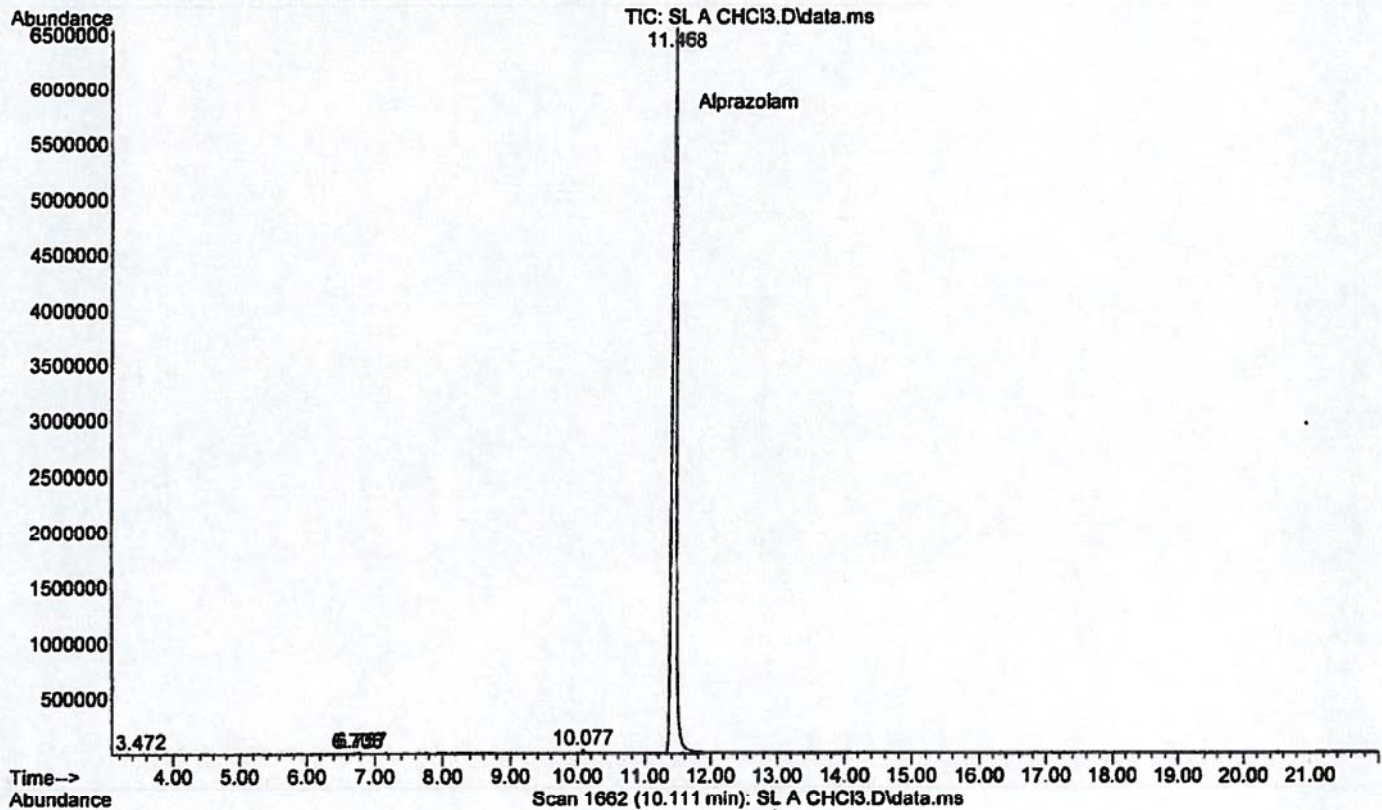


File : D:\1\DATA\2012\020812\SL A CHCl3.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 8 Feb 2012 18:29 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: SL A>CHCl3  
Misc Info : it:150/2m; rt:30c/m; ft:300c/15m  
Vial Number: 98



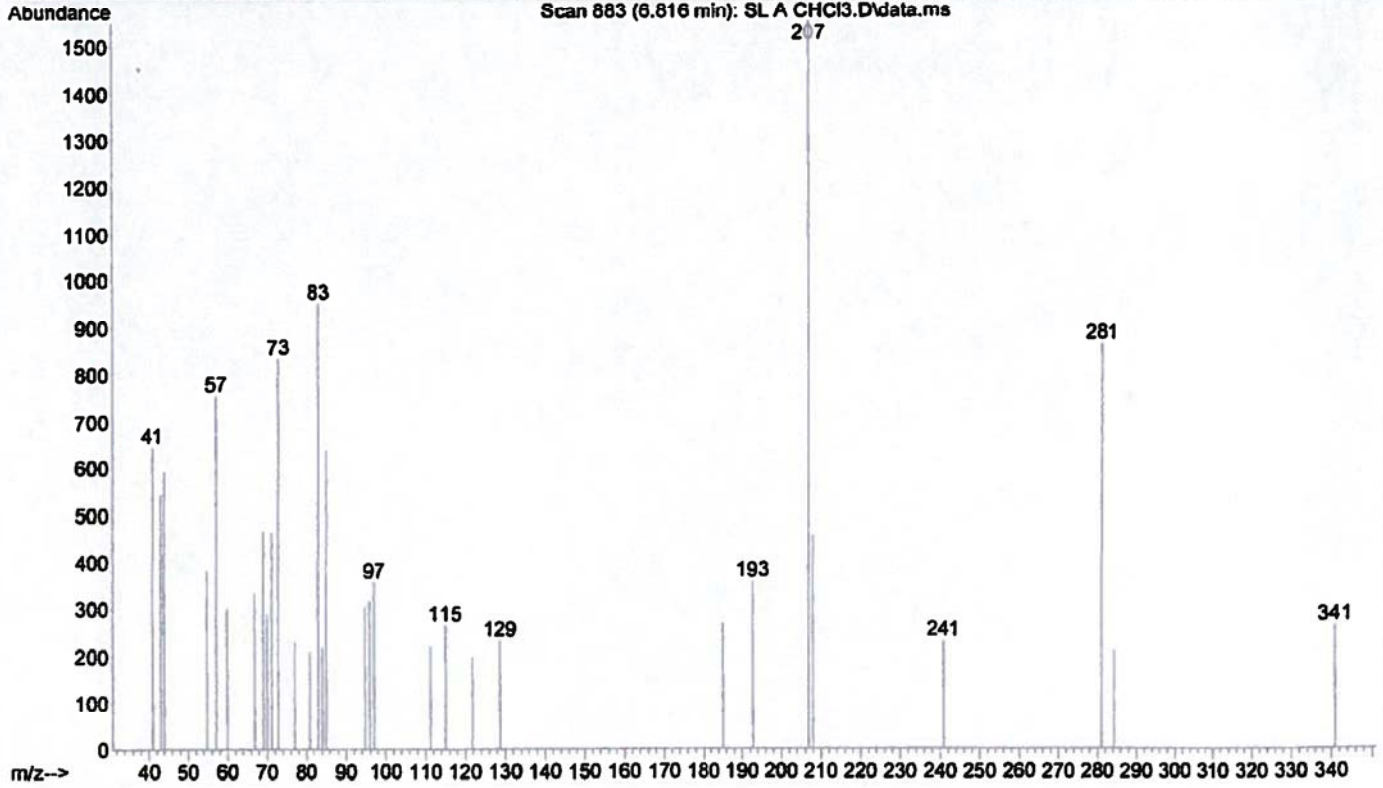
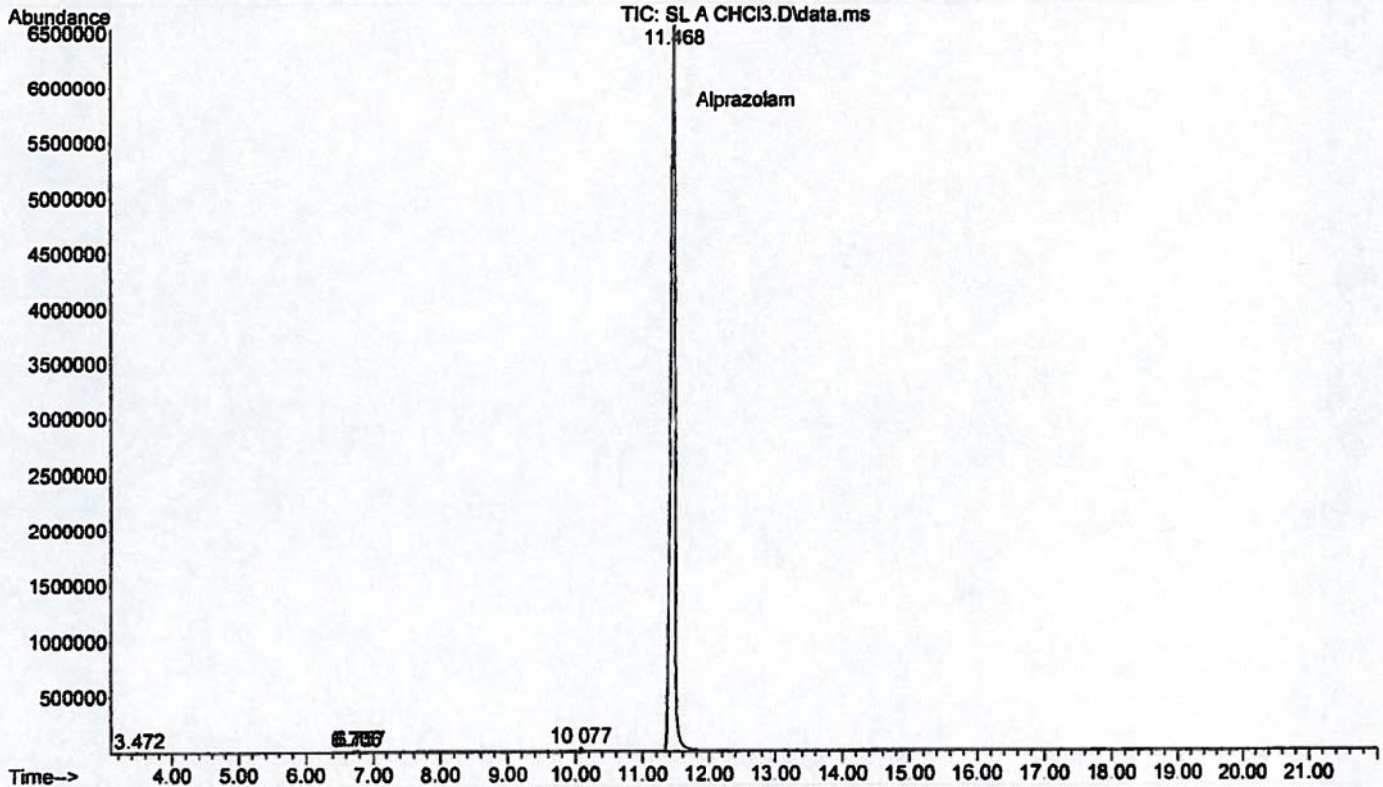


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Operator : MR 40-400, inj 250, det 280  
Acquired : 8 Feb 2012 18:29 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: SL A>CHCl3  
Misc Info : it:150/2m; rt:30c/m; ft:300c/15m  
Vial Number: 98

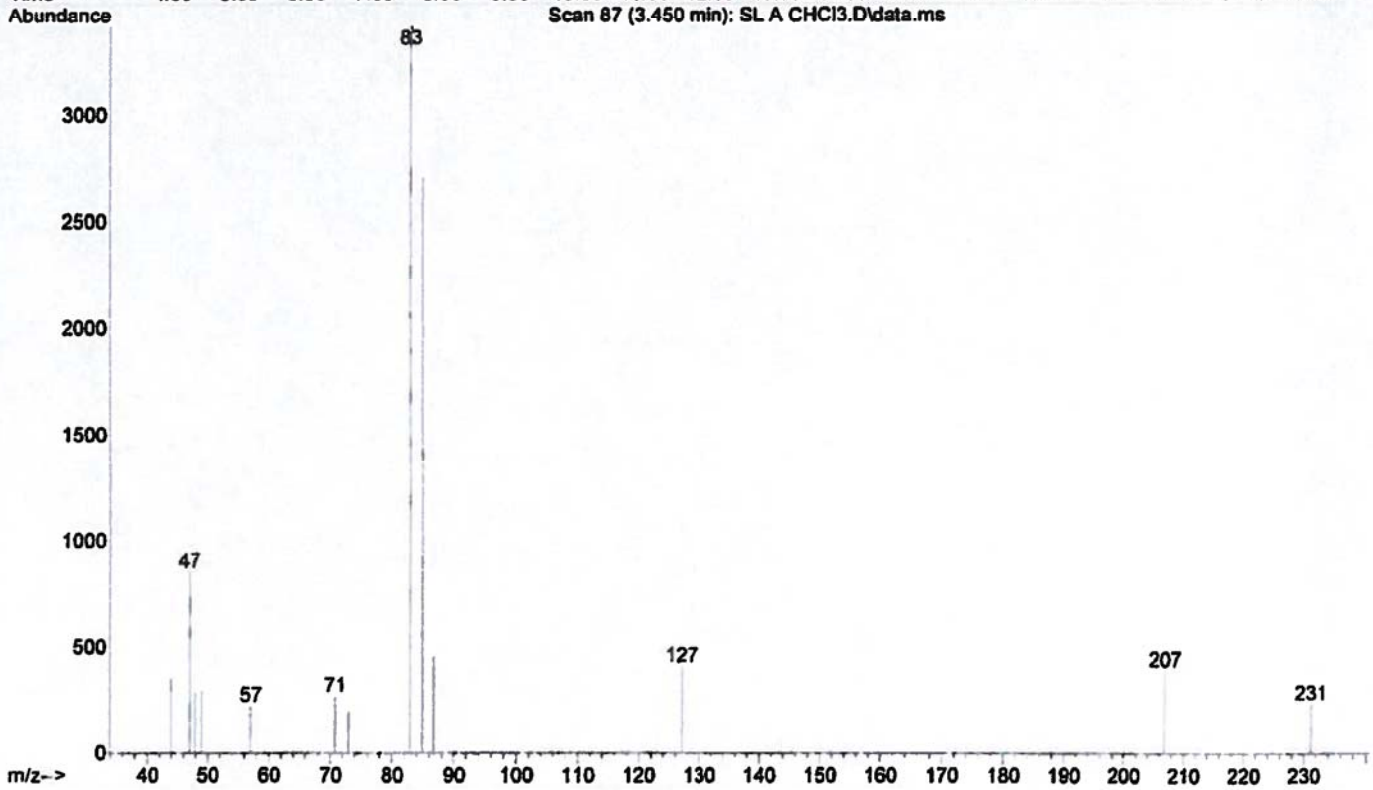
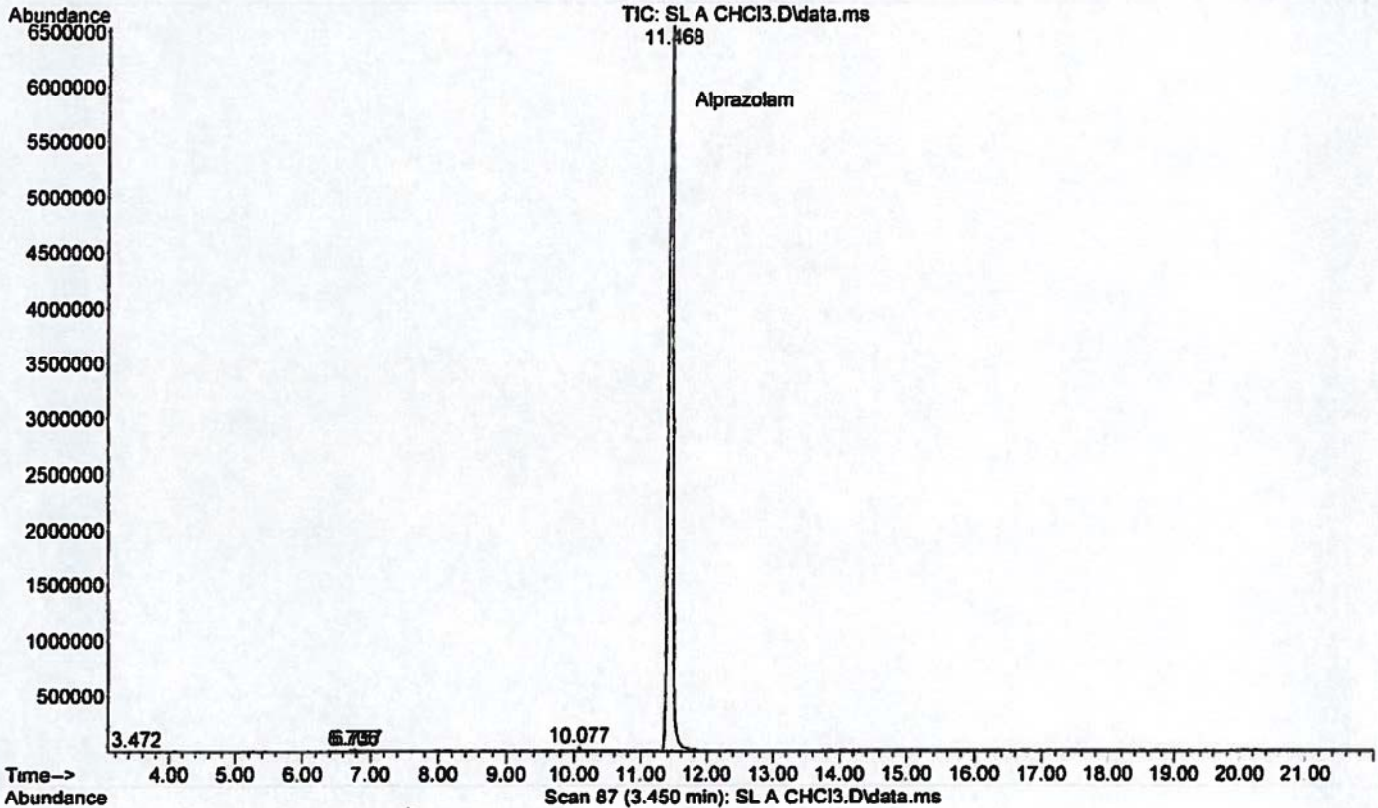


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Operator : MR 40-400, inj 250, det 280  
Acquired : 8 Feb 2012 18:29 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: SL A>CHCl3  
Misc Info : it:150/2m; rt:30c/m; ft:300c/15m  
Vial Number: 98

8

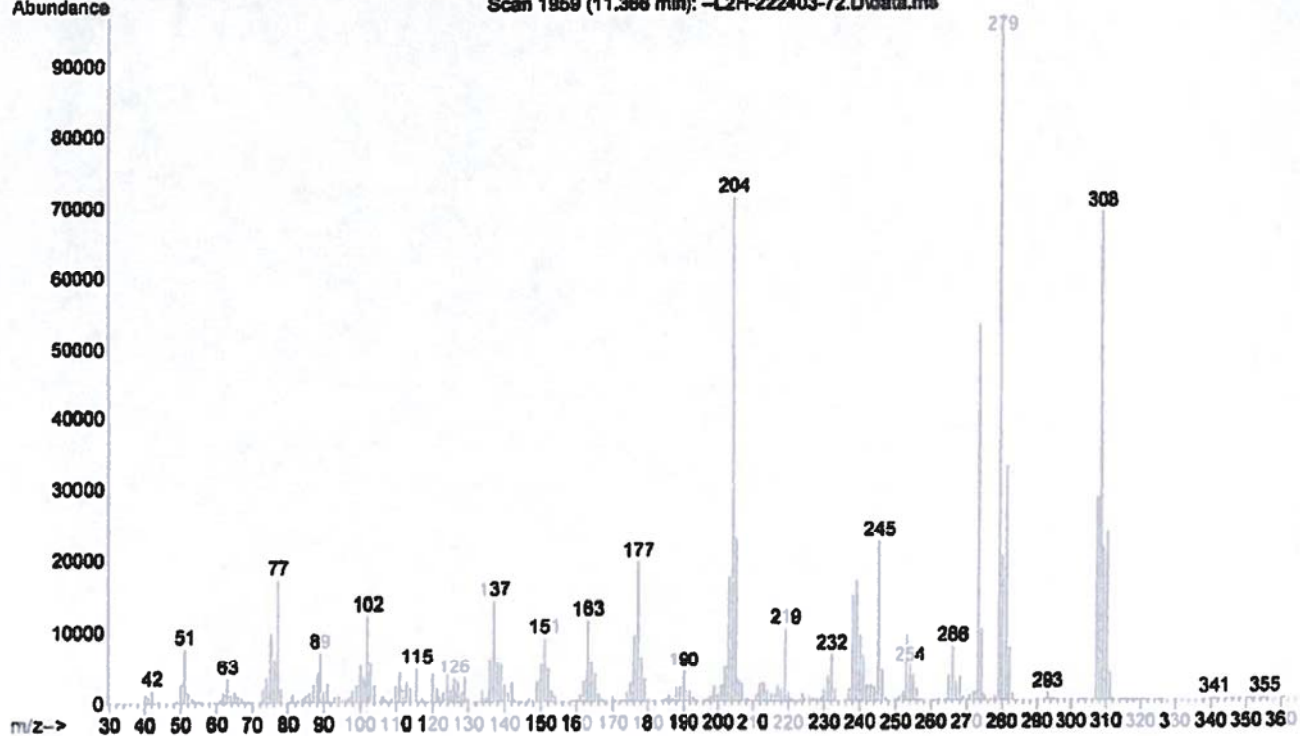
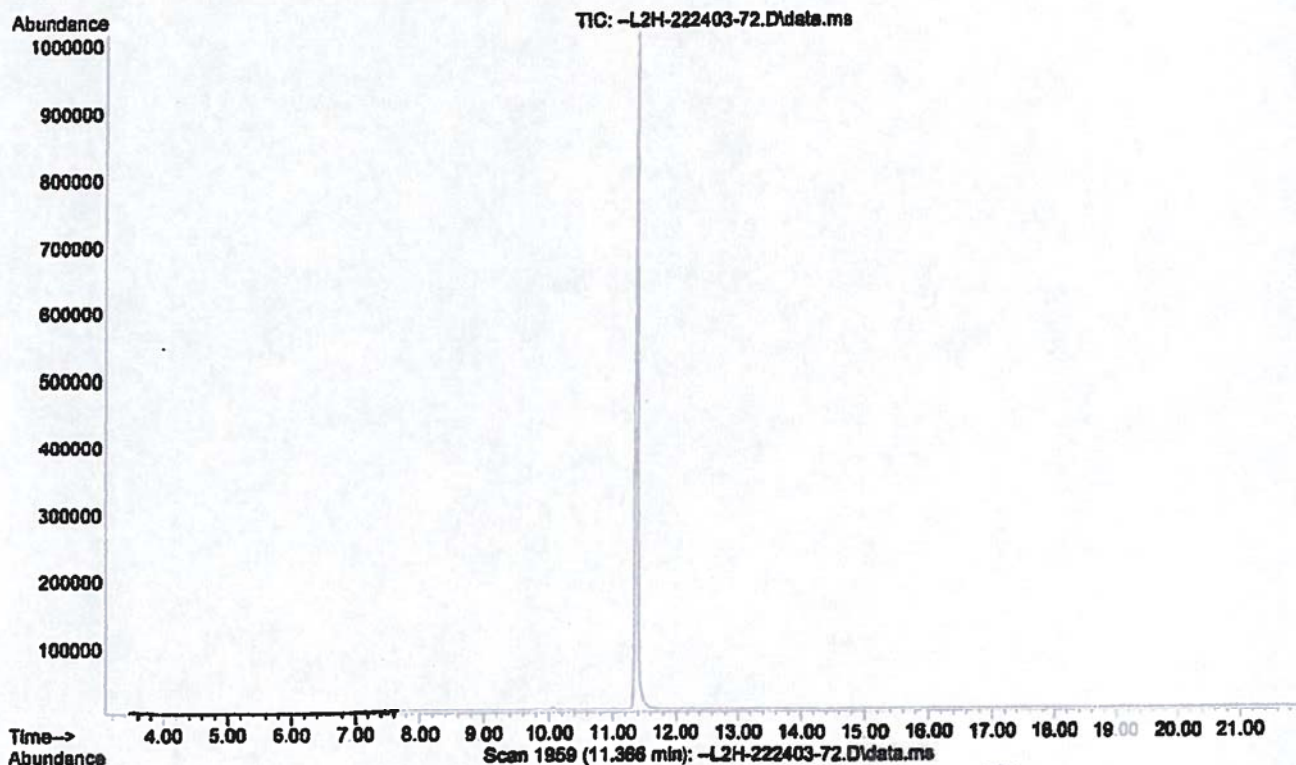


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Acquired : 8 Feb 2012 18:29 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: SL A>CHCl3  
Misc Info : it:150/2m; rt:30c/m; ft:300c/15m  
Vial Number: 98

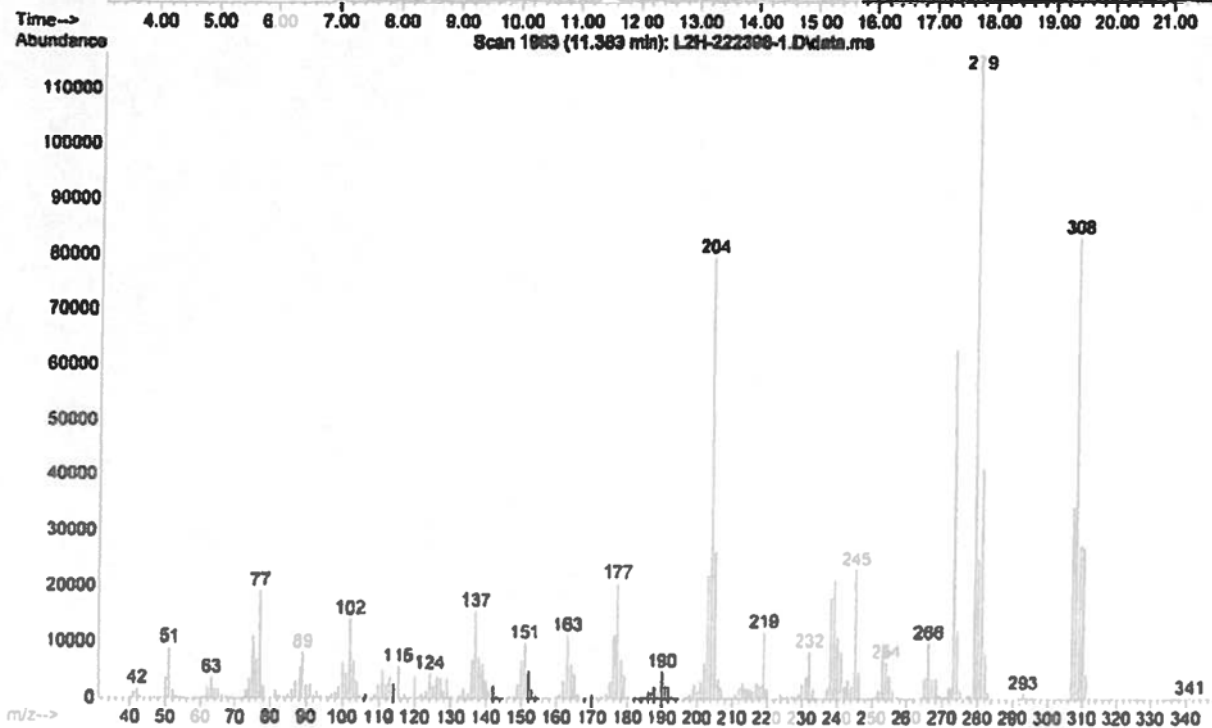
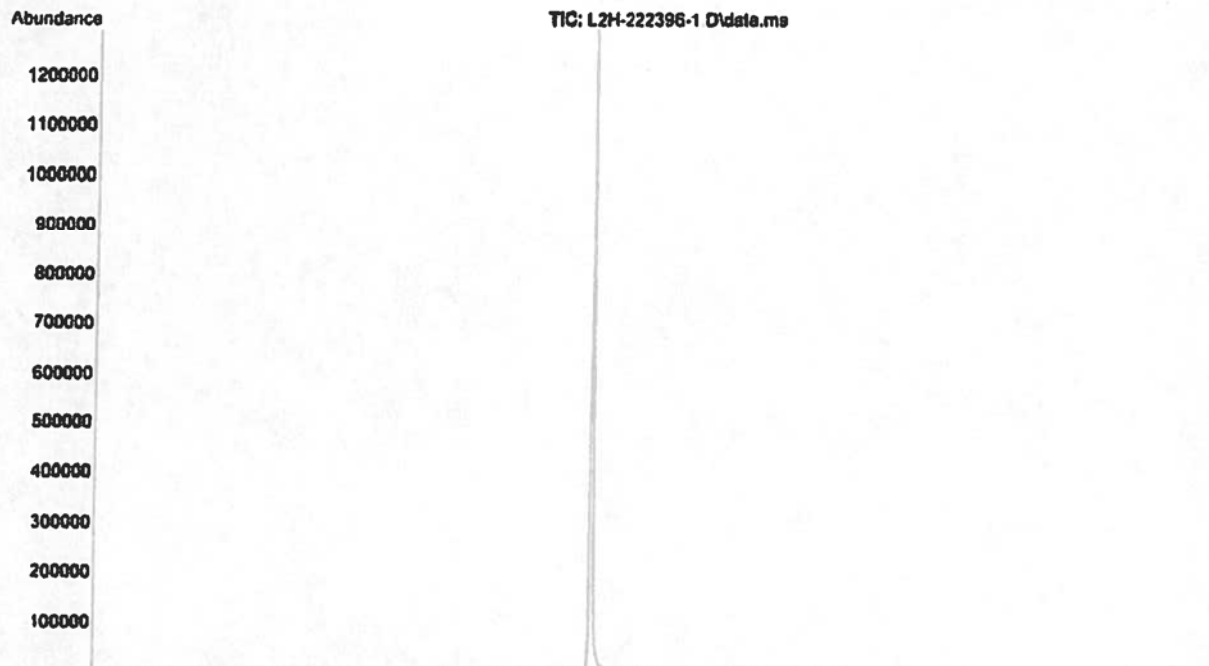




File :D:\1\DATA\2012\012512\--L2H-222403-72.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 25 Jan 2012 16:46 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: L2H-222403 EX# 7.2  
Misc Info : it:150/2m; rt:30c/m; ft:280c/15m A>CHCl3  
Vial Number: 18

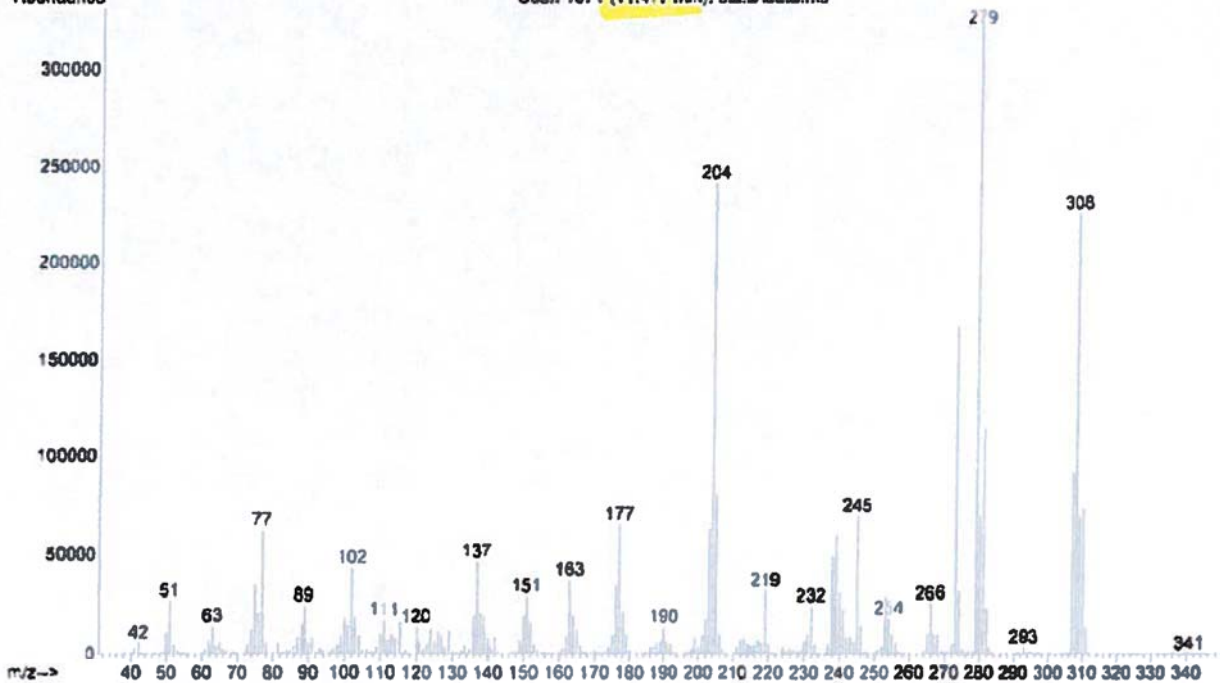
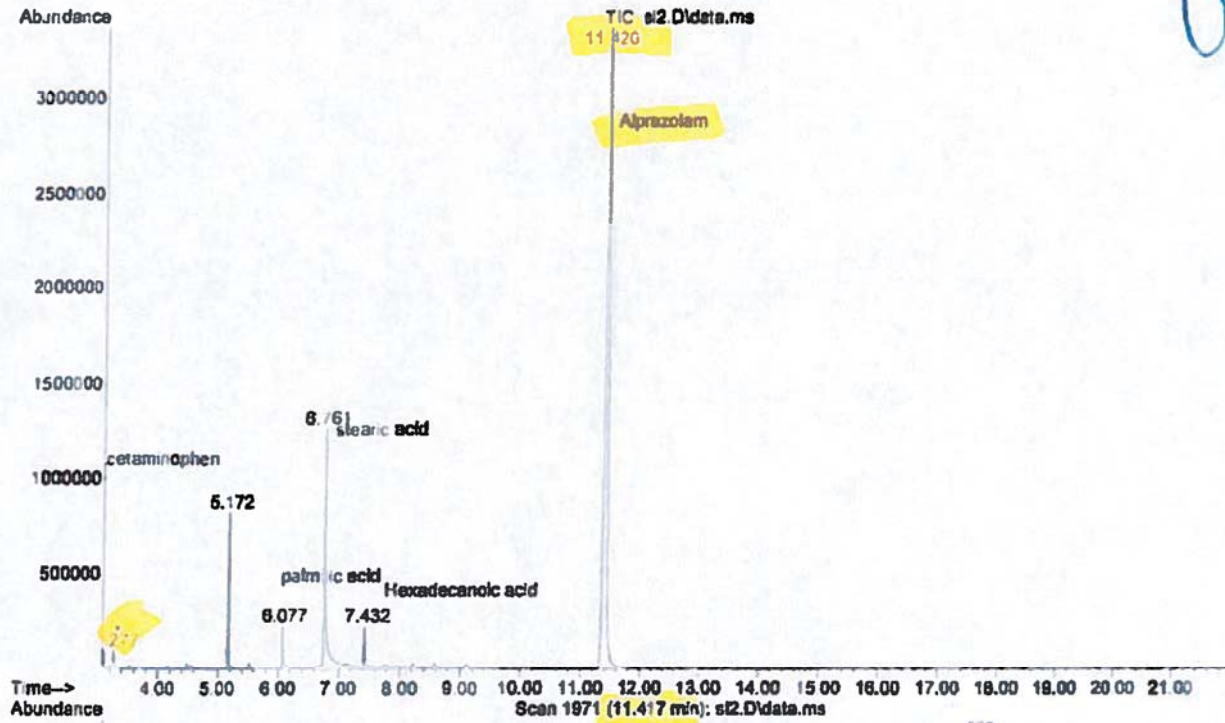


File :D:\1\DATA\2012\012612\L2H-222396-1.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 26 Jan 2012 9:20 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: L2H-222396 Item 1  
Misc Info : it:150/2m; rt:30c/m; ft:280c/15m A>CHCl3  
Vial Number: 18

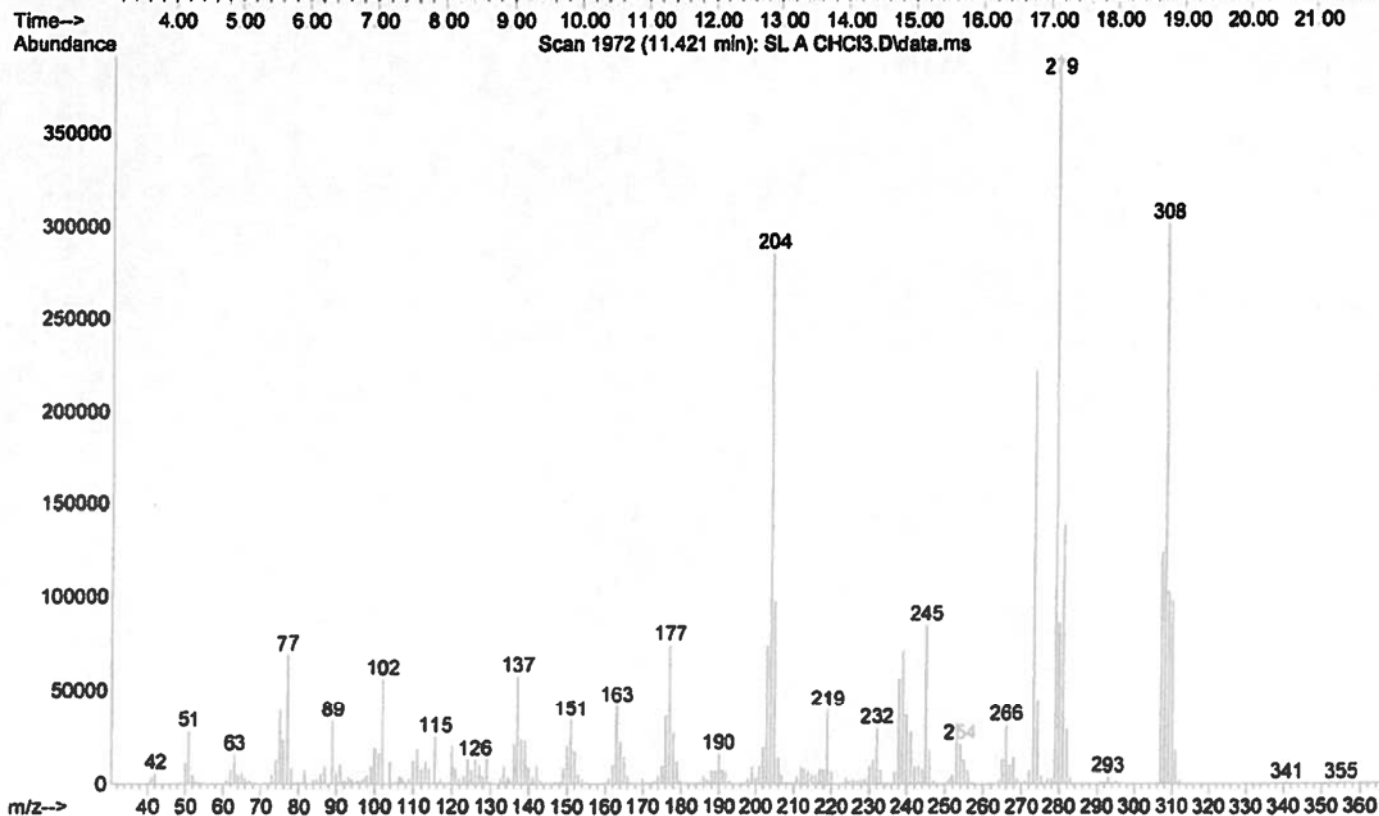
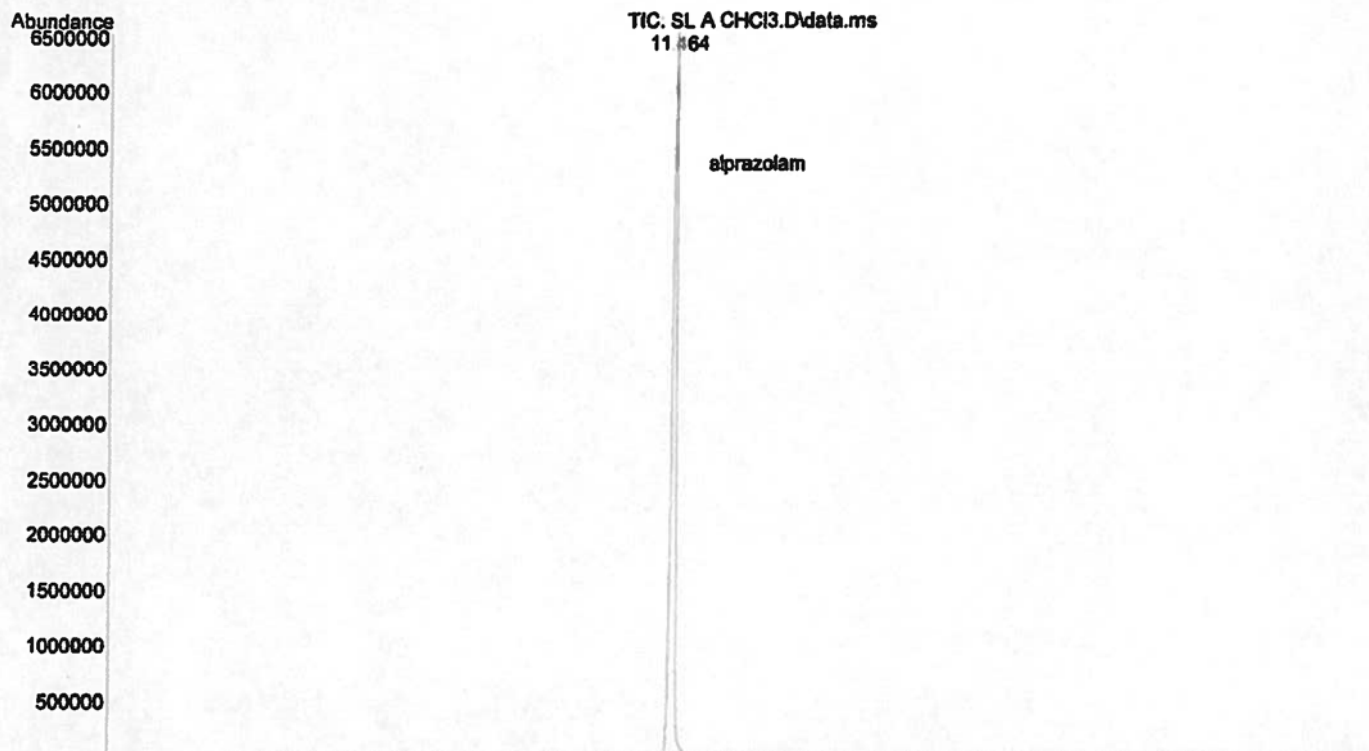


File : D:\1\DATA\2012\020312\s12.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 3 Feb 2012 16:42 using AcqMethod DP8MISC-2.M  
Instrument : HOGCMS206  
Sample Name: L2H-222396 #1 Direct in CHCl3  
Misc Info : oven 150/2(30/min)300/15 spl  
Vial Number: 77

8



file :D:\1\DATA\2012\020812\SL A CHCl3.D  
operator : MR 40-400, inj 250, det 280  
acquired : 8 Feb 2012 18:29 using AcqMethod DPSMISC-2.M  
instrument : HOGCMS206  
sample Name: SL A>CHCl3  
disc Info : it:150/2m; rt:30c/m; ft:300c/15m  
serial Number: 98







%10, 1%

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HRBIO

TEXAS DEPARTMENT OF PUBLIC SAFETY  
EMPLOYEE BIOGRAPHICAL SKETCH

PAGE 1

05/18/12

TEXAS DEPARTMENT OF PUBLIC SAFETY  
EMPLOYEE BIOGRAPHICAL SKETCH

PAGE 1

NAME-SALVADOR, JONATHAN BENJAMIN  
DOB-  
SEX-M  
HOME ADDR-  
WORK ADDR-12230 WEST RD  
OTHER NAME-  
RACE-AA  
CITY-HOUSTON, TX  
CITY-HOUSTON, TX  
BLOOD TYPE-  
SS#  
HGT.-5'08"  
77065  
ID#  
WGT.-185  
EYES- BROWN  
HOME PHONE-(000) 000-0000  
WORK PHONE-(281) 517-1380  
DL#  
HAIR-BLACK

---CHILD'S NAME SEX DOB---  
UNMARRIED NAME-  
MARITAL STATUS-  
SPOUSE NAME-

-----EMERGENCY NOTIFICATION-----

CHILDREN-

----- COMMISSION DATES -----

-----EDUCATION -----  
DEGREE-MS  
YEAR OF DEGREE-  
COLLEGE UNITS-210  
MJR-OTHER  
MNR-

---TCLEOSE CERTIFICATES-- --LANGUAGE STIPEND---

DIVISION -LAW ENFORCEMENT SUPPORT  
PROGRAM -CRIME LABORATORY  
SECTION-HOUSTON REGION (REGION 2)  
UNIT- REGIONAL LABORATORY  
OFFICE-HOUSTON LAB  
L6-REGIONAL LABORATORY  
L7-HOUSTON LAB  
GROUP-BZ1 STEP- EEOC CAT-AA  
SALARY- \$ 4,650.22 SUPERVISOR- N  
CLASS JOB#-6054 COUNTY CODE-101  
CLASS TITLE-FORENSIC SCIEN CITY CODE-96  
WORKING JOB #-CL/FL-4  
TITLE-DESCRIPTION-FORENSIC SCIENTIST III, REGIONAL LA

-----COMMENDATIONS-----  
DATE NATURE  
DATE TYPE SEVERITY  
DATE DATE ACTION 1 ACTION 2 DAYS PROB  
DISPOSITION DISP DATE ACTION 1 ACTION 2 DAYS PROB

-----ACCIDENTS-----  
DATE TYPE DUTY SEVERITY  
DATE DATE AWARDS  
NATURE

-----COMPLAINTS OR DISCIPLINARY ACTIONS-----  
DATE TYPE DISPOSITION DISP DATE ACTION 1 ACTION 2 DAYS PROB

-----PHYSICAL READINESS TESTING-----  
TYPE OF TESTING DATE PASS/FAILED/EXPIRED  
-----FIREARMS QUALIFICATIONS-----

HRBIO

1 SIGNATURE \_\_\_\_\_ TEXAS DEPARTMENT OF PUBLIC SAFETY  
DATE: 05 18 2012 EMPLOYEE BIOGRAPHICAL SKETCH

PAGE 2

NAME-SALVADOR, JONATHAN BENJAMIN

START	TERMINATE	DIV/PROJ/SECT	DPS EMPLOYMENT	JOB TITLE	STATION	CLASS	EMP. TYPE
11/17/09	00/00/00	CRIME LAB		FORENSIC SCIENTIST III	HOUSTON	6054	FULL
11/17/08	11/17/09	CRIME LAB		FORENSIC SCIENTIST II	HOUSTON	6053	FULL
11/17/07	11/17/08	CRIME LAB		FORENSIC SCIENTIST II	HOUSTON	6053	FULL
11/17/06	11/17/07	CRIME LAB		FORENSIC SCIENTIST II	HOUSTON	6053	FULL
11/17/05	11/17/06	CRIME LAB		FORENSIC SCIENTIST I	HOUSTON	6052	FULL

# EXHIBIT B

**Reports for File Number: RA-2012-00087****Report By:** JEFFREY WOLF, RANGER 10798, BRENHAM**Ranger No:** CA10798120216234012A**Company:** A**Description:** TAMPER W/WRITTEN EVIDENTIARY REPORT, HARRIS county, HOUSTON,  
STATE OF TEXAS**Status:** CLOSED  
**Program:** CRIMINAL  
**Lead  
Ranger:** True**1. 2/16/2012 Approved by JASON TAYLOR, LIEUTENANT, 9619 - 3/21/2012**

On 02-07-2012, Texas Ranger Jeff WOLF was contacted by Texas Ranger Major Freeman MARTIN and instructed to make contact with Texas Ranger Grover "Frank HUFF and Texas Department of Public Safety (DPS) Region 2 Crime Lab Manager Keith GIBSON regarding the investigation of a DPS employee. On 02-08-2012, Rangers WOLF and HUFF met with GIBSON, at which time it was alleged DPS Forensic Scientist III Jonathan Benjamin SALVADOR had falsified a government document, namely a DPS Drug Analysis Laboratory Report. In addition to meeting with GIBSON, Rangers WOLF and HUFF interviewed three witnesses regarding the incident in question. On 02-09-2012, Rangers WOLF and HUFF conducted a non-custodial interview with SALVADOR. As of this report date, no charges have been filed with the Harris County District Attorney's Office.

**2. 2/27/2012 Approved by JASON TAYLOR, LIEUTENANT, 9619 - 3/29/2012**

On 02-17-2012, Texas Ranger Jeff WOLF made contact with the Harris County District Attorney's Office concerning this investigation. Ranger WOLF spoke with Harris County Assistant District Attorney (ADA) Tiffany DUPREE, and upon apprising her of the investigation, ADA DUPREE concurred no criminal action should be taken against Jonathan SALVADOR until the DPS Crime Laboratory was able to re-test SALVADOR'S previous 100 cases. DPS Region 2 Crime Lab Manager Keith GIBSON advised this would take approximately three to five weeks to occur. SALVADOR was placed on Suspension with the Department of Public Safety while the re-tests were being conducted.

**3. 9/12/2012 Approved by JASON TAYLOR, LIEUTENANT, 9619 - 9/13/2012**

On 05-08-2012, Texas Ranger Jeff WOLF contacted the Harris County District Attorney's Office in reference to the ongoing investigation involving Jonathan SALVADOR. Ranger WOLF was advised the investigation had been presented to a Harris County Grand Jury on 05-02-2012, and SALVADOR was not indicted. File closed.

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
TEXAS RANGER DIVISION**

**REPORT OF INVESTIGATION**

**THIS REPORT IS THE PROPERTY OF TEXAS DPS-TEXAS RANGER DIVISION.  
NEITHER IT NOR ITS CONTENTS MAY BE DISSEMINATED OUTSIDE THE AGENCY  
TO WHICH LOANED**

- 1. TAMPER W/WRITTEN EVIDENTIARY REPORT PC-37.10(c)(2)(B)-F3**
- 2. HARRIS COUNTY, HOUSTON, TX, US**
- 3. STATE OF TEXAS**
- 4. 1/26/2012 (Thursday)**

Report By:	JEFFREY WOLF, RANGER 10798, BRENHAM	Status:	CLOSED
Division:	RA-2012-00087	Type:	CRIMINAL
Ranger:	CA10798120216234012A		

**SYNOPSIS:****1. 2/16/2012 Approved by JASON TAYLOR, LIEUTENANT, 9619 - 3/21/2012**

On 02-07-2012, Texas Ranger Jeff WOLF was contacted by Texas Ranger Major Freeman MARTIN and instructed to make contact with Texas Ranger Grover "Frank HUFF and Texas Department of Public Safety (DPS) Region 2 Crime Lab Manager Keith GIBSON regarding the investigation of a DPS employee. On 02-08-2012, Rangers WOLF and HUFF met with GIBSON, at which time it was alleged DPS Forensic Scientist III Jonathan Benjamin SALVADOR had falsified a government document, namely a DPS Drug Analysis Laboratory Report. In addition to meeting with GIBSON, Rangers WOLF and HUFF interviewed three witnesses regarding the incident in question. On 02-09-2012, Rangers WOLF and HUFF conducted a non-custodial interview with SALVADOR. As of this report date, no charges have been filed with the Harris County District Attorney's Office.

**DETAILS:**

- 1.1** On 02-07-2012, Texas Ranger Jeff WOLF was contacted by Texas Ranger Major Freeman MARTIN. Major MARTIN advised Ranger WOLF he was contacted by Texas Department of Public Safety (DPS) Region 2 Crime Laboratory Manager Keith GIBSON. GIBSON was concerned over the possible criminal conduct of one of his employees. Major MARTIN advised Ranger WOLF that Texas Ranger Grover "Frank" HUFF would be assisting Ranger WOLF with the investigation.
- 1.2** On the afternoon of 02-07-2012, Ranger WOLF contacted Ranger HUFF to begin making preparations for a meeting with GIBSON. Ranger HUFF advised Ranger WOLF he had already spoken briefly with Major MARTIN and GIBSON regarding the incident. GIBSON was available to meet on 02-08-2012, at 10:00 AM.
- 1.3** On 02-08-2012, at approximately 10:05 AM, Rangers WOLF and HUFF met with GIBSON at the Texas Rangers Company "A" Headquarters. GIBSON stated DPS Crime Lab Supervisor Severo LOPEZ, Jr. came to GIBSON on 02-03-2012, and advised him of the following: On 01-26-2012, DPS Crime Lab Forensic Scientist III Andrew GARDINER was conducting his monthly test run on his Gas Chromatograph Mass Spectrum (GCMS) instrument to confirm it was operating

properly. After running the test, GARDINER was not happy with the results his instrument was displaying for the known standard he was testing. GARDINER decided to test the known standard on another GCMS instrument to compare and verify the substance he was testing. GARDINER approached Jonathan Benjamin SALVADOR'S GCMS instrument and was going to utilize it. GARDINER observed SALVADOR had been running a different compound (Alprazolam) than what GARDINER was attempting to test. In addition to testing his substance on SALVADOR'S instrument, GARDINER decided to also test SALVADOR'S substance on GARDINER'S instrument. While GARDINER was at SALVADOR'S work station, he observed SALVADOR was reportedly testing evidence from file #L2H-222396. However, when GARDINER went to retrieve the vial to test on his own instrument, he observed the vial SALVADOR was testing was from file #L2H-222403. GARDINER began checking SALVADOR'S tray for the correct vial to test on his own instrument. After checking every vial on the tray, GARDINER realized SALVADOR did not have any vials from file L2H-222396 around the workstation. In addition to not finding any vials labeled L2H-222396, GARDINER observed the substance in the vial (Alprazolam) labeled L2H-222403 was supposedly the same substance SALVADOR was testing for in file L2H-222396 (also Alprazolam). GARDINER was having a difficult time believing what he discovered, so he asked fellow DPS Crime Lab Forensic Scientist III Haley YAKLIN to come over to SALVADOR'S work station and verify what he had found. Both GARDINER and YAKLIN agreed that it appeared SALVADOR was testing one substance, and then reporting it was another. To confirm GARDINER'S belief, he decided to wait until SALVADOR submitted the Official Report of his findings for file L2H-222396 to see if SALVADOR corrected his mistake. Upon file L2H-222396 being submitted for Tech Review (a review process conducted by Forensic Scientist peers before the report is submitted for Admin Review and then mailed out), GARDINER pulled the file and began reviewing it. During the review, GARDINER observed SALVADOR had not corrected the report, but had instead, submitted his findings from the vial labeled L2H-222403 to complete his report for file L2H-222396. Upon discovering this, GARDINER made contact with LOPEZ and advised him of the findings.

- 1.4 GIBSON stated upon learning the information from LOPEZ, GIBSON instructed LOPEZ to re-test the substances located in file L2H-222396 and compare the results with those submitted by SALVADOR. Upon LOPEZ conducting the re-testing of the substance two different ways, neither test yielded the same result as what SALVADOR had reported.
- 1.5 While Rangers WOLF and HUFF were speaking with GIBSON, GIBSON noted it was common practice for the Forensic Scientists to utilize each other's instrument to confirm and/or compare the results generated by their own instrument. It was also common practice, that if a Forensic Scientist was having problems with an instrument, they would utilize another Scientists' instrument to conduct their own tests. It should be noted on 01-26-2012, SALVADOR came into the Crime Laboratory and ran several test blanks (utilized to verify that the system is clean and ready to test substances) on his instrument before testing the Alprazolam in file L2H-222403. After starting the test, SALVADOR left the lab and assisted other DPS personnel with destroying dispositioned evidence.
- 1.6 After meeting with GIBSON, Rangers WOLF and HUFF made contact with DPS Crime Lab Supervisor (Drug Section) Severo LOPEZ, Jr. At approximately 2:05 PM, LOPEZ was interviewed at the Texas Rangers Company "A" Headquarters. This interview was recorded on a digital recorder before being downloaded to a compact disc. A copy of this interview is attached to this file as Exhibit 1.1. Exhibit 1.1 is a compact disc containing interviews from LOPEZ, GARDINER, and YAKLIN.
- 1.7 LOPEZ began by explaining to Rangers WOLF and HUFF that on 02-02-2012, Andrew

GARDINER approached and informed him that he believed a fellow DPS Crime Lab Scientist was "Dry-Labbing" evidence. LOPEZ explained "Dry-Labbing" was a term used within the Forensic Community describing when a Forensic Scientist was either generating results without actually conducting the analysis, or without properly conducting the analysis. LOPEZ continued to explain GARDINER had found the same sample had been run for two different cases, and had located evidence indicating SALVADOR had been having a difficult time analyzing the evidence for the case which was allegedly "Dry-Labbed", thus providing a motive for why SALVADOR would "Dry-Lab" the evidence and incidentally create a false report.

- 1.8 According to LOPEZ, SALVADOR was attempting to test a substance which was quite common. SALVADOR knew prior to testing the substance what the substance was, due to being familiar with it. However, even if a Forensic Scientist knows what a substance is, it still must be tested and have the data generated to support the conclusion.
- 1.9 On 02-03-2012, GARDINER and LOPEZ met again and finished discussing GARDINER'S findings. LOPEZ instructed GARDINER to meet with GIBSON and explain his findings to GIBSON. After GARDINER met with GIBSON, LOPEZ and GIBSON met again and discussed what GARDINER discovered and decided LOPEZ would re-test the substance listed in file L2H-222396. When LOPEZ asked SALVADOR how he tested the substance (Alprazolam) in file L2H-222396, SALVADOR explained he conducted a Chloroform test without acid, even though SALVADOR'S test indicated he had used acid in the test. LOPEZ attempted to test the sample utilizing Chloroform without acid, but this did not yield the same result which SALVADOR listed on his Official Report. When LOPEZ and GIBSON discussed the results, GIBSON suggested LOPEZ re-test the sample from L2H-222396 utilizing acid (as SALVADOR indicated he did on his Official Report). Upon LOPEZ conducting the Chloroform test with acid, he noted it still did not match the results submitted by SALVADOR for the sample tested in L2H-222396. LOPEZ continued to state that while he was re-testing the sample from file L2H-222396, SALVADOR was lingering around him in a very awkward way. According to LOPEZ, SALVADOR suggested to him the substance was difficult to extract, and LOPEZ might want to try a substance from a different file.
- 1.10 LOPEZ continued to state the data generated (the footprint of the substance) from file L2H-222403 matched the data (the footprint of the substance) submitted by SALVADOR in file L2H-222396. LOPEZ also stated there was no doubt in his mind the results submitted by SALVADOR for file L2H-222396 were from a substance not associated with file L2H-222396. According to LOPEZ, he was almost certain the results submitted by SALVADOR were from L2H-222403. LOPEZ believed SALVADOR was having a difficult time generating the results on a commonly known substance (Alprazolam), and therefore, utilized the results from file L2H-222403 to generate the conclusions needed to complete file L2H-222396. For additional details from this interview, refer to Exhibit 1.1 - audio recorded interview with LOPEZ.
- 1.11 Upon concluding the interview with LOPEZ, Rangers WOLF and HUFF conducted an interview with DPS Crime Lab Forensic Scientist III Andrew GARDINER. GARDINER was interviewed on 02-08-2012, at approximately 3:05 PM, at the Texas Rangers Company "A" Headquarters. This interview was recorded on a digital recorder before being downloaded to a compact disc. A copy of this interview is attached to this file as Exhibit 1.1.
- 1.12 GARDINER began by explaining he was having maintenance issues with the instrument he was working on. He went to the instrument issued to Jonathan SALVADOR to verify the results his instrument was generating were the same another instrument would generate. While at SALVADOR'S instrument, GARDINER noted SALVADOR was testing Alprazolam, a substance



with a different chemical make-up than the substance GARDINER was attempting to test. GARDINER decided it would be wise to also run SALVADOR'S substance on GARDINER'S instrument in order that GARDINER might be able to ascertain if his instrument was working properly. GARDINER noticed SALVADOR'S sample log identified the substance as being labeled 222396, and it was entered into the computer as being in location 18 in SALVADOR'S sample tray. GARDINER then went to location 18 on the sample tray, but found a vial labeled 222403 in location 18. According to GARDINER, sometimes an item is accidentally entered into the computer as being in the wrong location. Therefore, GARDINER began checking other locations on the sample tray in an effort to locate the vial labeled 222396. GARDINER stated there were 100 vial locations on a sample tray, and he checked every single location on the tray, but was unable to locate a vial labeled 222396. GARDINER assumed at this point SALVADOR might have made a data entry error on the computer and was actually testing a substance from file L2H-222403, and accidentally typed in L2H-222396 on the computer.

- 1.13** Per GARDINER, "at this point it was starting to look a little bit fishy." GARDINER stated he located SALVADOR'S file folder which was labeled L2H-222403, and upon looking at it, GARDINER discovered it was complete and needed no further analysis. GARDINER then located SALVADOR'S file folder labeled L2H-222396, and upon inspecting it, GARDINER observed the file was incomplete, but it did contain several Spectral Sheets in the folder which "didn't look very good." According to GARDINER, the sheets appeared as though SALVADOR was "having a difficult time generating good quality data" to put into the file folder. GARDINER acknowledged the Spectral Sheets in the file folder were not good enough to use for casework. GARDINER stated he was not sure what to do, so he asked DPS Crime Lab Forensic Scientist Haley YAKLIN to come over and take a look at it. After YAKLIN looked at it, GARDINER and YAKLIN agreed to allow SALVADOR adequate time to correct the mistake, in case it was inadvertent.
- 1.14** The following Monday (01-30-2012), GARDINER observed file L2H-222396 had been completed and submitted for Technical Review. GARDINER retrieved the file and upon reviewing it, GARDINER observed the data in the file was the same data he had seen on the computer on 01-26-2012. GARDINER then compared the data from file L2H-222396 with the data from file L2H-222403 which had also been completed and submitted for Technical Review, and observed the data from the two files was "exactly the same."
- 1.15** After discovering the error with the two files, GARDINER contacted LOPEZ via e-mail and requested to meet with him regarding the findings. GARDINER also added YAKLIN did not inspect the sample tray, but did confirm the sample in location 18 was labeled as 222403, and SALVADOR'S computer identified the sample as 222396. GARDINER also commented on the fact that it would be feasible for a Forensic Scientist to mislabel a sample location on the sample tray, meaning the scientist identified the sample as coming from location 19 when it actually came from location 18. However, to use sample 222403's vial to mistakenly generate sample 222396's data when there was not even a vial labeled 222396 in the sample tray, was not feasible.
- 1.16** It should also be noted that according to GARDINER'S statement, SALVADOR was prone to making a lot of mistakes. GARDINER admitted SALVADOR was a friend of his, but joked when a Forensic Scientist is conducting a peer review of a file submitted by SALVADOR, one would need a whole note pad of sticky notes to mark the corrections needed within the file.
- 1.17** For additional details regarding the interview conducted with GARDINER, refer to Exhibit 1.1 - audio recorded interview with GARDINER.
- 1.18** After interviewing GARDINER, Rangers WOLF and HUFF conducted an interview with DPS

Crime Lab Forensic Scientist III Haley YAKLIN. YAKLIN was interviewed on 02-08-2012, at approximately 4:12 PM, at the Texas Rangers Company "A" Headquarters. This interview was recorded on a digital recorder before being downloaded to a compact disc. A copy of this interview is attached to this file as Exhibit 1.1.

- 1.19** YAKLIN began by explaining back in late January, she was sitting at her desk when GARDINER approached her. GARDINER advised her he had gone over to SALVADOR'S instrument to run a sample on it after experiencing trouble with his own instrument. While over at SALVADOR'S instrument, GARDINER had seen the sample list indicating SALVADOR was running a test on Alprazolam. GARDINER removed the sample and was going to run the sample on his own instrument to see if his instrument was still not working properly. Upon removing the vial (sample), GARDINER observed the vial was marked with a different sample than the file being run on the instrument. GARDINER became concerned over what he had found and asked YAKLIN to come and take a look at it.
- 1.20** YAKLIN stated she went over to SALVADOR'S instrument and reviewed SALVADOR'S sample run he had typed into his instrument. YAKLIN stated she and GARDINER observed SALVADOR had only run one sample that day. When only one sample is run, it is extremely difficult to make an error such as testing the wrong sample. According to YAKLIN, GARDINER removed the vial, allowing YAKLIN to see the wrong vial was in fact being tested.
- 1.21** After verifying what she found, YAKLIN and GARDINER agreed they needed to wait and see what SALVADOR submitted as his test results before jumping to any conclusions. According to YAKLIN, GARDINER spoke with her approximately one week later and advised her SALVADOR completed his report and submitted the file (L2H-222396) for approval. GARDINER pulled the file and discovered the results were the same as on 01-26-2012. YAKLIN recommended GARDINER wait until SALVADOR submitted his completed report for file L2H-222403, and then compare the two reports to see if they were in fact the same. Then, if the two reports were the same, GARDINER would have no choice but to talk to LOPEZ about what they had found. After YAKLIN spoke with GARDINER regarding what GARDINER found in the submitted report (L2H-222396), YAKLIN stated she had no other involvement with looking at the files or paperwork. YAKLIN confirmed what GARDINER stated during his interview; that SALVADOR was prone to making mistakes when conducting the analysis and reporting the findings. These mistakes included, but were not limited to, clerical errors.
- 1.22** For additional details regarding the interview conducted with YAKLIN, refer to Exhibit 1.1 - Audio recorded interview with YAKLIN.
- 1.23** After interviewing YAKLIN, Rangers WOLF and HUFF contacted LOPEZ and requested he re-test the Alprazolam which was tested in File L2H-222403. Investigators would have it to compare to the results from LOPEZ' re-test of L2H-222396, and the results which SALVADOR submitted as his own findings for both files.
- 1.24** On 02-09-2012, Rangers WOLF and HUFF met with LOPEZ at the Texas Rangers Company "A" Headquarters and received the results from his re-test of file L2H-222403. After receiving these results, Rangers WOLF and HUFF coordinated with LOPEZ and GIBSON and arranged to interview SALVADOR on the afternoon of 02-09-2012.
- 1.25** At approximately 3:15 PM, Rangers WOLF and HUFF met with DPS Crime Lab Forensic Scientist III Jonathan Benjamin SALVADOR - A/M, DOB: 04-08-1968, at the Texas Rangers Company "A" Headquarters. This interview was recorded on a digital video recorder before being

downloaded to a compact disc (DVD). A copy of this interview is attached to this file as Exhibit 1.2.

- 1.26** Prior to beginning the interview, Ranger WOLF advised SALVADOR that he was not under arrest and was free to leave the interview at any time he desired to do so. Ranger WOLF also advised SALVADOR the purpose of the interview was part of a criminal investigation being conducted by Rangers WOLF and HUFF, and was not an administrative interview.
- 1.27** Rangers WOLF and HUFF presented the two files in question (L2H-222396 and L2H-222403) to SALVADOR and asked SALVADOR if he was familiar with the cases. SALVADOR reviewed the two files and stated he remembered both cases, and had recently finished them. Ranger WOLF observed SALVADOR was extremely nervous, and while attempting to discuss the initial analysis procedure, SALVADOR stated he was extremely distraught over this, and even if the investigation turned out okay, he was probably going to lose his job.
- 1.28** SALVADOR briefly explained the process of identifying and analyzing a known drug such as Alprazolam. He continued by stating it was normally a relatively easy process once the pill has been diluted down and separated. However, according to SALVADOR, while attempting to dilute the Alprazolam from file L2H-222396, the pill did not separate as anticipated, but instead became a cloudy emulsion. This made the substance difficult to analyze, so SALVADOR stated he added more chloroform to help the substance separate some more. After diluting the compound more, SALVADOR attempted to test the Alprazolam. The results identified the substance as Alprazolam, but it also generated an unacceptable specter sheet, meaning the exhibit would need to be re-tested.
- 1.29** According to SALVADOR, he spoke with another lab employee who recommended conducting the test by utilizing a different method. SALVADOR admitted conducting the test utilizing the recommended method, but upon doing so, again ended up with an unacceptable specter sheet which meant the substance would need to be re-tested again.
- 1.30** SALVADOR explained he again had to get another pill from the submitted drug evidence and begin the process all over again (for the third time), leaving only a half (.5) of a pill remaining. Coincidentally, while testing that final full pill, SALVADOR stated the testing worked just as it was supposed to and he ended up getting the anticipated result for the Alprazolam.
- 1.31** SALVADOR continued to appear nervous, but acted as though he had no idea why he was being interviewed by Rangers WOLF and HUFF. At this point, Ranger WOLF informed SALVADOR what GARDINER discovered on 01-26-2012, at SALVADOR'S work station. SALVADOR responded by saying "That's impossible. I mean, I'm not going to call my co-workers a liar. I'm not. Could it be an error on my part? Sure." Ranger WOLF stated to SALVADOR if it was an error, that was okay. Ranger WOLF then asked SALVADOR to explain how the error could have been made, to which SALVADOR replied "I don't know."
- 1.32** After stumbling for a reason as to why the wrong vial was being tested, SALVADOR commented if it was anything, it had to be he accidentally listed the wrong vial number to be tested. (However, the vial number was somewhat irrelevant, due to the fact there were no vial numbers present at the instrument which would have coincided with the substance reportedly being tested.) SALVADOR then became very defensive with Rangers WOLF and HUFF, and stated he would never falsely report the findings of a test.
- 1.33** As the interview continued, SALVADOR stated it was also possible he had accidentally tested the

Alprazolam in file L2H-222403, while meaning to test the Alprazolam in file L2H-222396. SALVADOR also made several references to "Jesse", a DPS Crime Lab employee who was found guilty of stealing drug evidence from the DPS Crime Lab several years ago, and SALVADOR continually compared himself to "Jesse." Ranger WOLF found this awkward, as the circumstances surrounding this investigation were completely different from the circumstances involved in "Jesse's" investigation.

- 1.34** At this point, Ranger HUFF again questioned SALVADOR about having any doubts as to whether or not the results submitted by him in file L2H-222396 were from another file. SALVADOR again confirmed "in his mind" there was no doubt. SALVADOR then covered his face with both his hands and held them there for approximately 27 seconds, as if in disbelief.
- 1.35** Ranger WOLF decided to prepare a timeline for SALVADOR to better explain why his results for file L2H-222396 were suspicious. While Ranger WOLF was preparing this timeline, SALVADOR again covered his face for almost 30 seconds and asked "Am I going to lose my job?" Ranger HUFF again explained to SALVADOR that we were there to simply investigate whether or not a criminal act had been committed. The timeline which Ranger WOLF prepared during the interview detailed the following information: Time Line of Events: 01/10/2012 - evidence for file #L2H-222396 was pulled for analysis by SALVADOR 01/12/2012 - Alprazolam for file #L2H-222396 was first tested by SALVADOR 01/19/2012 - evidence for file #L2H-222403 was pulled for analysis by SALVADOR 01/20/2012 - 2 of 3 Alprazolam exhibits were examined for file #L2H-222403 01/25/2012 - the final Alprazolam exhibit was examined for file #L2H-222403 (Conducted at 4:46 PM) 01/26/2012 - the final test was conducted on the Alprazolam exhibit for file #L2H-222396 (Conducted at 9:20 AM/this was the only test conducted by SALVADOR on 01-26-2012). This was also the date GARDINER observed the vials belonging to file #L2H-222403 being re-tested, with the re-generated results being utilized to complete file L2H-222396.
- 1.36** When Rangers WOLF and HUFF presented the timeline, SALVADOR stated "I can't explain it. I don't know what to tell you. I don't know if anybody walked over to my instrument and took the vial." However, the vial SALVADOR was reportedly testing on 01-26-2012, came from location 18 on his vial tray, and that vial was still present at the workstation when GARDINER went over to the instrument and first noticed the discrepancies.
- 1.37** Ranger HUFF then presented SALVADOR with the results he submitted for file L2H-222396, and asked him to compare them with the results which he had for the Alprazolam tested in file L2H-222403 on 01-25-2012. SALVADOR viewed the two reports and concluded they looked identical, with the only difference being the "Abundance."
- 1.38** As the interview continued, SALVADOR remained defensive and was unable to provide a consistent, plausible reason explaining why or how the evidence from file L2H-222403 ended up being used to generate the results report which was submitted for file L2H-222396. SALVADOR did recognize the Alprazolam results from files L2H-222396 and L2H-222403 looked identical to the results of the re-test which were generated by LOPEZ after LOPEZ re-tested file L2H-222403. SALVADOR also acknowledged the results generated during LOPEZ' re-test of file L2H-222396 were completely different than those submitted by SALVADOR.
- 1.39** Towards the end of the interview, SALVADOR stated "I can't and I won't say I 'dry-labbed' because I didn't. At least in my belief system I didn't. I wouldn't do that." SALVADOR also conceded he might have made a mistake, but he refused to admit to "dry-labbing" the evidence because he has seen too many people go down after admitting that they "dry-labbed."

**1.40** For additional details regarding the interview with SALVADOR, refer to Exhibit 1.2.

**1.41** Also, attached to this file are the following: A. Exhibit 1.3 - photocopy of the DPS Crime Lab file L2H-222396 B. Exhibit 1.4 - photocopy of the DPS Crime Lab file L2H-222403 C. Exhibit 1.5 - photocopy of the re-tests conducted by LOPEZ for file L2H-222396 D. Exhibit 1.6 - photocopy of the re-tests conducted by LOPEZ for file L2H-222403 E. Exhibit 1.7 - photocopy of the written statement by Andrew GARDINER dated 02-03-2012 F. Exhibit 1.8 - interoffice Memorandum from Severo LOPEZ to Keith GIBSON dated 02-03-2012 Exhibits 1.3, 1.4, 1.5, 1.7, and 1.8 were received by Ranger WOLF from GIBSON on 02-08-2012, at the Texas Rangers Company "A" Headquarters. Exhibit 1.6 was received by Ranger WOLF from LOPEZ on 02-09-2012, at the Texas Rangers Company "A" Headquarters.

**PHYSICAL DESCRIPTION:**

**1.1** Jonathan Benjamin SALVADOR A/M [REDACTED]  
Hair: Black Eyes: Brown Weight: 185-0 Height: 0'0"-0'0"  
SSN: [REDACTED] SID: DL/ID: [REDACTED] US  
AKA:  
Home: [REDACTED] Work: 12230 West Road  
Houston, Houston TX 77065 US  
(281) 517-1380

**INVESTIGATORS:**

- 1.1** Jeffrey WOLF, Ranger, Texas Rangers Company "A"  
975 Hwy 290/Post Office BOX 119  
Brenham, TX 77834
- 1.2** Freeman MARTIN, Major, Texas Rangers Company "A"  
12230 West Road  
Houston, TX 77065  
(281) 517-1400
- 1.3** Grover HUFF, Ranger, Texas Rangers Company "A"  
1923 Sam Houston  
Liberty, TX 77575  
(409) 336-4627

**WITNESSES:**

- 1.1** Keith GIBSON - W/M - [REDACTED]  
Home: [REDACTED]  
, TX , US  
Work: Texas Department of Public Safety -  
Crime Lab  
12230 West Road  
Houston, TX 77065, US
- 1.2** Severo LOPEZ - H/M - 10/13/1964

**Home:**

, TX , US

**Work:** Texas Department of Public Safety -  
 Crime Lab  
 12230 West Road  
 Houston, TX 77065, US

1.3 Andrew GARDINER - W/M - [REDACTED]

**Home:**

, TX , US

**Work:** Texas Department of Public Safety -  
 Crime Lab  
 12230 West Road  
 Houston, TX 77065, US

1.4 Haley YAKLIN - W/F - [REDACTED]

**Home:**

, TX , US

**Work:** Texas Department of Public Safety -  
 Crime Lab  
 12230 West Road  
 Houston, TX 77065, US

**CUSTODY OF EVIDENCE:**

- 1.1 **Evidence Seized:** Audio CD containing recorded interviews  
**Date/Time Seized:** 2/8/2012 2:05:00 PM  
**Address Seized:** 12230 West Road, Houston, Texas  
**Location Seized:** Texas Rangers Office  
**Seized By:** Ranger Jeffrey WOLF Texas Rangers Company "A"  
**Recovery Value:** 0  
**Note:** With Severo LOPEZ, Andrew GARDINER, and Haley YAKLIN  
**Transfer To:** **Transfer Date:**
- 1.2 **Evidence Seized:** Audio/Video DVD containing the interview with Jonathan SALVADOR  
**Date/Time Seized:** 2/9/2012 3:15:00 PM  
**Address Seized:** 12230 West Road, Houston, Texas  
**Location Seized:** Texas Rangers Office  
**Seized By:** Ranger Jeffrey WOLF Texas Rangers Company "A"  
**Recovery Value:** 0  
**Note:**  
**Transfer To:** **Transfer Date:**
- 1.3 **Evidence Seized:** Photocopy of DPS Crime Lab file L2H-222396  
**Date/Time Seized:** 2/8/2012 10:05:00 AM  
**Address Seized:** 12230 West Road, Houston, Texas  
**Location Seized:** Texas Rangers Office  
**Seized By:** Ranger Jeffrey WOLF Texas Rangers Company "A"  
**Recovery Value:** 0  
**Note:**  
**Transfer To:** **Transfer Date:**
- 1.4 **Evidence Seized:** Photocopy of DPS Crime Lab file L2H-222403  
**Date/Time Seized:** 2/8/2012 10:05:00 AM  
**Address Seized:** 12230 West Road, Houston, Texas  
**Location Seized:** Texas Rangers Office

**Seized By:** Ranger Jeffrey WOLF Texas Rangers Company "A"  
**Recovery Value:** 0  
**Note:**  
**Transfer To:** **Transfer Date:**

**1.5 Evidence Seized:** Photocopies of the re-tests of file L2H-222396 conducted by Severo LOPEZ  
**Date/Time Seized:** 2/8/2012 10:05:00 AM  
**Address Seized:** 12230 West Road, Houston, Texas  
**Location Seized:** Texas Rangers Office  
**Seized By:** Ranger Jeffrey WOLF Texas Rangers Company "A"  
**Recovery Value:** 0  
**Note:**  
**Transfer To:** **Transfer Date:**

**1.6 Evidence Seized:** Photocopies of the re-tests of file L2H-222403 conducted by Severo LOPEZ  
**Date/Time Seized:** 2/9/2012 12:00:00 PM  
**Address Seized:** 12230 West Road, Houston, Texas  
**Location Seized:** Texas Rangers Office  
**Seized By:** Ranger Jeffrey WOLF Texas Rangers Company "A"  
**Recovery Value:** 0  
**Note:**  
**Transfer To:** **Transfer Date:**

**1.7 Evidence Seized:** Written statement prepared by Andrew GARDINER  
**Date/Time Seized:** 2/8/2012 10:05:00 AM  
**Address Seized:** 12230 West Road, Houston, Texas  
**Location Seized:** Texas Rangers Office  
**Seized By:** Ranger Jeffrey WOLF Texas Rangers Company "A"  
**Recovery Value:** 0  
**Note:** Dated 02-03-2012 by GARDINER.  
**Transfer To:** **Transfer Date:**

**1.8 Evidence Seized:** Interoffice Memorandum prepared by Severo LOPEZ, addressed to Keith GIBSON  
**Date/Time Seized:** 2/8/2012 10:05:00 AM  
**Seized:**  
**Address Seized:** 12230 West Road, Houston, Texas  
**Location Seized:** Texas Rangers Office  
**Seized By:** Ranger Jeffrey WOLF Texas Rangers Company "A"  
**Recovery Value:** 0  
**Note:** Dated 02-03-2012 by LOPEZ  
**Transfer To:** **Transfer Date:**

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
TEXAS RANGER DIVISION**

**REPORT OF INVESTIGATION**

**THIS REPORT IS THE PROPERTY OF TEXAS DPS-TEXAS RANGER DIVISION.  
NEITHER IT NOR ITS CONTENTS MAY BE DISSEMINATED OUTSIDE THE AGENCY  
TO WHICH LOANED**

- 1. TAMPER W/WRITTEN EVIDENTIARY REPORT PC-37.10(c)(2)(B)-F3**
- 2. HARRIS COUNTY, HOUSTON, TX, US**
- 3. STATE OF TEXAS**
- 4. 1/26/2012 (Thursday)**

Report By: JEFFREY WOLF, RANGER 10798, BRENHAM	Status: CLOSED
Division: RA-2012-00087	Type: CRIMINAL
Ranger: CA10798120216234012A	

**SYNOPSIS:****2. 2/27/2012 Approved by JASON TAYLOR, LIEUTENANT, 9619 - 3/29/2012**

On 02-17-2012, Texas Ranger Jeff WOLF made contact with the Harris County District Attorney's Office concerning this investigation. Ranger WOLF spoke with Harris County Assistant District Attorney (ADA) Tiffany DUPREE, and upon apprising her of the investigation, ADA DUPREE concurred no criminal action should be taken against Jonathan SALVADOR until the DPS Crime Laboratory was able to re-test SALVADOR'S previous 100 cases. DPS Region 2 Crime Lab Manager Keith GIBSON advised this would take approximately three to five weeks to occur. SALVADOR was placed on Suspension with the Department of Public Safety while the re-tests were being conducted.

**DETAILS:**

- 2.1** On 02-17-2012, Texas Ranger Jeff WOLF made contact with Harris County Assistant District Attorney (ADA) Tiffany DUPREE. Ranger WOLF advised ADA DUPREE of the details of the investigation involving Jonathan Benjamin SALVADOR.
- 2.2** Ranger WOLF further advised ADA DUPREE DPS Crime Lab Manager Keith GIBSON notified Ranger WOLF that SALVADOR'S employment was currently suspended pending the investigation. SALVADOR had not conducted any forensic analysis since the allegations had been made.
- 2.3** According to GIBSON, the DPS Crime Lab was in the process of re-testing SALVADOR'S previous 100 cases to check for additional errors in his recent cases. GIBSON advised this would probably take three to five weeks to occur. Ranger WOLF and ADA DUPREE agreed these re-tests should be completed before taking any criminal action against SALVADOR.



**TEXAS DEPARTMENT OF PUBLIC SAFETY  
TEXAS RANGER DIVISION**

**REPORT OF INVESTIGATION**

**THIS REPORT IS THE PROPERTY OF TEXAS DPS-TEXAS RANGER DIVISION.  
NEITHER IT NOR ITS CONTENTS MAY BE DISSEMINATED OUTSIDE THE AGENCY  
TO WHICH LOANED**

- 1. TAMPER W/WRITTEN EVIDENTIARY REPORT PC-37.10(c)(2)(B)-F3**
- 2. HARRIS COUNTY, HOUSTON, TX, US**
- 3. STATE OF TEXAS**
- 4. 1/26/2012 (Thursday)**

Report By: JEFFREY WOLF, RANGER 10798, BRENHAM

Status: CLOSED

Division: RA-2012-00087

Type: CRIMINAL

Ranger: CA10798120216234012A

**SYNOPSIS:****3. 9/12/2012 Approved by JASON TAYLOR, LIEUTENANT, 9619 - 9/13/2012**

On 05-08-2012, Texas Ranger Jeff WOLF contacted the Harris County District Attorney's Office in reference to the ongoing investigation involving Jonathan SALVADOR. Ranger WOLF was advised the investigation had been presented to a Harris County Grand Jury on 05-02-2012, and SALVADOR was not indicted. File closed.

**DETAILS:**

- 3.1** On 05-08-2012, Texas Ranger Jeff WOLF contacted the Harris County District Attorney's Office in reference to the ongoing investigation involving Jonathan SALVADOR. Ranger WOLF was advised the investigation was presented to a Harris County Grand Jury on 05-02-2012, and SALVADOR was not indicted.
- 3.2** Ranger WOLF expects no further involvement in this investigation and retains no custody of evidence requiring final disposition.
- 3.3** File closed.

# Exhibit 1.3



TEXAS DEPARTMENT OF PUBLIC SAFETY  
**CRIME LABORATORY SERVICE**  
 Laboratory Submission Form

For Laboratory Use Only

# L2H-222396

Received  
 12/29/11 01:28 PM  
 Texas DPS Houston  
 Crime Laboratory *CP*

Date Evidence Rec'd

Agency Case Number 2011-6285

Offense POCS PG 3 <28g (2 charges)

Date of Offense 12/16/2011

County of Offense GALVESTON

Agency LEAGUE CITY POLICE DEPT

**Case Contact Person**

Name Ofc. E. Cox #1195 Title Patrol Officer

Mailing Address 500 W. WALKER ST. Phone 281-554-1810 Fax 281-338-4124

City, State Zip Code LEAGUE CITY, TX 77573 Email Address eric.cox@lcpd.com

Suspect	Victim	Name (Last, First Middle)	Race	Sex	DOB	DL# / SS# / ID#
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Graham, William Keith	w	m	8/9/1965	DL [REDACTED]
<input type="checkbox"/>	<input type="checkbox"/>					
<input type="checkbox"/>	<input type="checkbox"/>					
<input type="checkbox"/>	<input type="checkbox"/>					

**Description of Evidence Submitted**

Exhibit #	Number of Items	Description of Evidence	Origin	Exam Requested
1	3 1/2	white pentagonal shaped tablets with G on one side and 0.5 on the other side	pill bottle in driver door pocket of suspect's vehicle	Alprazolam
2	1 1/2	oblong white tablets with Watson 349 on one side	pill bottle in driver door pocket of suspect's vehicle	Hydrocodone
3				
4				
5				
6				

For some non-drug cases, it may be appropriate to attach a copy of the offense report.  
 Please include brief case synopsis, unusual examination(s) requested, and/or relevant case priority information.

Are known standards (blood, saliva, hair, inked prints, clothing, fabrics, etc.) submitted for comparison?  Yes  No

Have any of these exhibits been previously analyzed by a laboratory?  Yes  No If so, What Exhibit #'s?



TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY  
**Evidence Record Sheet**

LAB-22 Rev. 02 (09/2009)

Laboratory Case Number

**L2H-222396-18**

AF     DNA     NIB     TE  
 BATOX     FTM     PHOTO  
 CS     LP     QD

Date Received

Resubmission     Additional Evidence

**12/29/11**

1:28 PM



Date Completed A: 1/27/12  
 Section & Analysis by DAG  
 Reviewed: Tech: no 1/30/12 Adm:  
 Report Distributed:  
 Date Completed B:  
 Section & Analysis by  
 Reviewed: Tech: Adm:  
 Report Distributed:  
 Date Completed C:  
 Section & Analysis by  
 Reviewed: Tech: Adm:  
 Report Distributed:

In Person

*[Signature]*

Andrew Saum

Received by Carolina Perez *CP*

Description: Properly Sealed 9x12 Yellow Envelope;

**Transfer Log** (for court, return from court, at court, bar code unavailable, etc.)

Date	To	From	Items\Exhibits\Comments

**Forward Date** To:  U.S. Mail     In Person     UPS    Items: \_\_\_\_\_ By \_\_\_\_\_

**Return Date**  All     Items: \_\_\_\_\_  
 U.S. Mail     In Person     UPS    By \_\_\_\_\_

**Destruction Date** Method:  Burning     Flushing     Contractor  
 Transported by:  Hand Carry     Other: \_\_\_\_\_  
 Witness: \_\_\_\_\_  
 Witness: \_\_\_\_\_

**Court Record** (Whenever evidence is introduced or transferred at the courthouse, use the Transfer Log above)

Date	Witness	T/A	City	CDFO	Outcome	Miles	Hours

Notes  
CaseFile information entered: Submitting Officer-Agency-County-Offense Date-Agency Number- 1 names



TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

Date Started 1/10/2012  
Date Completed 1/27/2012

Lab Case # L2H-2223

Controlled Substances Worksheet

LAB-CS-01 Rev.02 (07/2006)

Gross Inventory Wt \_\_\_\_\_

Page \_\_\_\_\_

9X12 Yellow Env

Exhibit #	# Items	# Analyzed	# Exams	Balance ID	Weights			Marquis	SNP	Co(SCN) <sub>2</sub>	Microscopic	Duquenois	TLC	FTIR	GC / MS		Acid	Base	Other Tests	Class
					Before Analysis	Tare	Net								After Analysis	+M				
Wax Paper Bag -----> 3 Whole and 1 Partial White Pentagon Shaped Tablets (G / 0.5)																				
Item 1	4	2	5	HOBAL 211			1.22 g	0.52 g							+M			+DC	3	
0.5 mg Alprazolam																				
Item 2	2	1	3	HOBAL 211			1.02 g	0.71 g							+M			+DC	10	
Wax Paper Bag -----> 1 Whole and 1 Partial White Tablets (WATSON 349)																				
500 mg Acetaminophen, 5 mg Hydrocodone																				
Empty Pill Bottle -----> No Analysis																				

Additional Notes

Note 18

Contains Alprazolam  
Dihydrocodeinone

# TEXAS DEPARTMENT OF PUBLIC SAFETY



STEVEN C. McCRAW  
DIRECTOR  
DAVID G. BAKER  
CHERYL MacBRIDE  
DEPUTY DIRECTORS

REGIONAL CRIME LABORATORY  
12230 WEST ROAD  
HOUSTON, TEXAS 77065-4523  
Voice 281-517-1380 Fax 281-517-1395



COMMISSION  
ALLAN B. POLUNSKY, CHAIR  
ADA BROWN  
JOHN STEEN  
CARIN MARCY BARTH  
A. CYNTHIA LEON

## Drug Analysis Laboratory Report

January 27, 2012

E. Cox  
League City Police Department  
500 West Walker  
League City, Texas 77573

### Laboratory Case Number

L2H-222396

### Agency Case Number

20116285

### Offense Date

12/16/11

### Suspect(s)

Graham, William Keith DOB 08/09/1965

**Offense:** Controlled Substance Offense

**County of Offense:** Galveston (084)

**Evidence Submitted on:** December 29, 2011 in person from Andrew Saum

### Results of Analysis and Interpretation

<u>Exhibit</u>	<u>Net Weight</u>	<u>Conclusion</u>
Item 1	1.22grams	Contains Alprazolam
Item 2	1.02grams	Contains Dihydrocodeinone * 1

\* 1 Information from the pharmaceutical company indicates not more than 300 milligrams of dihydrocodeinone (hydrocodone), or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

Jonathan Salvador  
Forensic Scientist  
Texas DPS Houston Laboratory

CAUSE NUMBER \_\_\_\_\_

THE STATE OF TEXAS

IN THE \_\_\_\_\_ COURT

VS.

GALVESTON COUNTY, TEXAS

GRAHAM, WILLIAM KEITH

PETITION FOR REIMBURSEMENT UNDER ARTICLE 42.12, Sec. 11(a)(19), CODE OF  
CRIMINAL PROCEDURE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW THE STATE OF TEXAS by and through the undersigned attorney and moves the Court to include in the terms and conditions of probation, ordered under Article 42.12, Code of Criminal Procedure, in this case, reimbursement to the law enforcement agency, the Texas Department of Public Safety, Crime Laboratory, for its costs incurred in the (analysis) (1), (storage) (2), or (disposal) (3) of raw materials, controlled substances, chemical precursors, drug paraphernalia, or other materials seized in connection with this offense. The sum (4) of the cost to be reimbursed is \$140.00.

- 1. Analysis        \$ 140
- 2. Storage        \$ \_\_\_\_\_
- 3. Disposal       \$ \_\_\_\_\_
- 4. Sum            \$ 140

\_\_\_\_\_  
Signature of Attorney Representing the State

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

IF REIMBURSEMENT IS ORDERED AS A TERM OF  
COMMUNITY SUPERVISION, SEND PAYMENT TO:

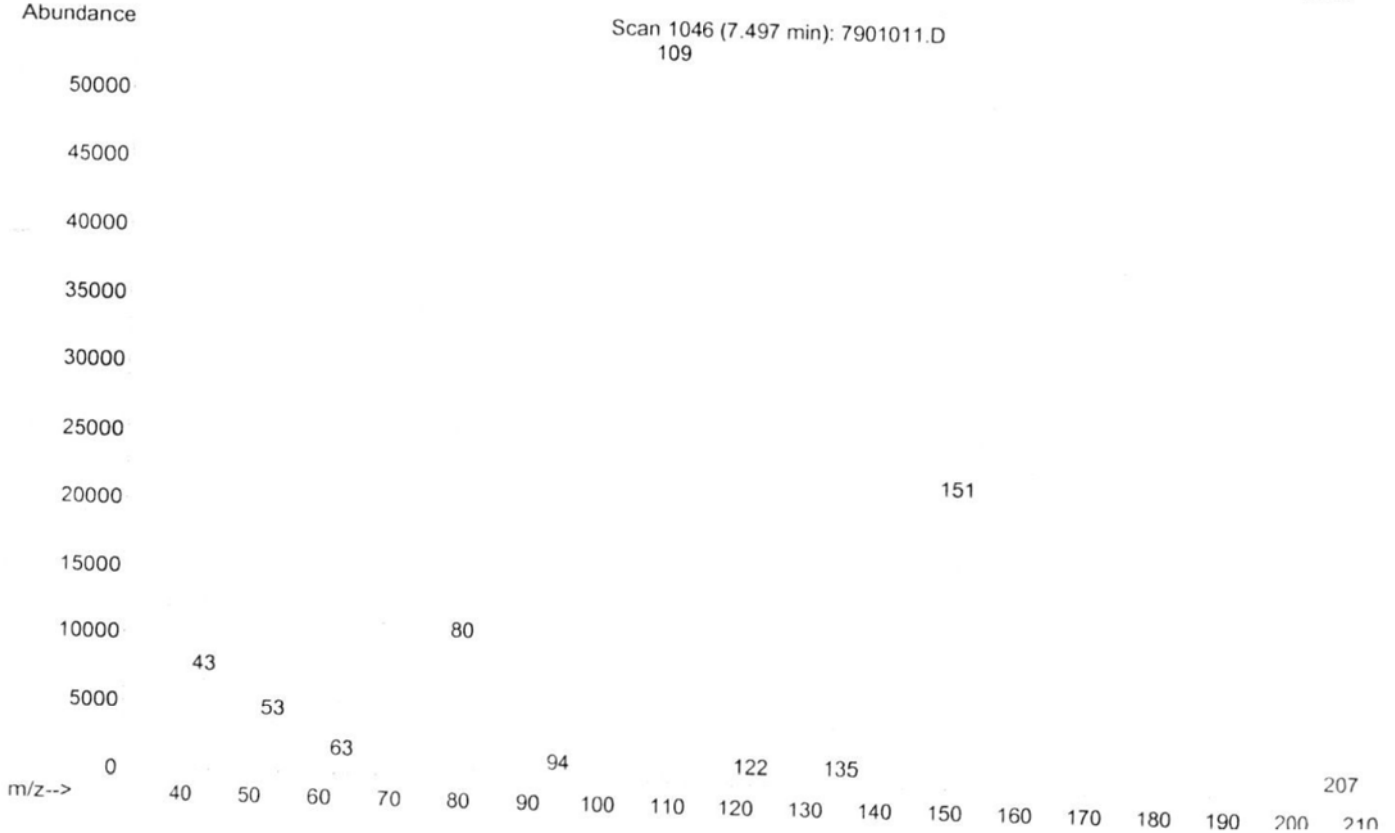
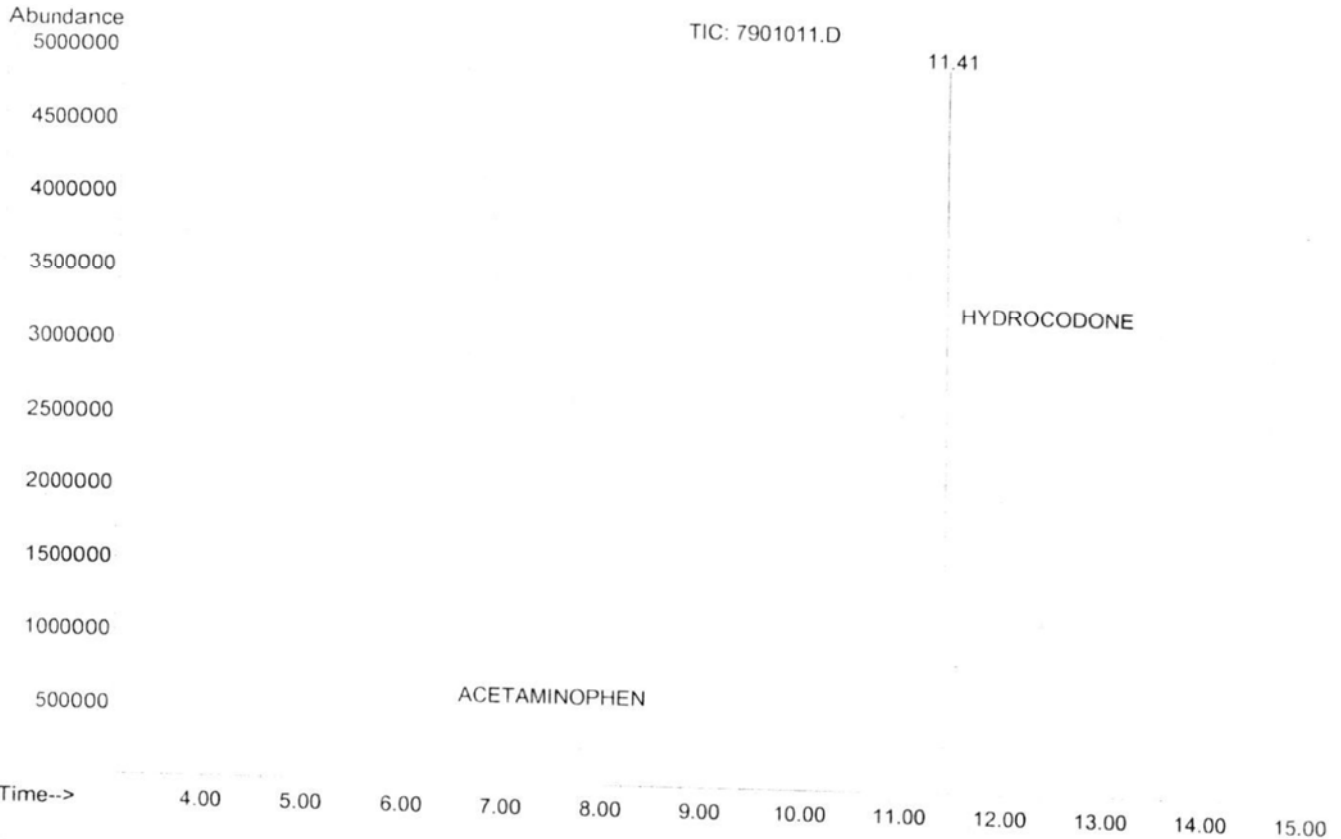
Texas Department of Public Safety  
RESTITUTION ACCOUNTING  
P.O. Box 4087  
Austin, Texas 78773-0130  
512-424-2241

DPS Laboratory Number:        L2H-222396

Agency File Number:        20116285

File : D:\DATA\HOUSTON\011212\7901011.D  
 Operator : MR 40-400, inj 250, det 280  
 Acquired : 12 Jan 2012 12:49 using AcqMethod COCSEQ  
 Instrument : HOGCMS204  
 Sample Name: L2H-222396 ITEM#2 B>CHCl3 JS  
 Misc Info : oven 100/2min(20/min)280/5min spl  
 Vial Number: 79

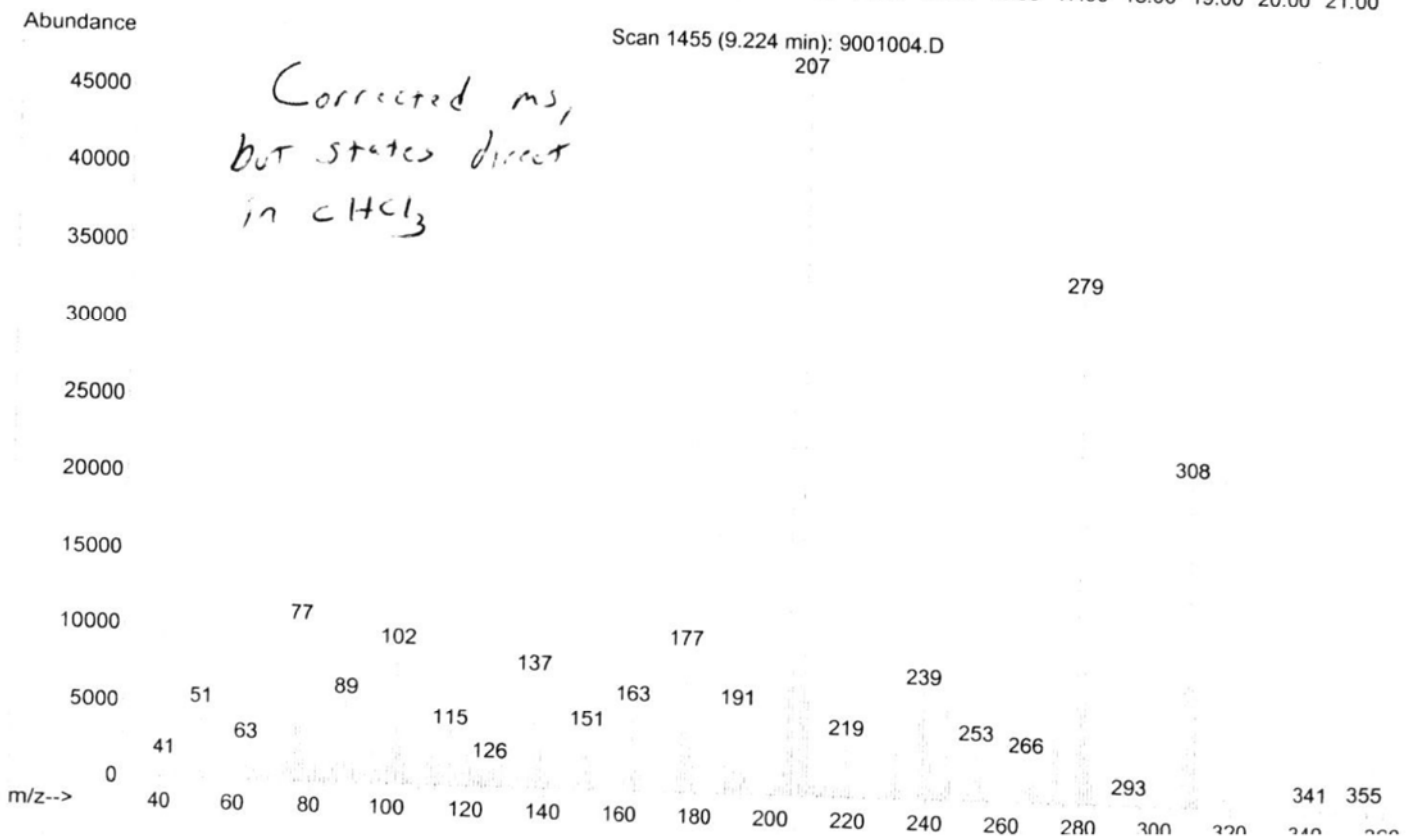
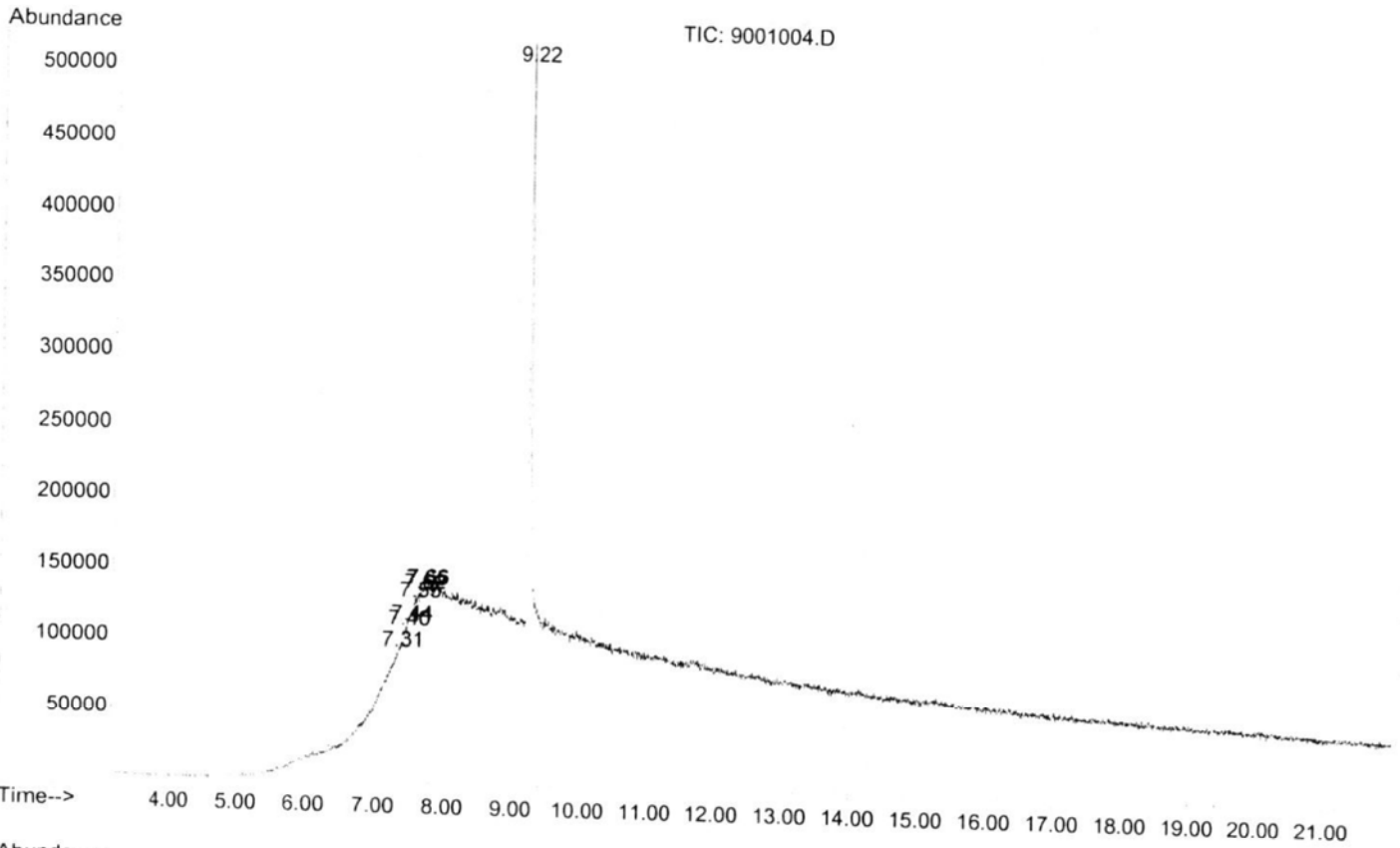
91





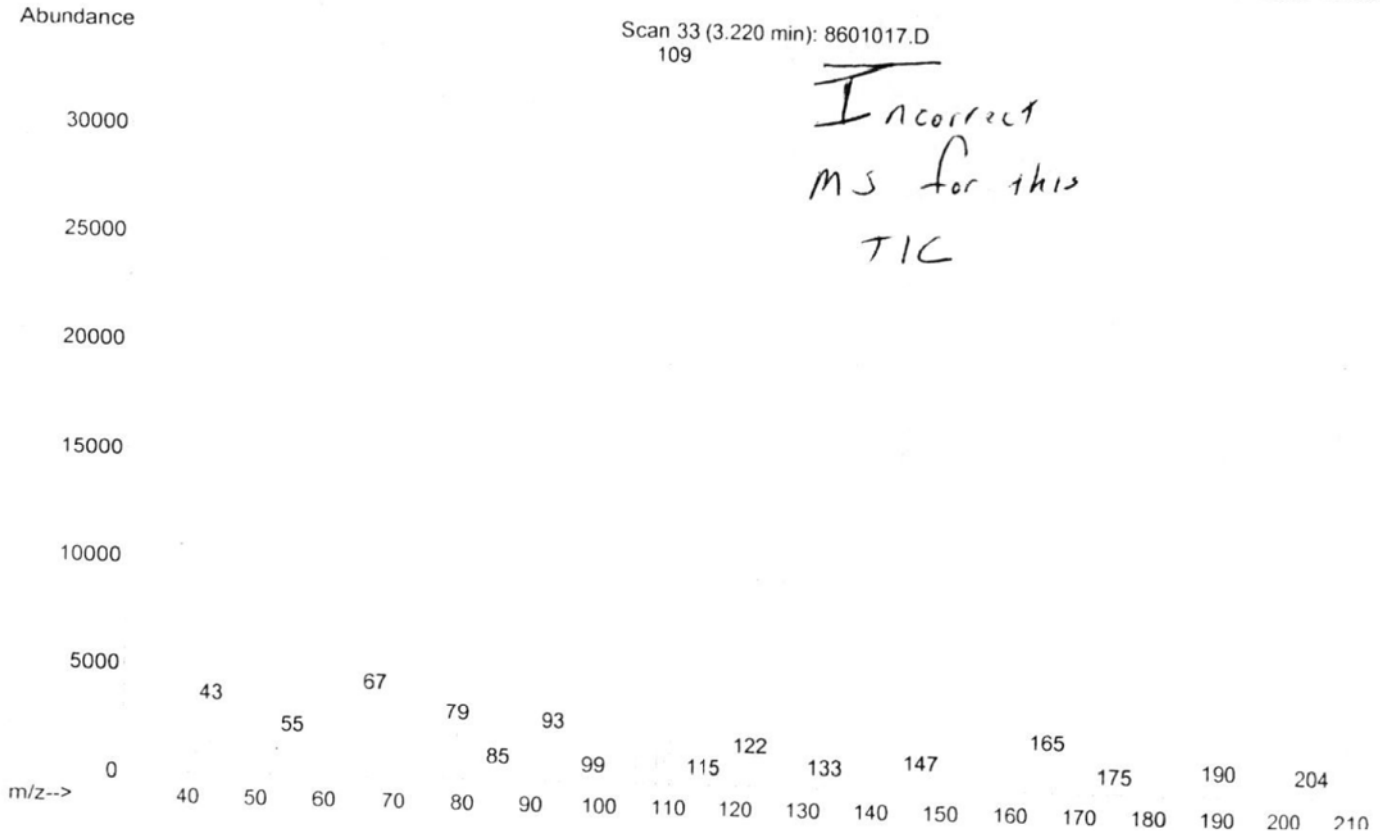
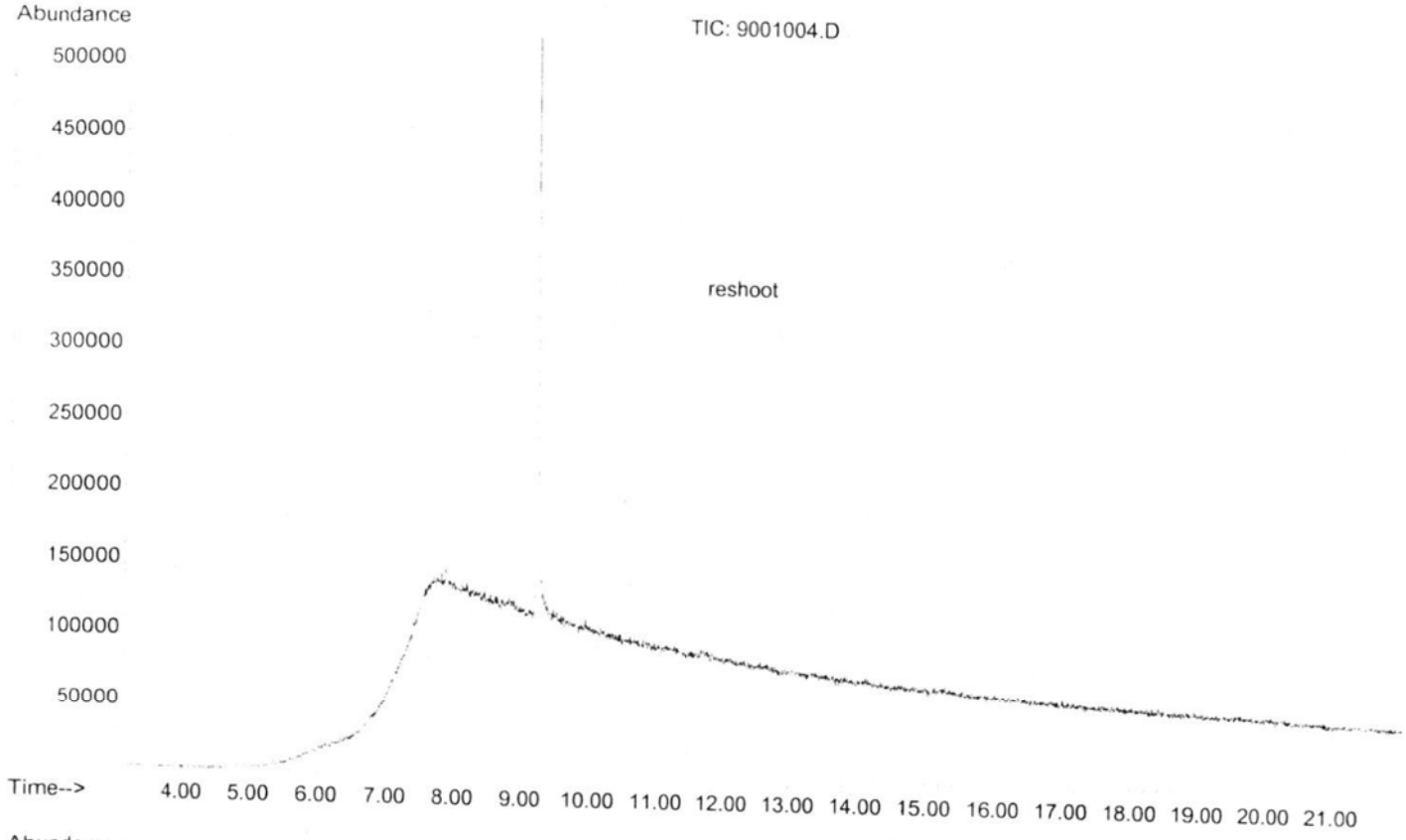
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 Acquired : 12 Jan 2012 10:10 using AcqMethod MISCSEQ  
 Instrument : HOGCMS204  
 Sample Name: L2H-222396 ITEM#1 (A>CHCl3)  
 Misc Info : oven 150/2min(30/min)280/15min splt  
 Vial Number: 90

91



File : D:\DATA\HOUSTON\011212\9001004.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 12 Jan 2012 10:10 using AcqMethod MISCSEQ  
Instrument : HOGCMS204  
Sample Name: L2H-222396 ITEM#1 (A>CHCl3)  
Misc Info : oven 150/2min(30/min)280/15min spl  
Vial Number: 90

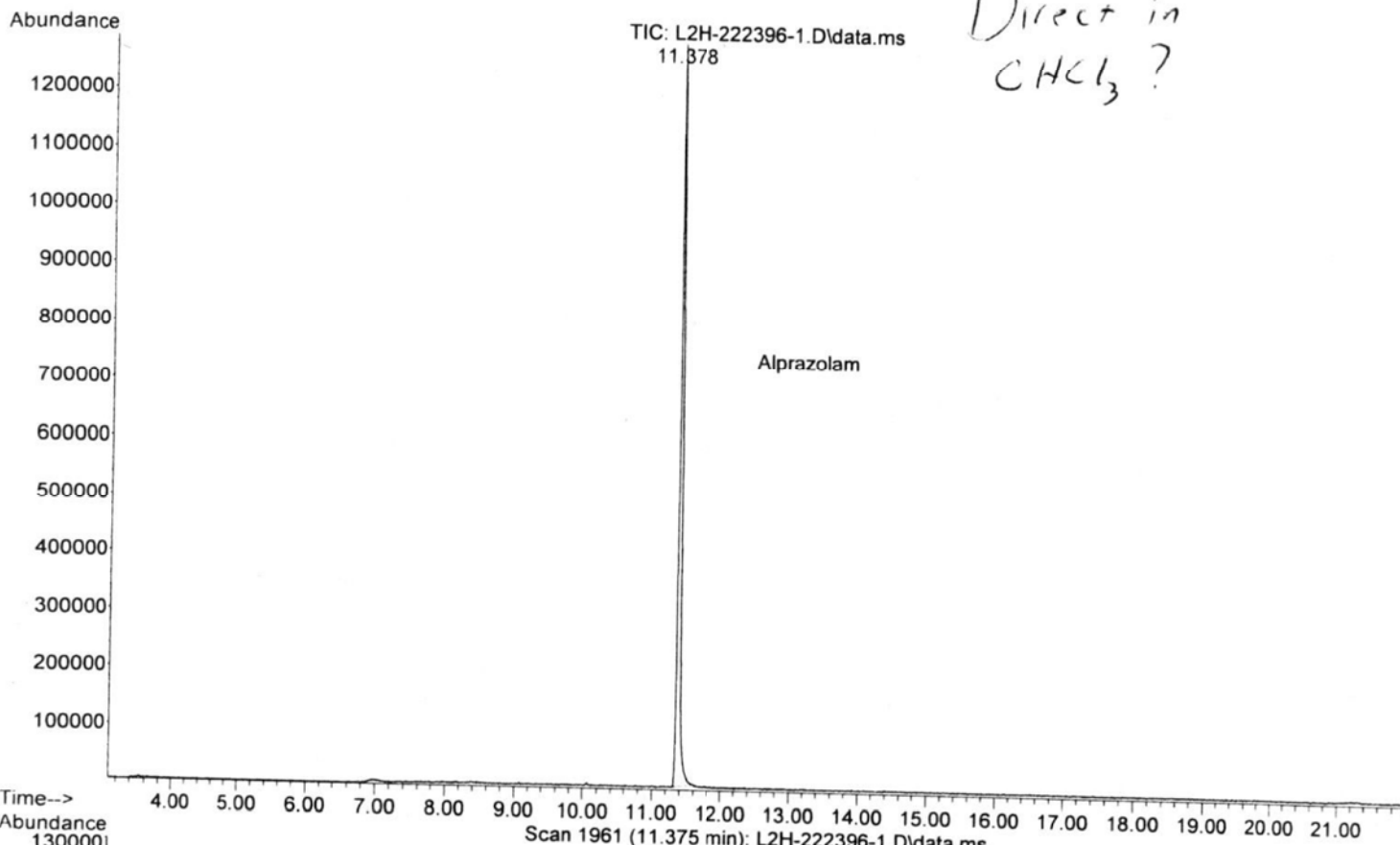
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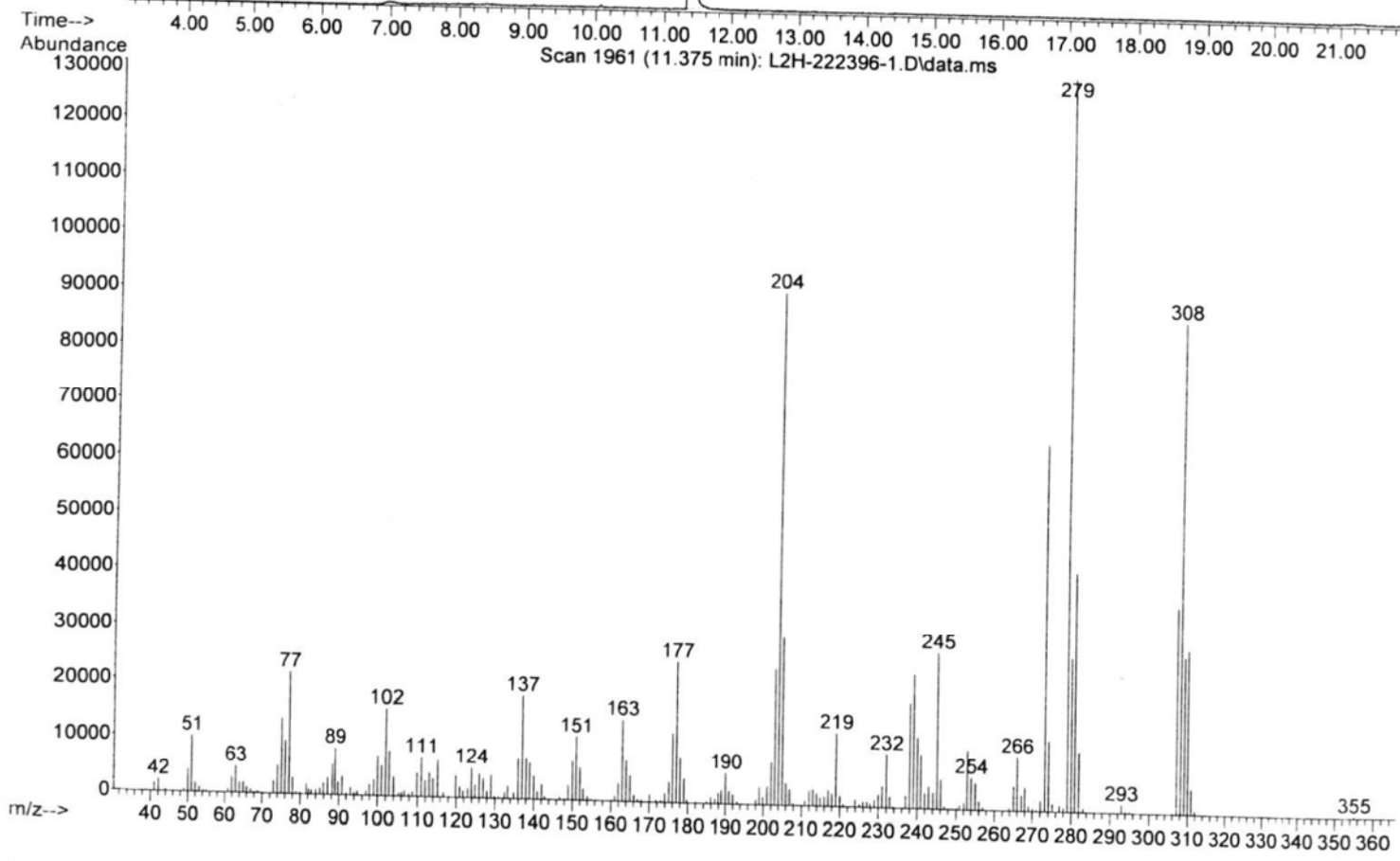
Incorrect  
MS for this  
TIC

File :D:\1\DATA\2012\012612\L2H-222396-1.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 26 Jan 2012 9:20 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: L2H-222396 Item 1  
Misc Info : it:150/2m; rt:30c/m; ft:280c/15m A>CHCl3  
Vial Number: 18

J

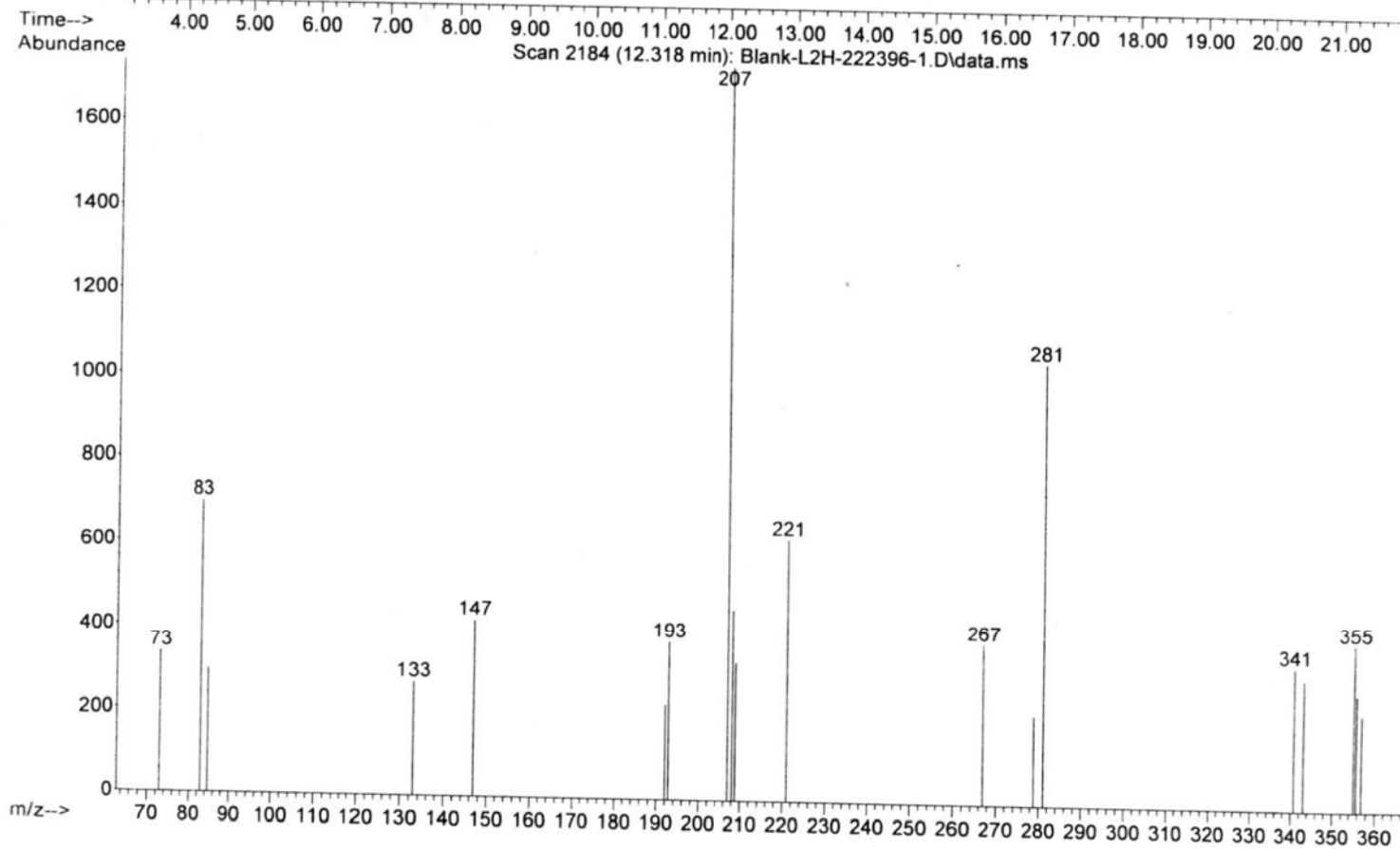
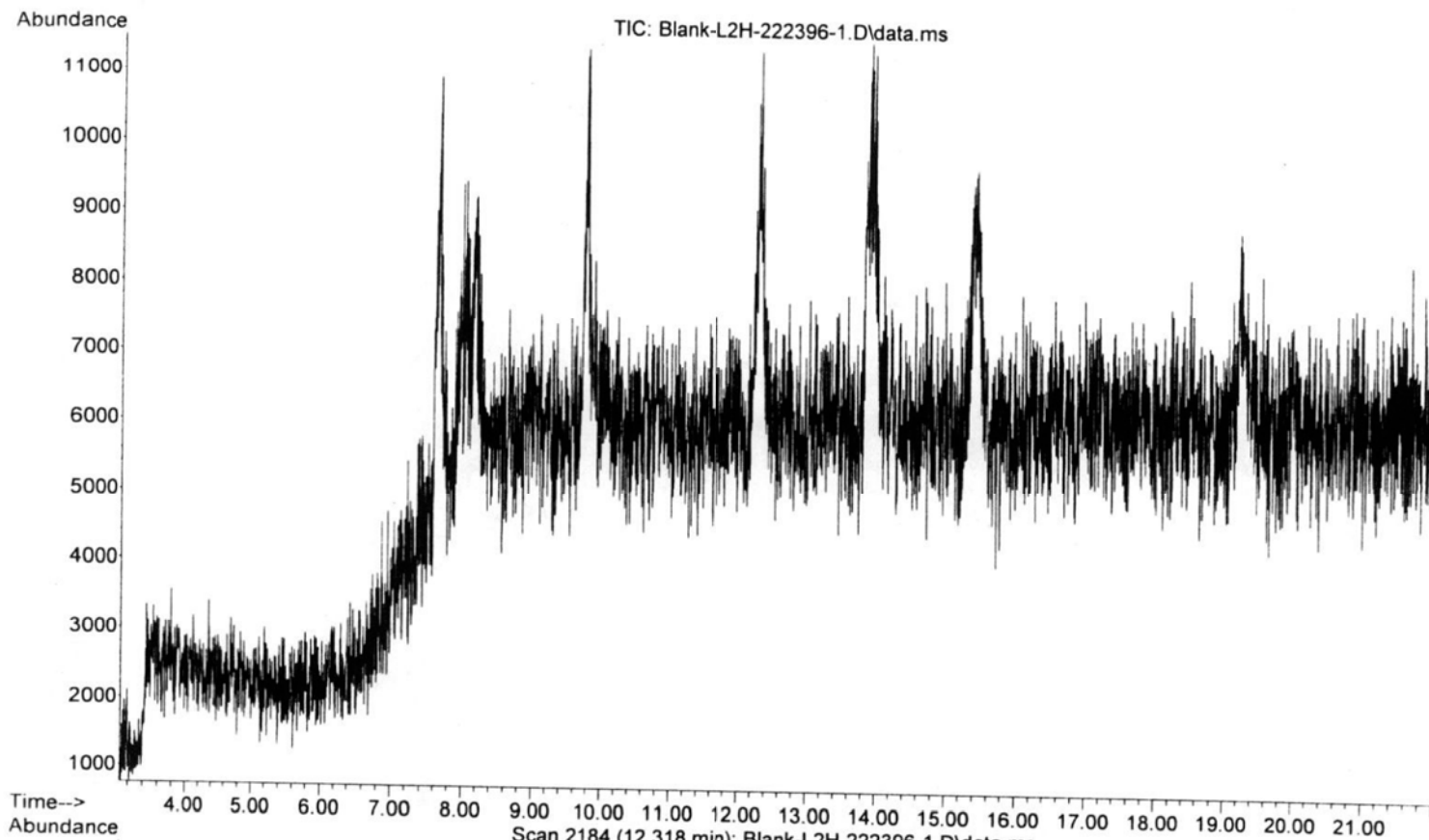


Direct in CHCl<sub>3</sub>?



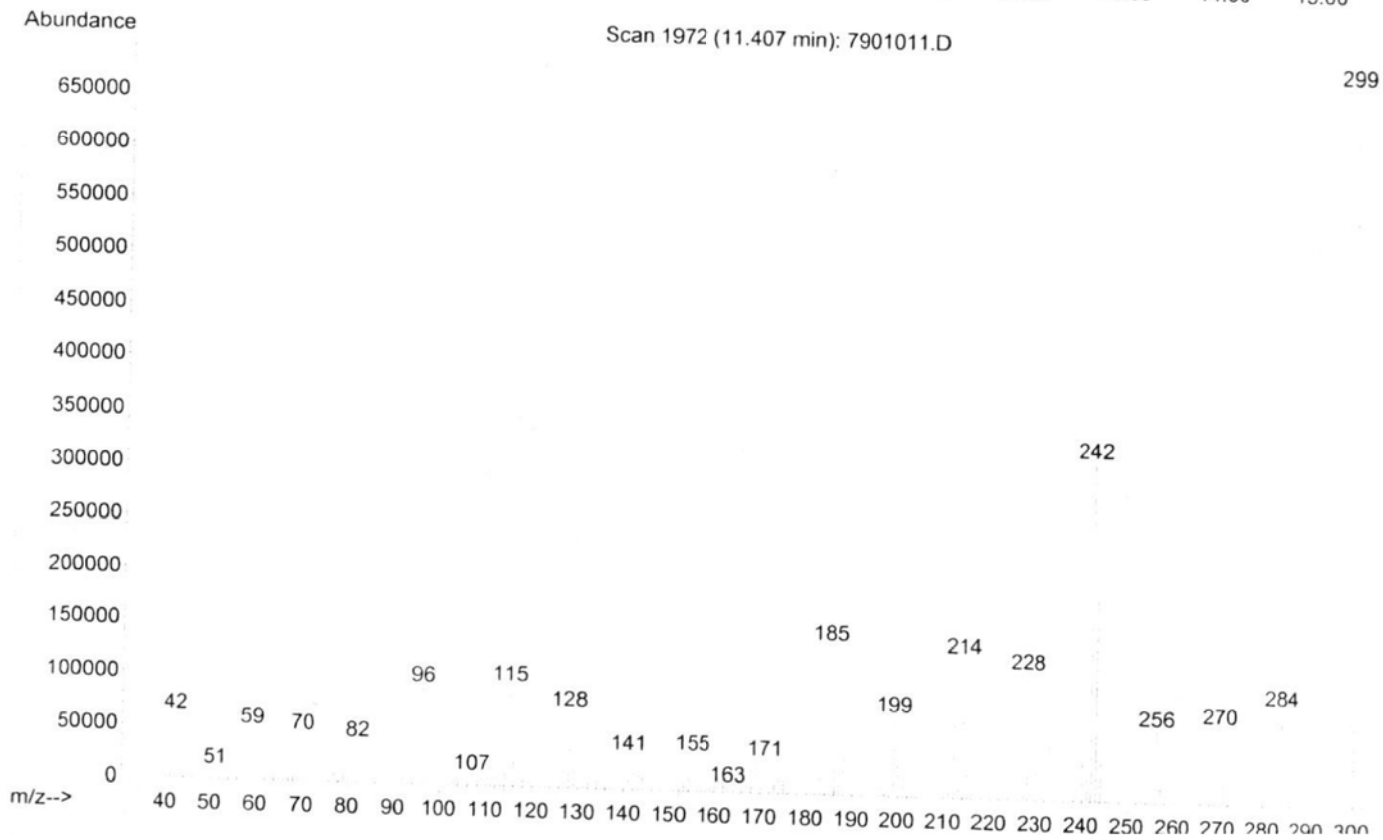
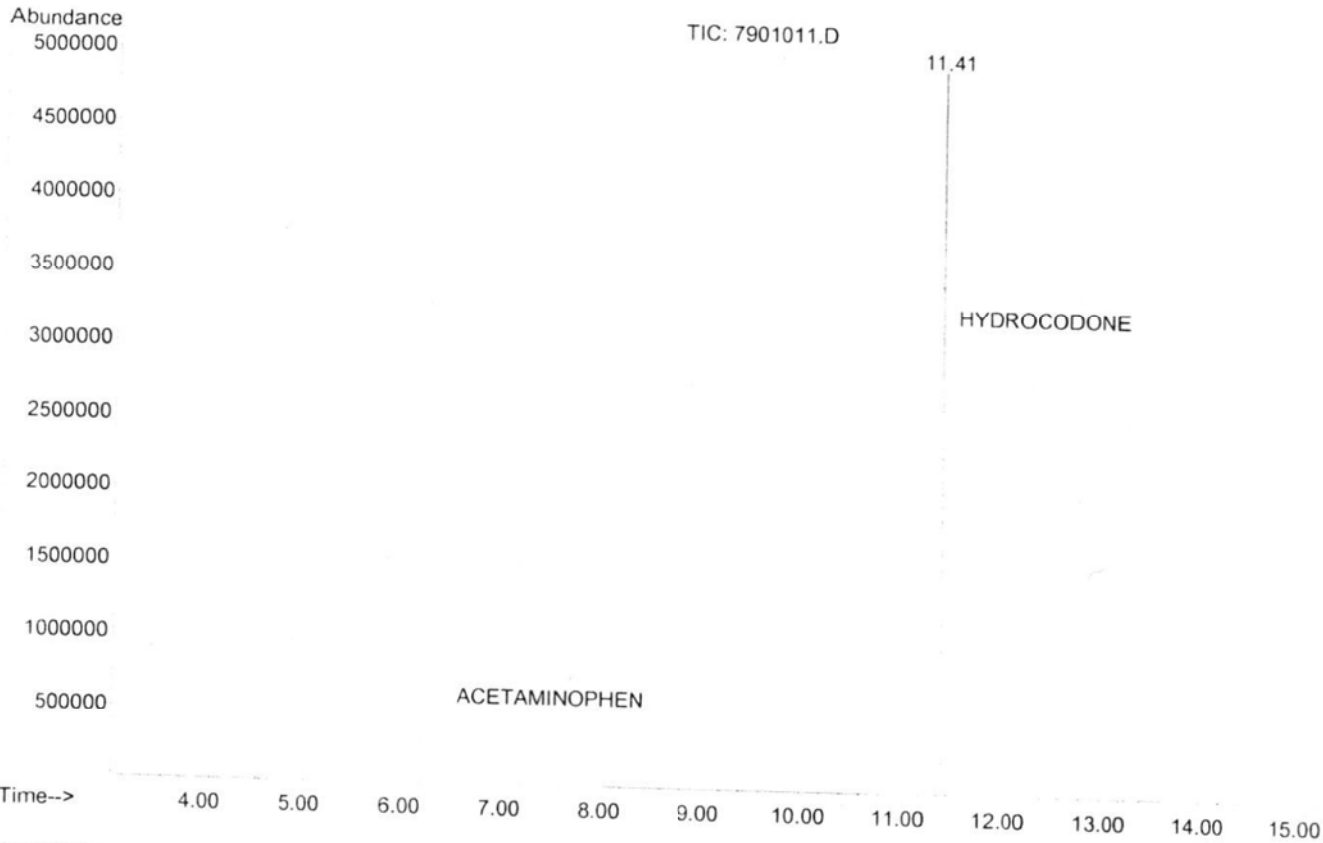
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Acquired : 26 Jan 2012 8:55 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: Blank Before L2H-222396 Item 1  
Misc Info : it:150/2m; rt:30c/m; ft:280c/15m CHCl3  
Vial Number: 24

g



File : D:\DATA\HOUSTON\011212\7901011.D  
 Operator : MR 40-400, inj 250, det 280  
 Acquired : 12 Jan 2012 12:49 using AcqMethod COCSEQ  
 Instrument : HOGCMS204  
 Sample Name: L2H-222396 ITEM#2 B>CHCl3 JS  
 Misc Info : oven 100/2min(20/min)280/5min spl  
 Vial Number: 79

gk



# Exhibit 1.4

# TEXAS DEPARTMENT OF PUBLIC SAFETY



STEVEN C. McCRAW  
DIRECTOR  
DAVID G. BAKER  
CHERYL MacBRIDE  
DEPUTY DIRECTORS

REGIONAL CRIME LABORATORY  
12230 WEST ROAD  
HOUSTON, TEXAS 77065-4523  
Voice 281-517-1380 Fax 281-517-1395

## Drug Analysis Laboratory Report

February 03, 2012



COMMISSION  
ALLAN B. POLUNSKY, CHAIR  
ADA BROWN  
JOHN STEEN  
CARIN MARCY BARTH  
A. CYNTHIA LEON

Andrew Saum  
League City Police Department  
500 West Walker  
League City, Texas 77573

### Laboratory Case Number

L2H-222403

### Agency Case Number

116444

### Offense Date

12/26/11

### Suspect(s)

Moch, Jacob Edwards DOB 03/18/1986

**Offense:** Controlled Substance Offense

**County of Offense:** Galveston (084)

**Evidence Submitted on:** December 29, 2011 in person from Andrew Saum

### Results of Analysis and Interpretation

<u>Exhibit</u>	<u>Net Weight</u>	<u>Conclusion</u>
1		No Analysis * 1
2	9.31 grams	Contains Dihydrocodeinone * 2
3	0.35grams	Contains Buprenorphine
4	14.05grams	Contains Diazepam
5A	3.93grams	Contains Cocaine (8 Ziploc Bags)
5B	1.98grams	Contains Cocaine (2 ziploc Bags) Cocaine
6	18.42grams	Contains Carisoprodol
7.1A	6.11grams	Contains Alprazolam (GG2249 Tablets)
7.1B	8.01grams	Contains Alprazolam (2090 / V Tablets)
7.2	7.59grams	Contains Alprazolam (G / 2 Tablets)
8A	4.70pounds	Marihuana (5 Heat Sealed Bags)
8B	24.71 grams ( 0.87 oz)	Marihuana (Mason Jar)

\* 1 In view of other exhibits, no examination was performed on this exhibit. If analysis is required for prosecution or other purposes, please notify this laboratory.

\* 2 Information from the pharmaceutical company indicates not more than 300 milligrams of dihydrocodeinone (hydrocodone), or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

CAUSE NUMBER \_\_\_\_\_

THE STATE OF TEXAS

IN THE \_\_\_\_\_ COURT

VS.

GALVESTON COUNTY, TEXAS

MOCH, JACOB EDWARDS

PETITION FOR REIMBURSEMENT UNDER ARTICLE 42.12, Sec. 11(a) (19), CODE OF CRIMINAL PROCEDURE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW THE STATE OF TEXAS by and through the undersigned attorney and moves the Court to include in the terms and conditions of probation, ordered under Article 42.12, Code of Criminal Procedure, in this case, reimbursement to the law enforcement agency, the Texas Department of Public Safety, Crime Laboratory, for its costs incurred in the (analysis) (1), (storage) (2), or (disposal) (3) of raw materials, controlled substances, chemical precursors, drug paraphernalia, or other materials seized in connection with this offense. The sum (4) of the cost to be reimbursed is \$140.00.

- 1. Analysis        \$ 140
- 2. Storage        \$ \_\_\_\_\_
- 3. Disposal       \$ \_\_\_\_\_
- 4. Sum            \$ 140

\_\_\_\_\_  
Signature of Attorney Representing the State

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

IF REIMBURSEMENT IS ORDERED AS A TERM OF COMMUNITY SUPERVISION, SEND PAYMENT TO:

Texas Department of Public Safety  
RESTITUTION ACCOUNTING  
P.O. Box 4087  
Austin, Texas 78773-0130  
512-424-2241

DPS Laboratory Number:        L2H-222403

Agency File Number:        116444



**Laboratory Case Number**

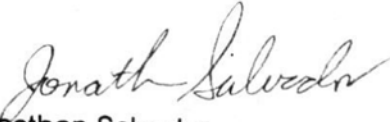
L2H-222403

**Agency Case Number**

116444

**Offense Date**

12/26/11



Jonathan Salvador  
Forensic Scientist  
Texas DPS Houston Laboratory



TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY  
**Evidence Record Sheet**

LAB-22 Rev. 02 (09/2009)

Laboratory Case Number  
**L2H-222403-18**

Resubmission  Additional Evidence

**12/29/11**  
1:41 PM



AF  DNA  NIB  TE  
 BA\TOX  FTM  PHOTO  
 CS  LP  QD

Date Received

Date Completed A: 2/3/12  
Section & Analysis by SA Drugs  
Reviewed: Tech: \_\_\_\_\_ Adm: \_\_\_\_\_  
Report Distributed: \_\_\_\_\_

Date Completed B: \_\_\_\_\_  
Section & Analysis by \_\_\_\_\_  
Reviewed: Tech: \_\_\_\_\_ Adm: \_\_\_\_\_  
Report Distributed: \_\_\_\_\_

Date Completed C: \_\_\_\_\_  
Section & Analysis by \_\_\_\_\_  
Reviewed: Tech: \_\_\_\_\_ Adm: \_\_\_\_\_  
Report Distributed: \_\_\_\_\_

In Person

*[Signature]*  
Andrew Saum

Received by Meredith Maley *[Signature]*

Description: Properly Sealed 11.5x9x12.5 Brown Box; Properly Sealed 18.5x18x16.5 Brown Box;

**Transfer Log** (for court, return from court, at court, bar code unavailable, etc.)

Date	To	From	Items\Exhibits\Comments

**Forward Date** To: \_\_\_\_\_ Items: \_\_\_\_\_

U.S. Mail  
 In Person \_\_\_\_\_ By \_\_\_\_\_  
 UPS

**Return Date**  All  Items: \_\_\_\_\_

U.S. Mail  
 In Person \_\_\_\_\_ By \_\_\_\_\_  
 UPS

**Destruction Date** Method Transported by: Witness Witness

	<input type="checkbox"/> Burning	<input type="checkbox"/> Hand Carry		
	<input type="checkbox"/> Flushing	<input type="checkbox"/> Other:		
	<input type="checkbox"/> Contractor			
	<input type="checkbox"/> Burning	<input type="checkbox"/> Hand Carry		
	<input type="checkbox"/> Flushing	<input type="checkbox"/> Other:		
	<input type="checkbox"/> Contractor			
<input type="checkbox"/> Excess				

**Court Record** (Whenever evidence is introduced or transferred at the courthouse, use the Transfer Log above)

Date	Witness	T/A	City	CDFO	Outcome	Miles	Hours

Notes

CaseFile information entered: Submitting Officer-Agency-County-Offense Date-Agency Number- 1 names



**TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY SERVICE  
Laboratory Submission Form**

# L2H-222403

Received

12/29/11 01:42 PM

Texas DPS Houston  
Crime Laboratory

*MW*

Agency Case Number 11-6444

Offense PCS - 28-200g

Date of Offense 12/26/2011

County of Offense GALVESTON

Agency LEAGUE CITY POLICE DEPT

Date Evidence Rec'd

**Case Contact Person**

Name ANDREW SAUM

Title EVIDENCE TECHNICIAN

Mailing Address 500 W. WALKER ST.

Phone 281-338-4290 Fax 281-338-4124

City, State Zip Code LEAGUE CITY, TX 77573

Email Address ANDREW.SAUM@LCPD.COM

Suspect	Victim	Name (Last, First Middle)	Race	Sex	DOB	DL# / SS# / ID#
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Moch, Jacob Edwards	w	m	3/18/1986	SS# [REDACTED]
<input type="checkbox"/>	<input type="checkbox"/>					
<input type="checkbox"/>	<input type="checkbox"/>					
<input type="checkbox"/>	<input type="checkbox"/>					

**Description of Evidence Submitted**

Exhibit #	Number of Items	Description of Evidence	Origin	Exam Requested
1	1	3 Orange 20MG Tablets	Suspect Vehicle	Tadalafil
2	2	22 White Oval Pills "Watson 853"	Suspect Vehicle	Acetaminophen
3	3	7 Blue & White Packages Marked A Suboxone	Suspect Vehicle	Suboxone
4	4	88 Blue Round Tablets "DAN 5620"	Suspect Vehicle	Diazepam
5	5	2 Prescription Pill Bottles Containing Baggies w/ White Powder Substance - 8.3g	Suspect Vehicle	Cocaine
6	6	40 White Round Pills "SOMA 300"	Suspect Vehicle	Carisprodal

For some non-drug cases, it may be appropriate to attach a copy of the offense report. Please include brief case synopsis, unusual examination(s) requested, and/or relevant case priority information.  
Arresting Officer: J. COWARD

Are known standards (blood, saliva, hair, inked prints, clothing, fabrics, etc.) submitted for comparison?  Yes  No  
Have any of these exhibits been previously analyzed by a laboratory?  Yes  No If so, What Exhibit #'s?



**TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY SERVICE  
Laboratory Submission Form**

# L2H-222403

Received  
**12/29/11 01:42 PM**  
Texas DPS Houston  
Crime Laboratory

Agency Case Number 11-6444  
Offense PCS - 28-200g  
Date of Offense 12/26/2011  
County of Offense GALVESTON  
Agency LEAGUE CITY POLICE DEPT

Date Evidence Rec'd

**Case Contact Person**

Name ANDREW SAUM

Title EVIDENCE TECHNICIAN

Mailing Address 500 W. WALKER ST.

Phone 281-338-4290 Fax 281-338-4124

City, State Zip Code LEAGUE CITY, TX 77573

Email Address ANDREW.SAUM@LCPD.COM

Suspect	Victim	Name (Last, First Middle)	Race	Sex	DOB	DL# / SS# / ID#
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Moch, Jacob Edwards	w	m	3/18/1986	SS# [REDACTED]
<input type="checkbox"/>	<input type="checkbox"/>					
<input type="checkbox"/>	<input type="checkbox"/>					
<input type="checkbox"/>	<input type="checkbox"/>					

**Description of Evidence Submitted**

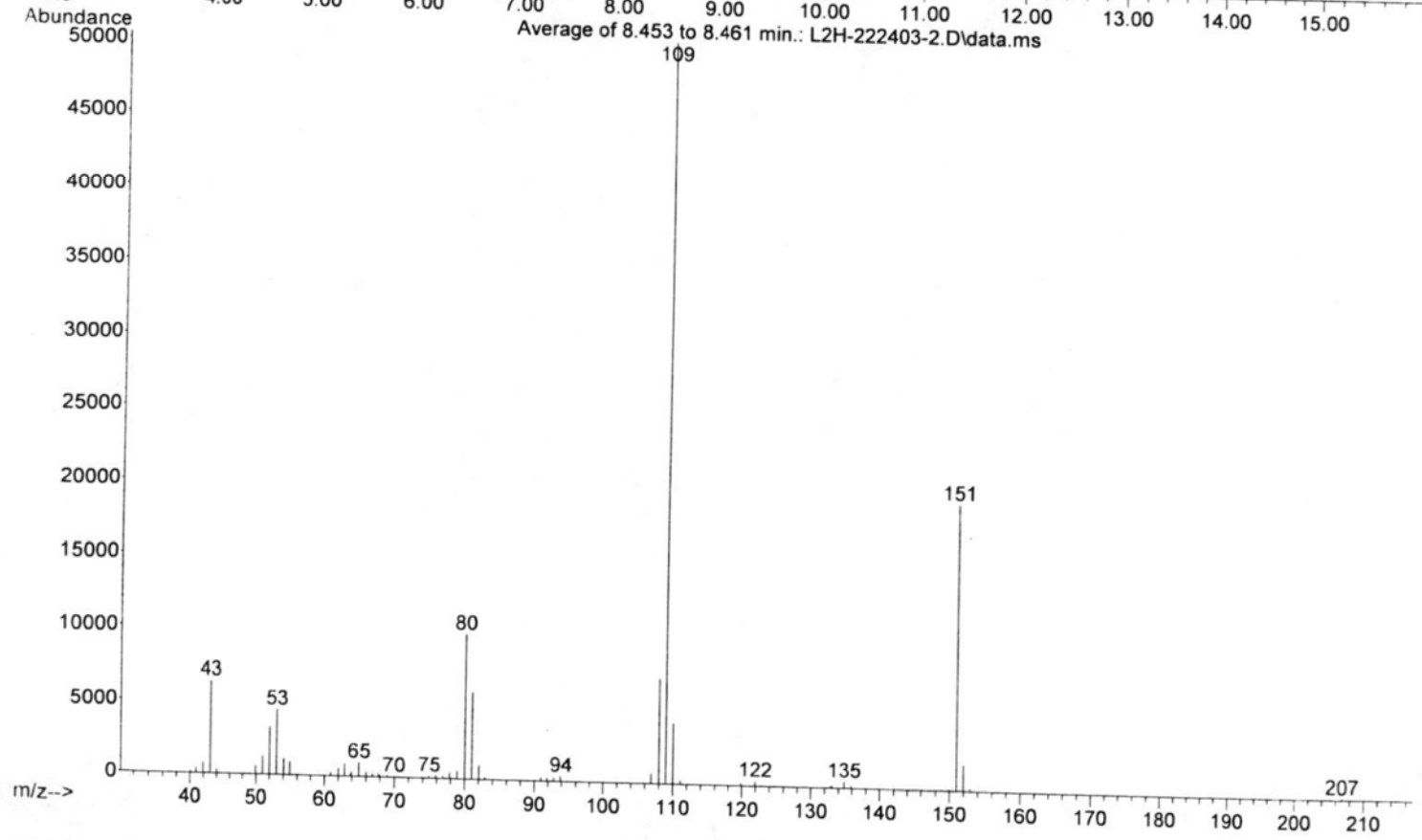
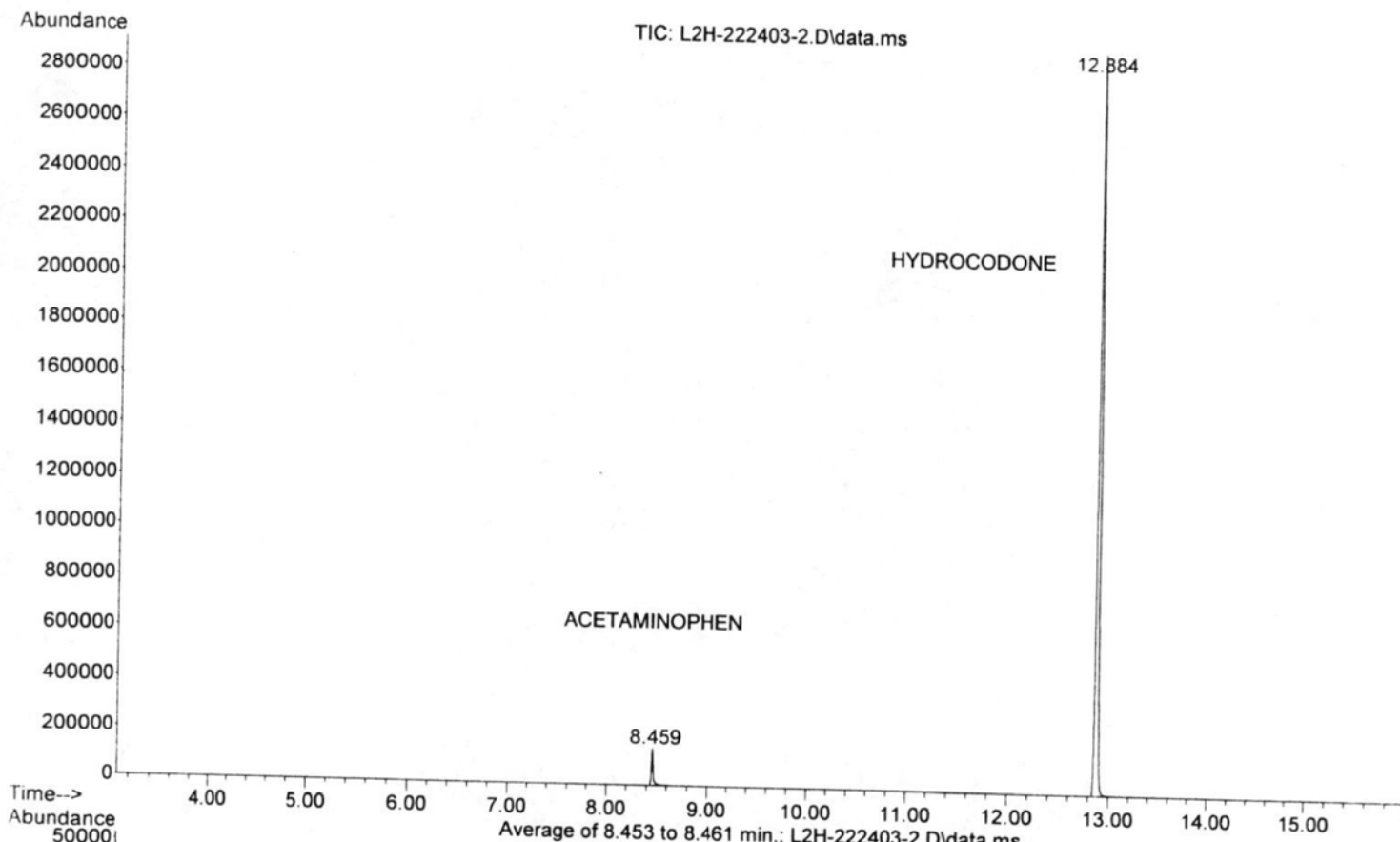
Exhibit #	Number of Items	Description of Evidence	Origin	Exam Requested
1	7.1	44.2g Pill Bottle: 24 Whole White Oblong Pills "GG249"; 10 Half White Oblong Pills "2090V"	Suspect Vehicle	Alprazolam
2	7.2	26.5g Pill Bottle w/ "Alprazolam" printed on label: 22 Blue Round Tablets	Suspect Vehicle	Alprazolam
3	8 lbs	Marijuana - 5 1lbs bags, 1 1lb jar	Suspect Vehicle	Drug
4				
5				
6				

For some non-drug cases, it may be appropriate to attach a copy of the offense report. Please include brief case synopsis, unusual examination(s) requested, and/or relevant case priority information.  
Arresting Officer: J. COWARD

Are known standards (blood, saliva, hair, inked prints, clothing, fabrics, etc.) submitted for comparison?  Yes  No  
Have any of these exhibits been previously analyzed by a laboratory?  Yes  No If so, What Exhibit #'s?

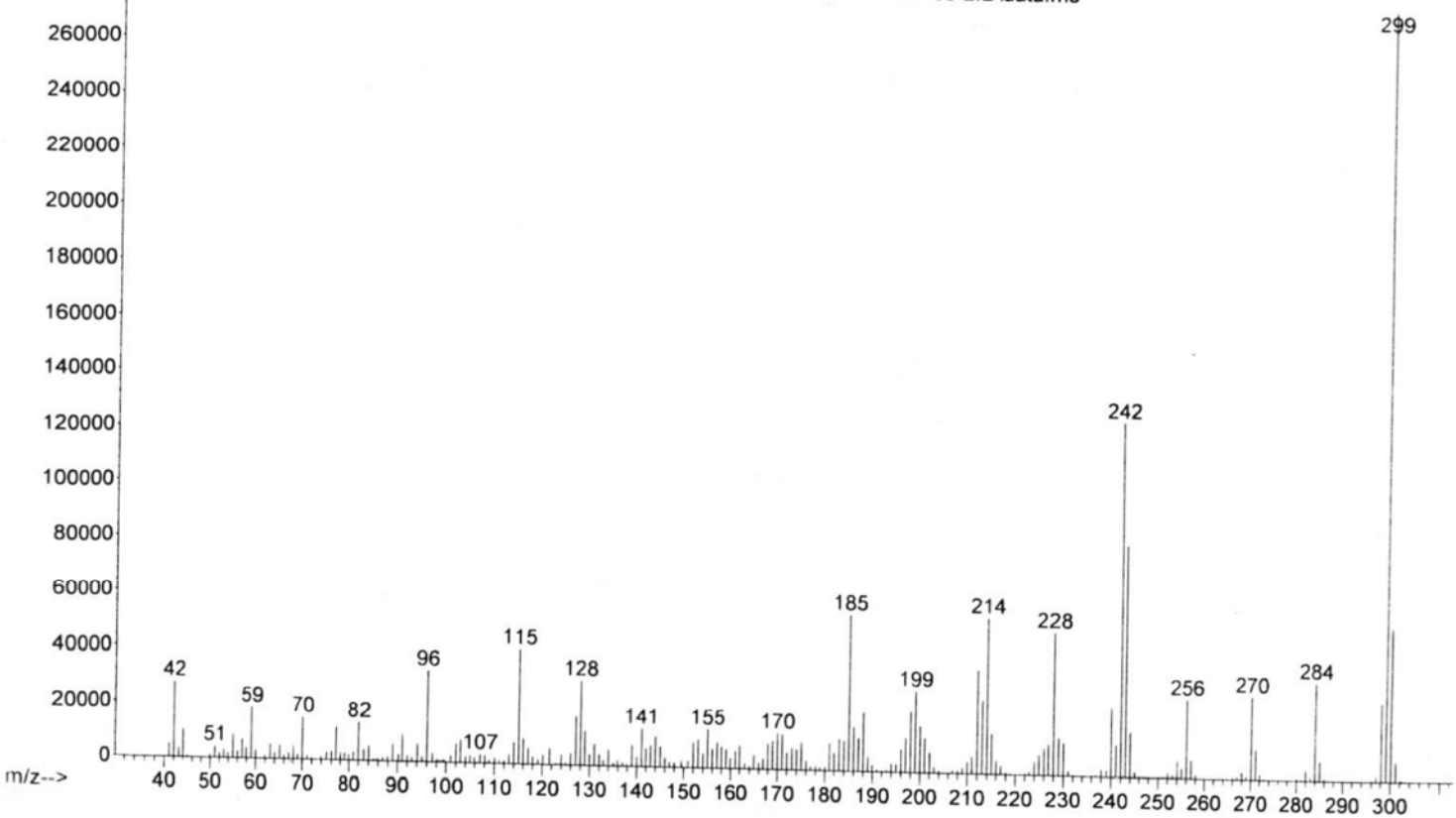
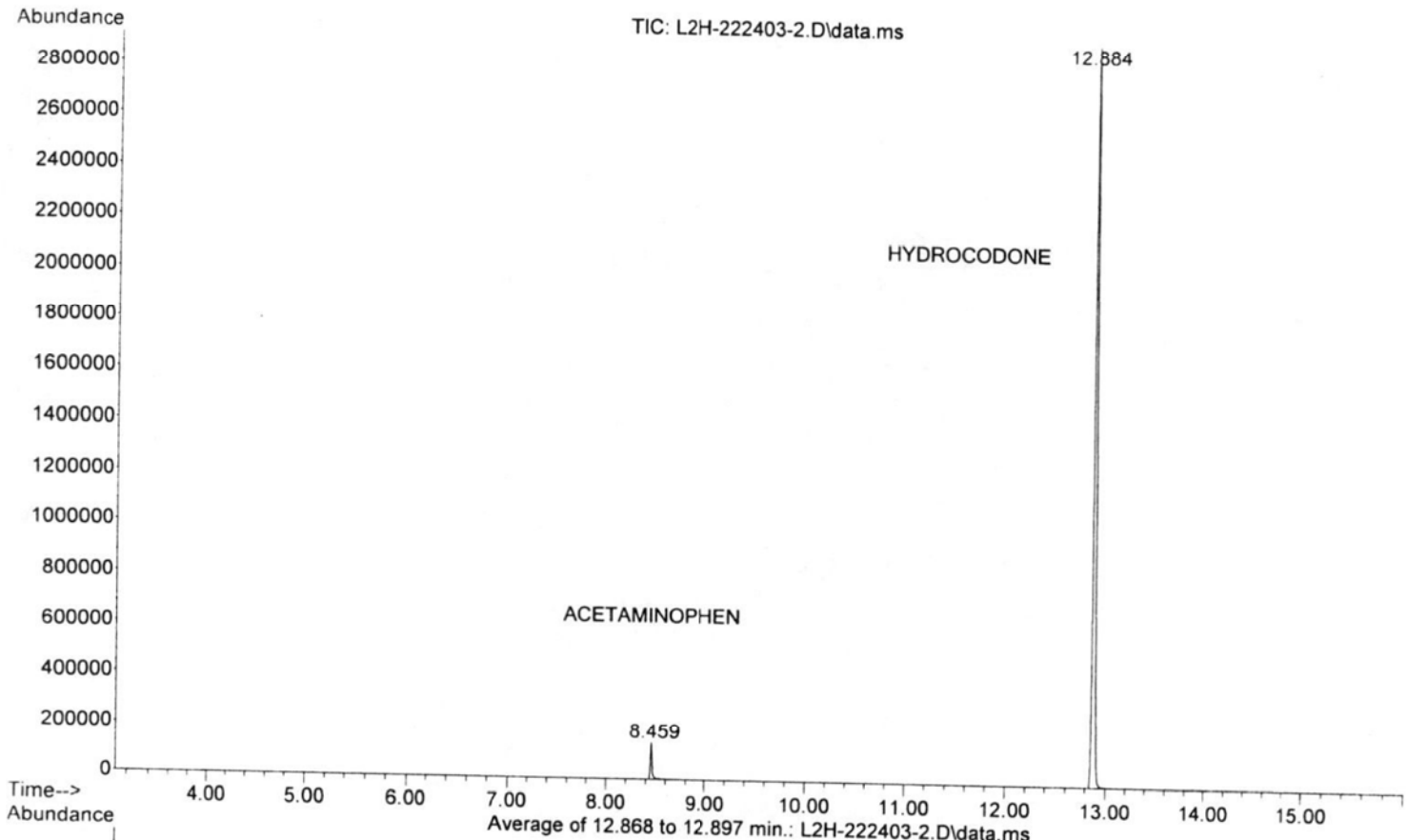
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Operator : MR 40-400, inj 250, det 280  
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Instrument : HOGCMS206  
Sample Name: L2H-222403-2  
Misc Info : it:100/2m; rt:20c/m; ft:280c/5m B>CHCl3  
Vial Number: 30

48



File :D:\1\DATA\2012\012012\L2H-222403-2.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 20 Jan 2012 12:07 using AcqMethod DPSCOC.M  
Instrument : HOGCMS206  
Sample Name: L2H-222403-2  
Misc Info : it:100/2m; rt:20c/m; ft:280c/5m B>CHCl3  
Vial Number: 30

8





TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

Controlled Substances Worksheet

LAB-CS-01 Rev.02 (07/2006)

Date Started 1/19/2012

Lab Case # L2H- 222403

Date Completed 2/3/2012

Analyst *[Signature]*

Gross Inventory Wt \_\_\_\_\_

Page 3 of 3

18.5X12.5 Brown Box (Exhibit# 1-7.2); 18.5X18X16.5 Brown Box (Exhibit# 8)

Exhibit 1-7.2: individual 9X12 White Env

Outside Container

Exhibit #	# Items	# Analyzed	# Exams	Weights			Balance ID	Before Analysis	Tare	Net	After Analysis	Marquis	SNP	Co(SCN) <sub>2</sub>	Microscopic	Duquenois	TLC	FTIR	GC / MS	UV		Other Tests	Class	
				Base	Acid																			
7.1B	35	1	3				HOBAL 211			8.01 g	7.75 g									+M		+ID	3	Contains Alprazolam
pill bottle ----> 26 Whole, 9 Partial White Rectangular Tablets (2090 V)																								
7.2	22	1	3				HOBAL 211			7.59 g	7.25 g									+M		+DC	3	Contains Alprazolam
bottle ----> 22 Round Blue Tablets (G / 2)																								
Alprazolam																								
7.3A	5	5	11				HOBAL 200	5.20 lb	0.50 lb	4.70 lb													7	Marihuana
at Sealed Bags ----> PS																								
B	1	1	3				HOBAL 211			24.71 g													7	Marihuana
Jar ----> Plant Substance																								
(5 heat sealed bags)																								
(Mason Jar)																								

External Notes

HOBAL 211



TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

Lab Case # **L2H- 222403**

Date Started **1/19/2012**

Analyst **GA**

Date Completed **2/3/2012**

Controlled Substances Worksheet

LAB-CS-01 Rev.02 (07/2006)

Gross Inventory Wt

Page **2 of 3**

9X12.5 Brown Box (Exhibit# 1-7.2); 18.5X18X16.5 Brown Box  
Exhibit# 8)

Exhibit 1-7.2: individual 9X12 White Env

Outside Container

Exhibit #	# Items	# Analyzed	# Exams	Weights			Net	After Analysis	Marquis	SNP	Co(SCN) <sub>2</sub>	Microscopic	Duquenois	TLC	FTIR	GC / MS	UV		Other Tests	Class	
				Balance ID	Before Analysis	Tare											Acid	Base			
5A	8	8	12	5.69 g	1.76 g	3.93	3.89 g		+B	8						+M			+DC	4	Contains Cocaine
Pill Bottle ----> 8 Black Ziploc Bags ----> White Substance ↳ Exhibit 5B																					
Tare wt: 0.22gx8=1.76																					
5B	2	2	5	2.42 g	0.44 g	1.98 g	1.96 g		+B	2						+M			+DC	4	(8-Ziploc Bags) Contains Cocaine
Black Ziploc Bags ----> White Substance																					
6	40	1	6			18.42 g	18.38 g									+GG +M			+Pharm	14	(2-Ziploc Bags) Contains Carisoprodol
Plastic Bottle ----> White Tablets (SOMA 350) Officer Count																					
Label: Meda Pharmaceuticals SOMA (Carisoprodol) 350 mg RX Only																					
1A	24	1	4			6.11 g	13.90 g									+M			+DC GCMS Blank	3	Contains Alprazolam (GG249 Tablets)
Bottle ----> 23 Whole, 1 Partial White Rectangular Tablets (GG249)																					
Alprazolam al Notes																					

HOBAL 211





TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY  
Controlled Substances Worksheet

Date Started 1/19/2012 Lab Case # L2H- 222403  
Date Completed 2/3/2012 Analyst [Signature]  
Gross Inventory Wt \_\_\_\_\_ Page 1 of 3

X9X12.5 Brown Box (Exhibit# 1-7.2); 18.5X18X16.5 Brown Box (Exhibit# 8)  
Exhibit 1-7.2: individual 9X12 White Env

Exhibit #	# Items	# Analyzed	# Exams	Weights			Marquis	SNP	Co(SCN) <sub>2</sub>	Microscopic	Duquenois	TLC	FTIR	GC / MS	UV		Other Tests	Class
				Balance ID	Before Analysis	Tare									Net	After Analysis		
1	3	0	1														+DC	14
3 Bag ----> blister pack ----> 3 yellow orange Tablets (C20)																		
Tadalafil (Cialis)																		
2	22	1	3											+M			+DC	10
Title ----> Yellow Tablets (WATSON 853)																		
g Acetaminophen, 10mg Hydrocodone																		
3	7	4	5														+Pharm	14
ed packets ----> orange damp piece of paper 0.05gX7=0.35g																		
t label: Suboxone(Buprenorphine and Naloxone) Sublingual Film 8mg/2mg																		
	88	1	3														+DC	3
Title ----> blue tablets (DAN 5620 / 10)																		

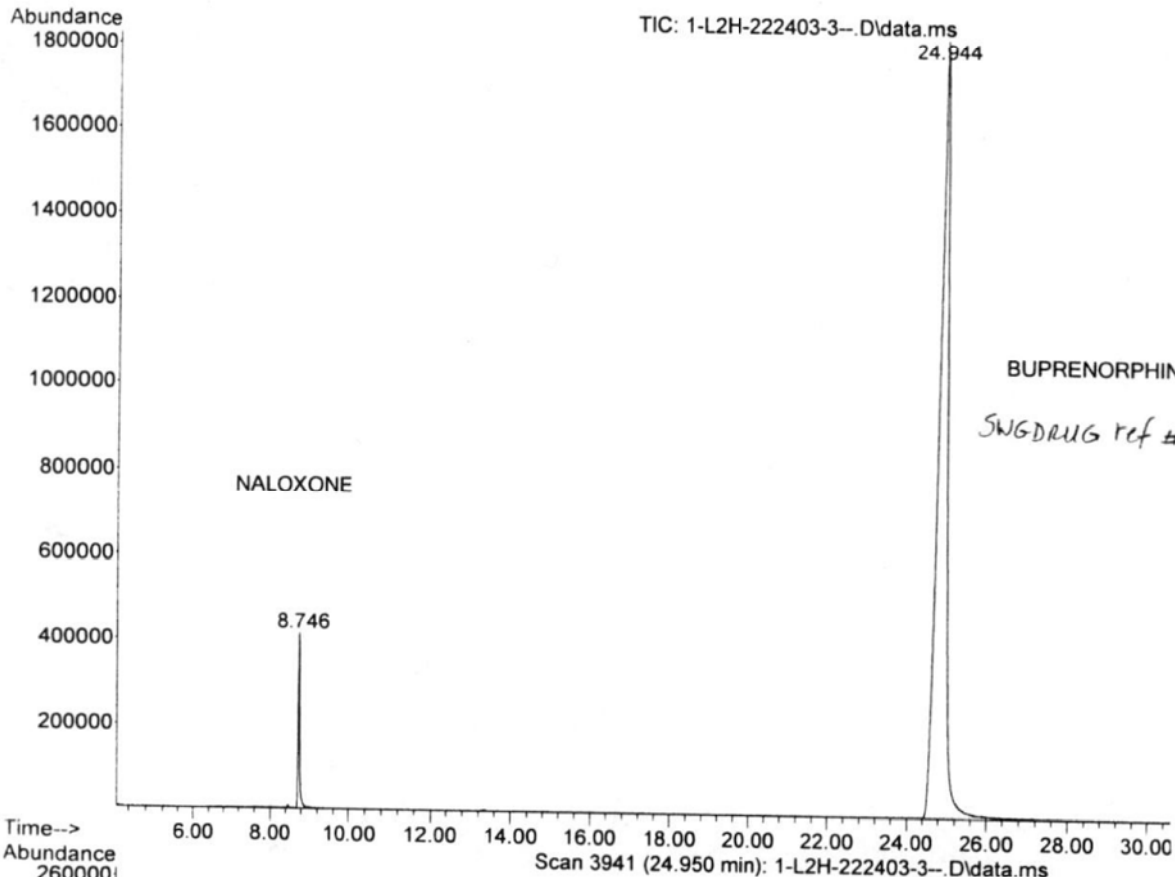
Officer Count \_\_\_\_\_  
Diazepam \_\_\_\_\_  
Other Notes \_\_\_\_\_

HOBAL 211

*4x3- 1<sup>st</sup> Confirmatory test - Chemist used 1 film  
2<sup>nd</sup> Confirmatory test. Chemist combined 3 films*

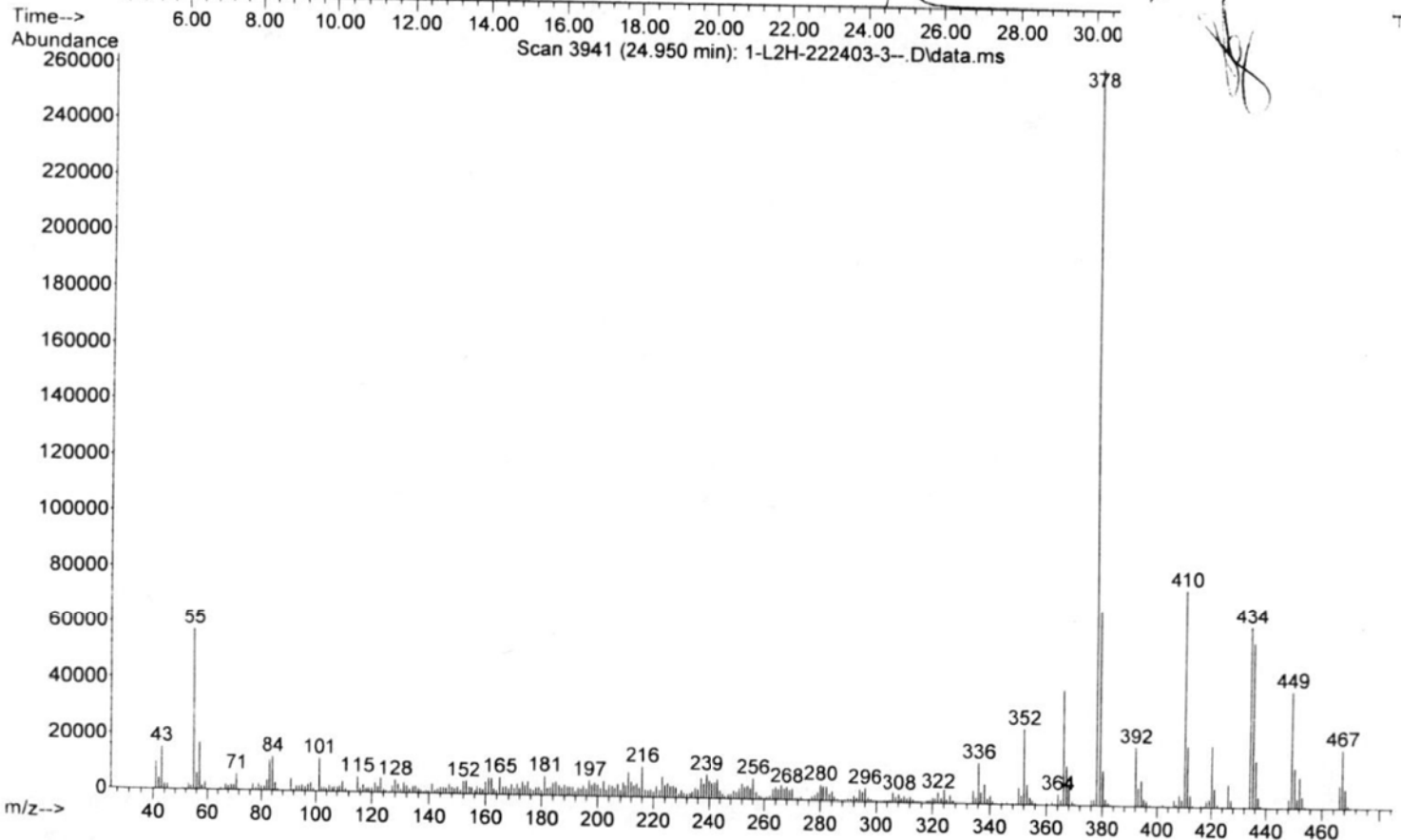
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Operator : MR 40-400, inj 250, det 280  
Acquired : 3 Feb 2012 13:29 using AcqMethod DPSSTER.M  
Instrument : HOGCMS206  
Sample Name: 1-L2H-222403-3 (Combo)  
Misc Info : it:180/2m; rt:30c/m; ft:280c/40m  
Vial Number: 1

8



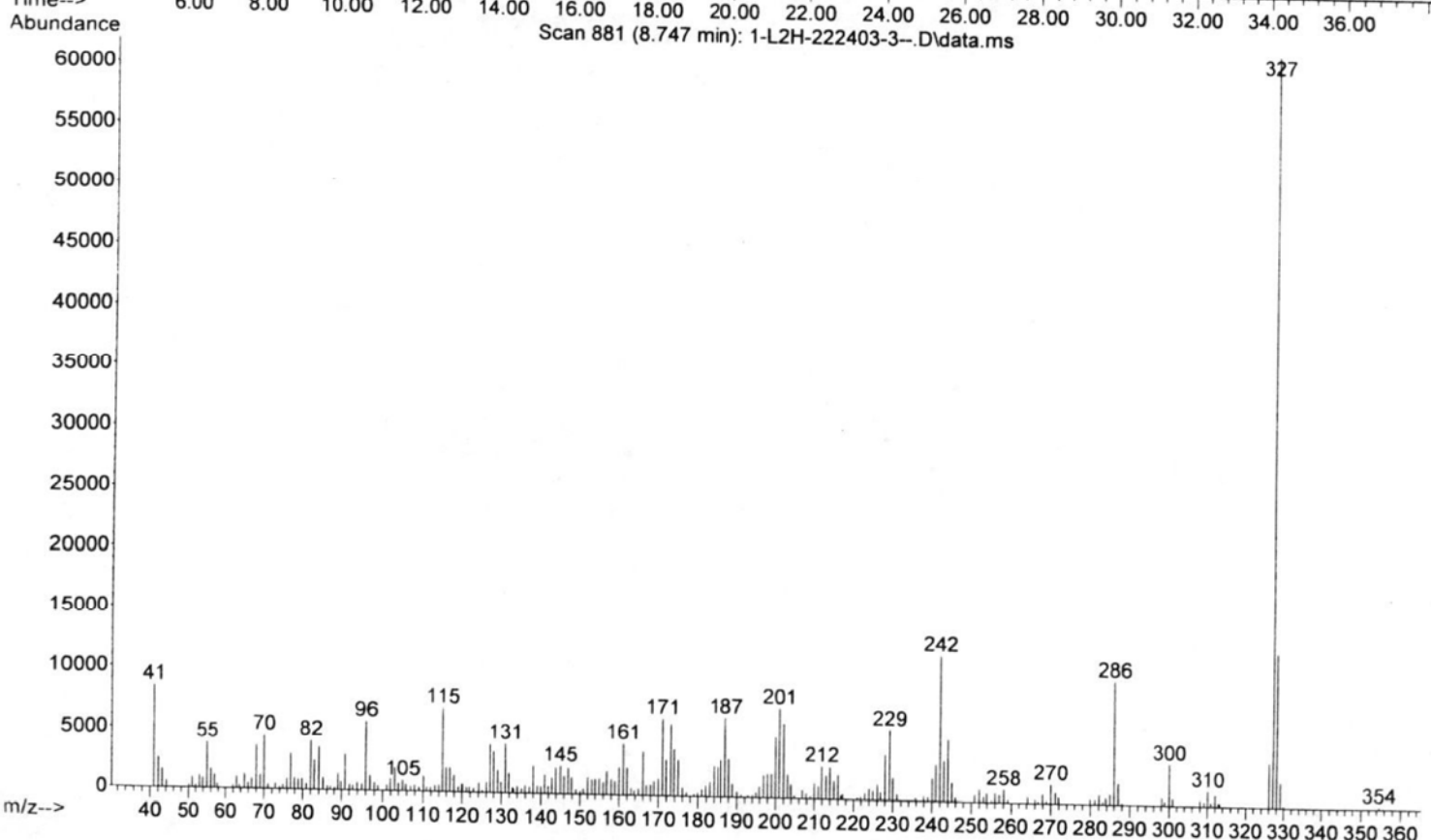
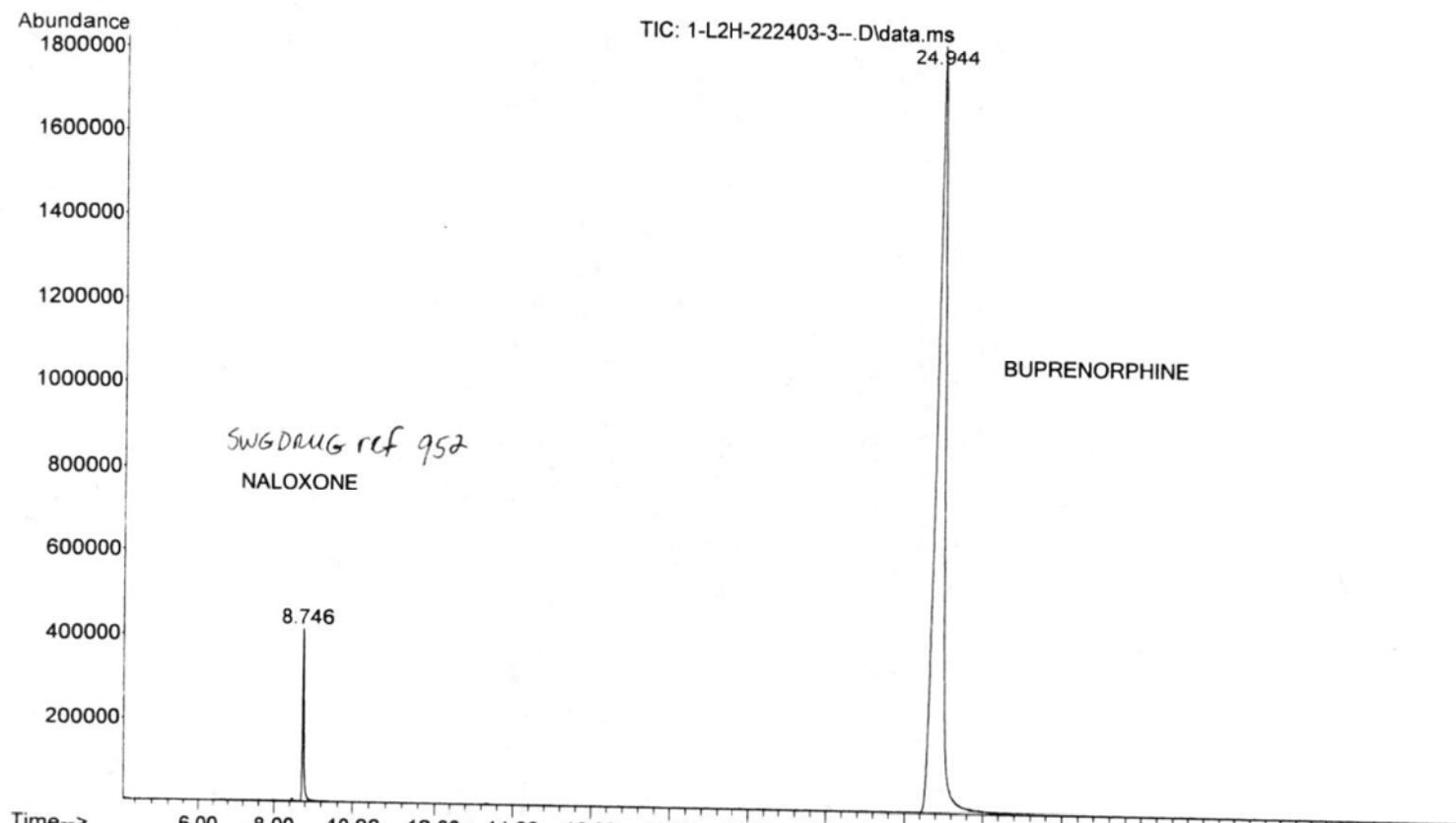
BUPRENORPHINE  
SWGDRUG ref # 587

Extraction?



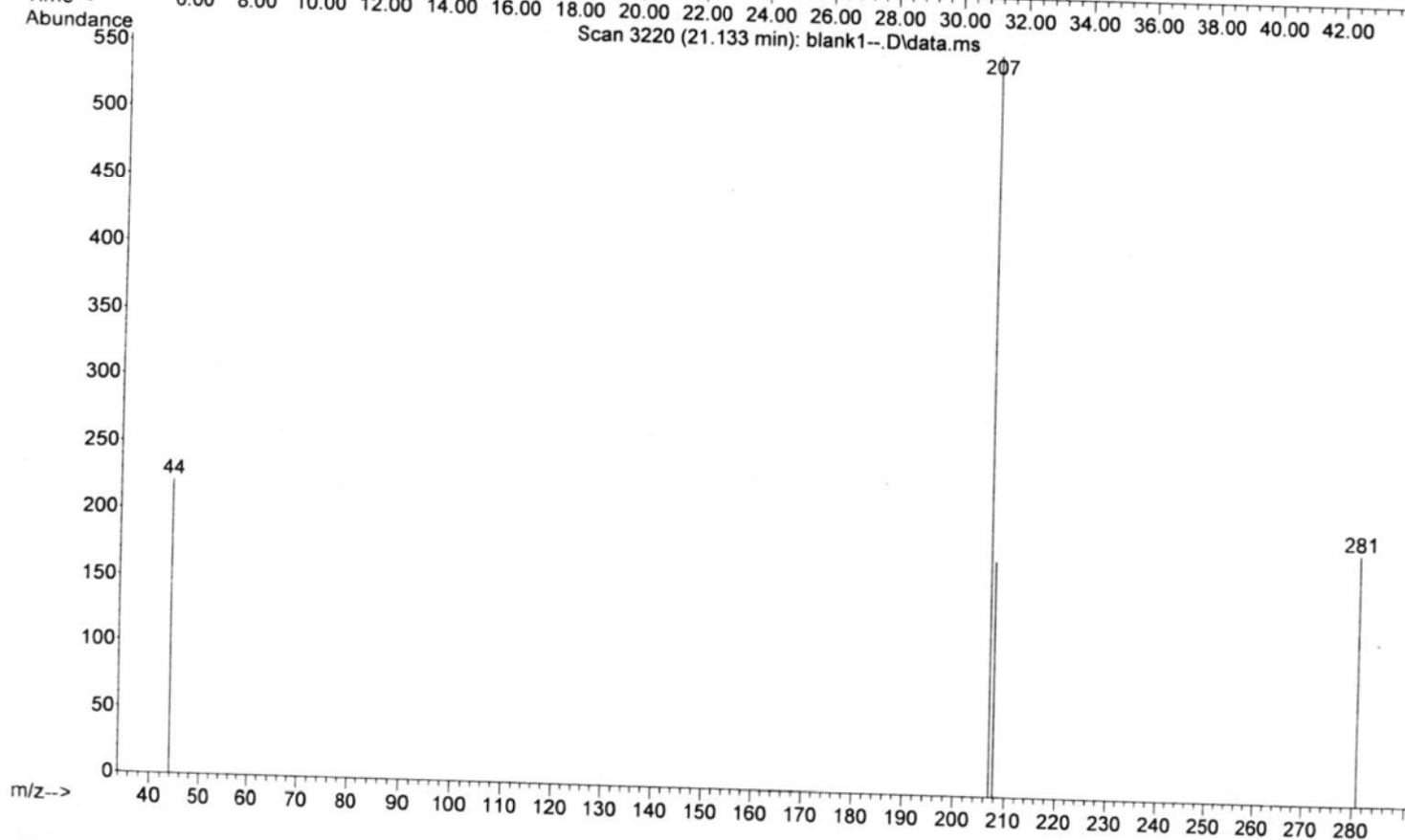
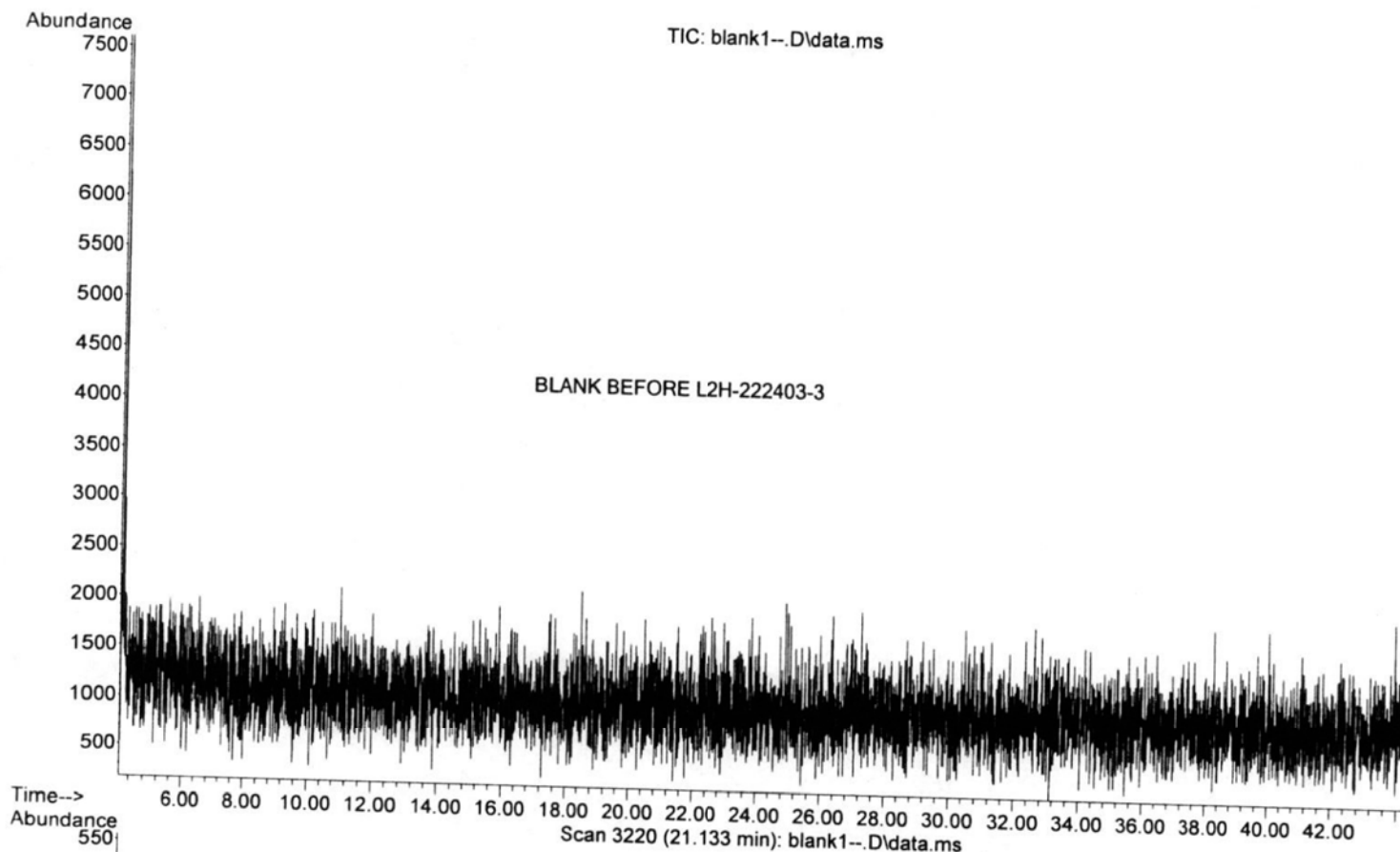
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Operator : MR 40-400, inj 250, det 280  
Acquired : 3 Feb 2012 13:29 using AcqMethod DPSSTER.M  
Instrument : HOGCMS206  
Sample Name: 1-L2H-222403-3 (Combo)  
Misc Info : it:180/2m; rt:30c/m; ft:280c/40m  
Vial Number: 1

91



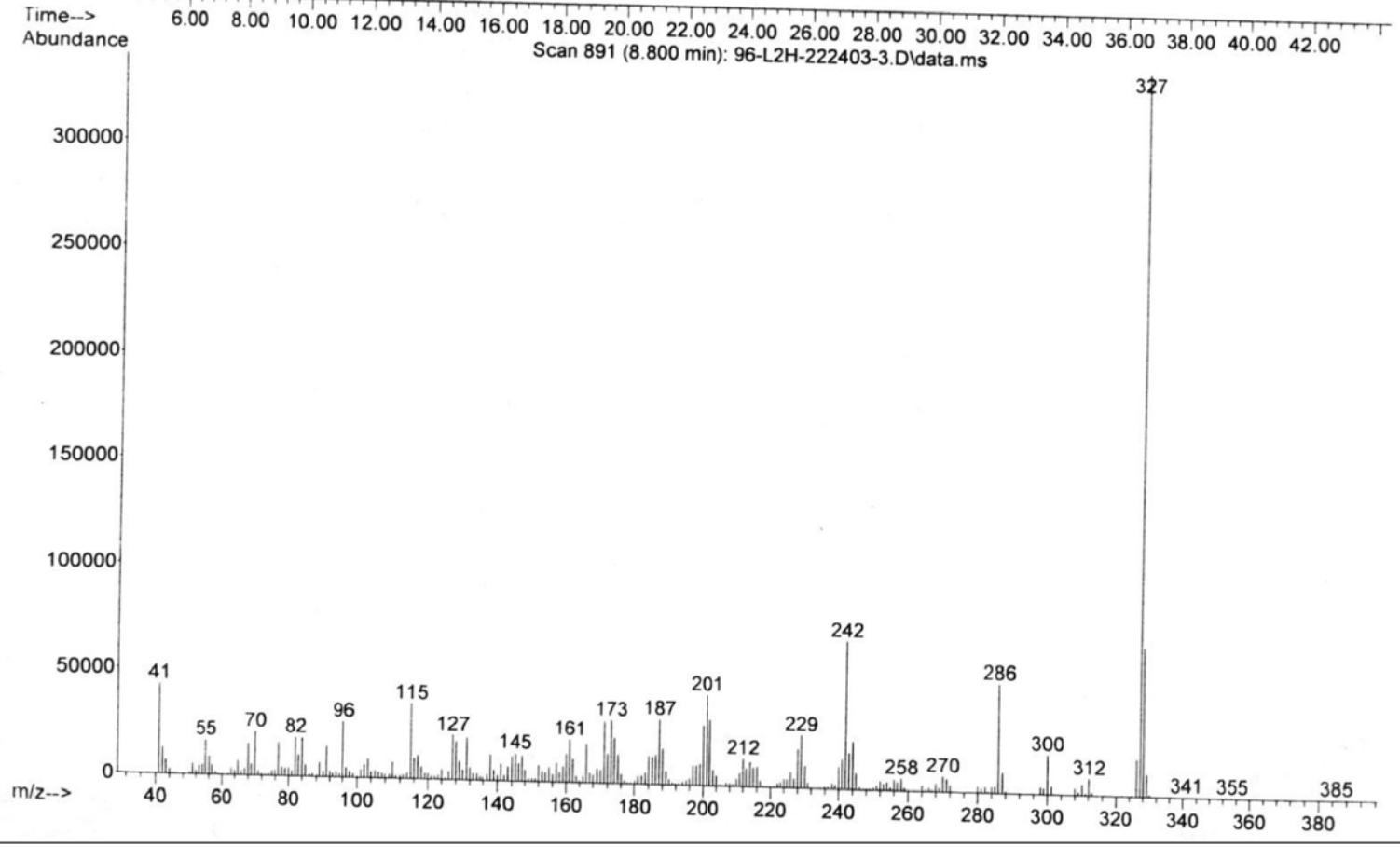
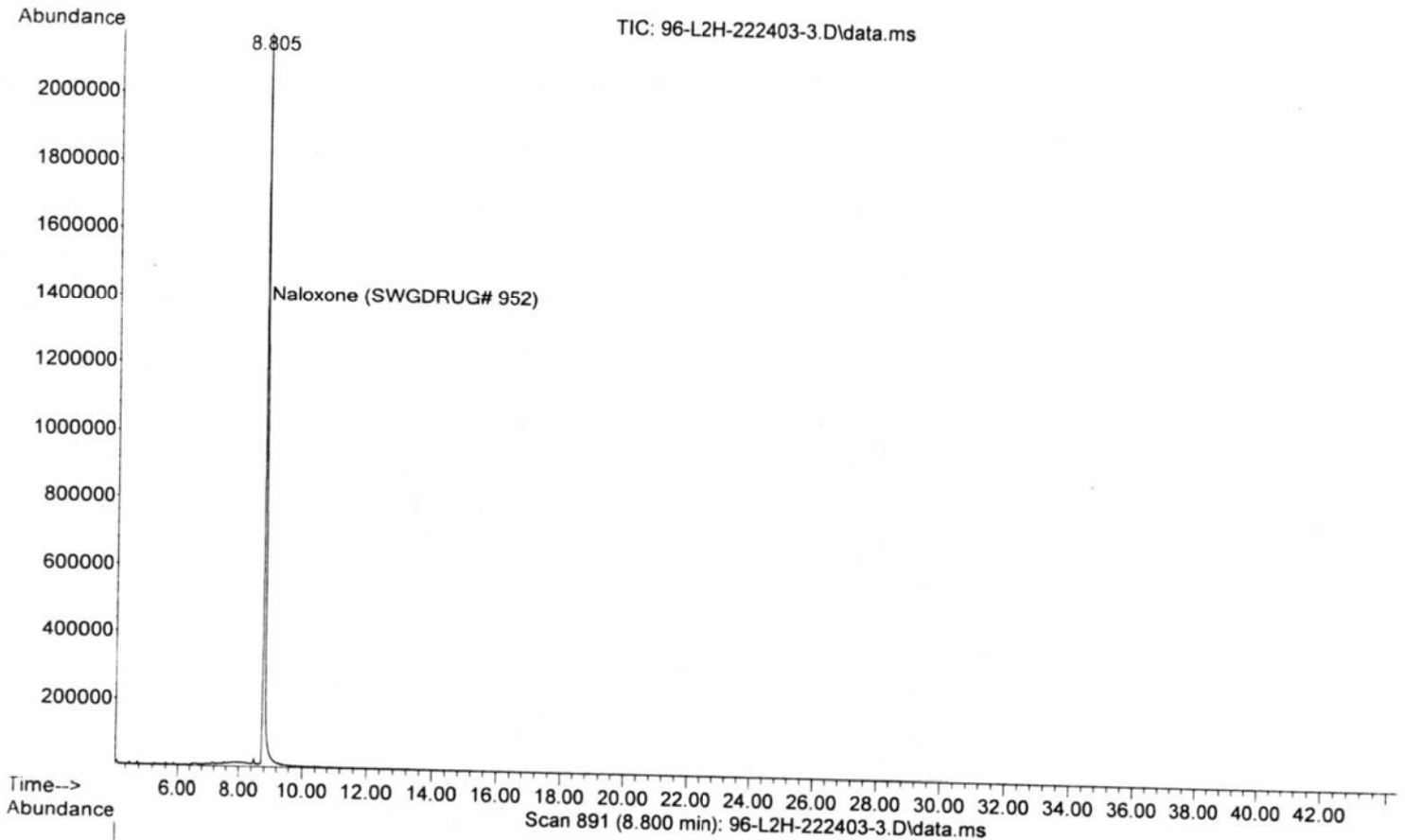
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Operator : MR 40-400, inj 250, det 280  
Acquired : 3 Feb 2012 12:42 using AcqMethod DPSSTER.M  
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Sample Name: blank1  
Misc Info : it:180/2m; rt:30c/m; ft:280c/40m CHCl3  
Vial Number: 5

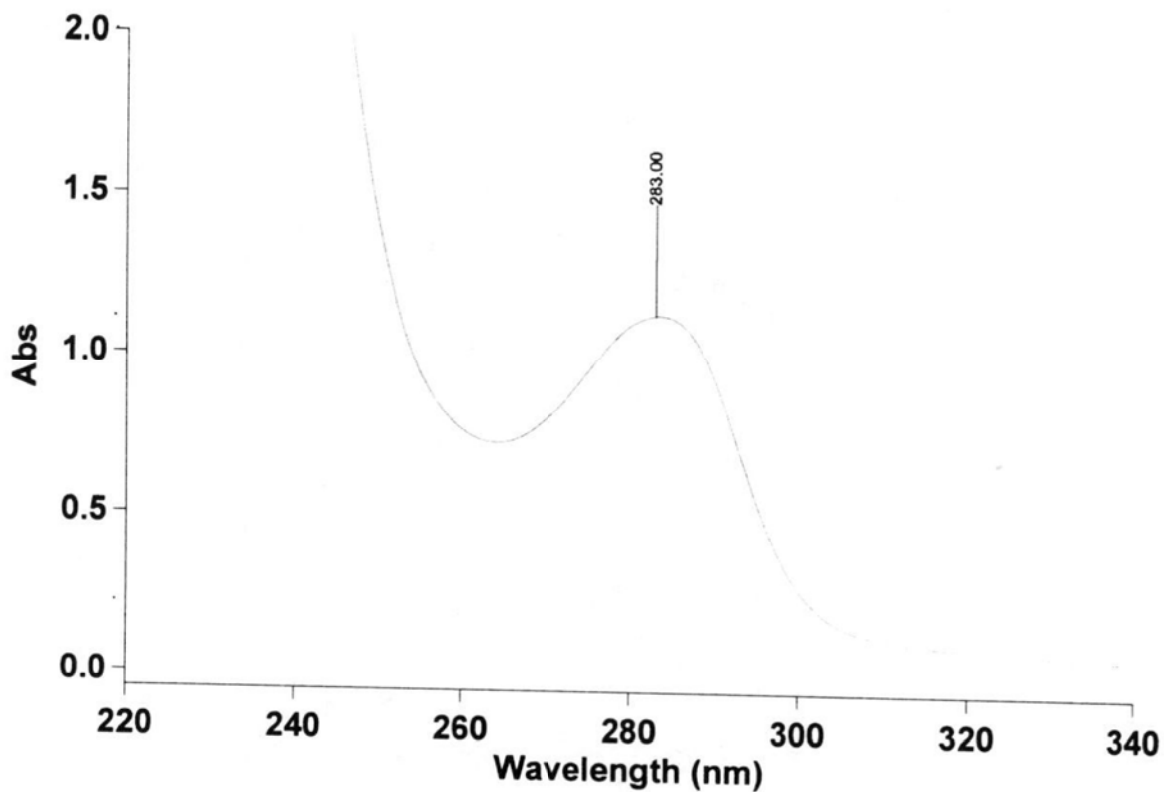
91



File :D:\1\DATA\2012\020112\96-L2H-222403-3.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 1 Feb 2012 13:31 using AcqMethod DPSSTER.M  
Instrument : HOGCMS206  
Sample Name: 83-L2H-222403-3  
Misc Info : it:180/2m; rt:30c/m; ft:280c/40m (CHCl3+BuOH)  
Vial Number: 96

Handwritten mark resembling a stylized 'X' or signature.





+C  
Naloxone

### Scan Analysis Report

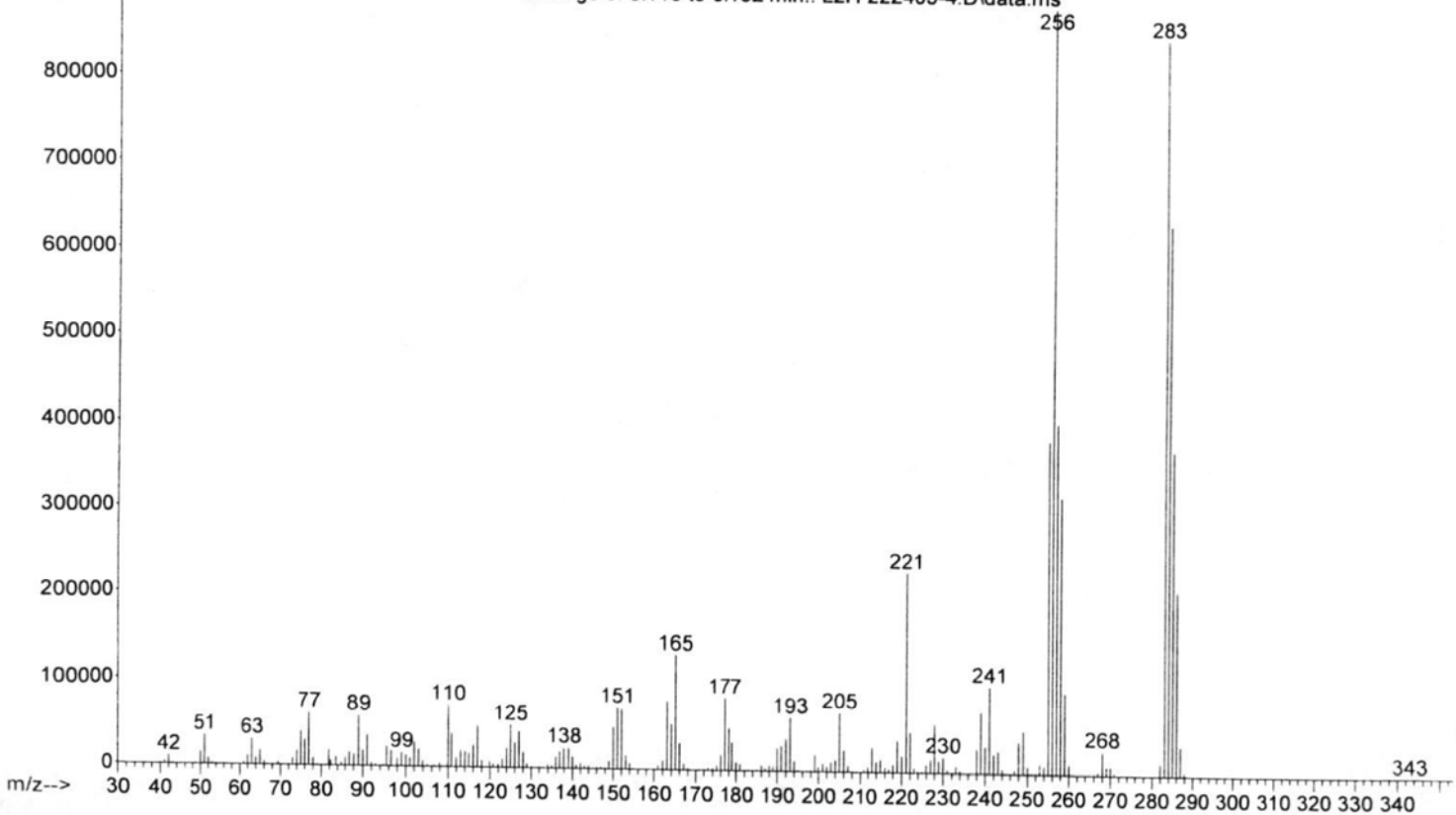
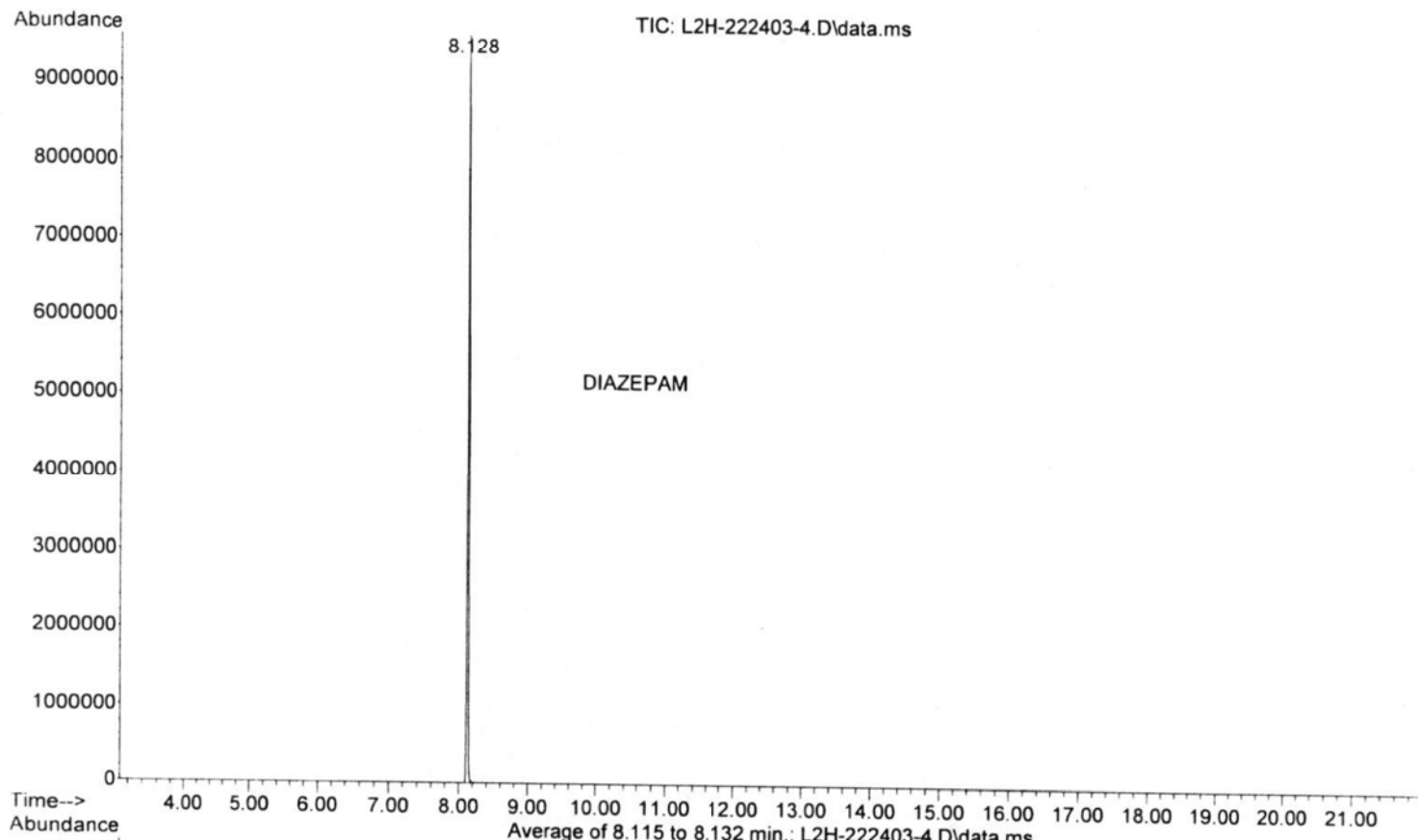
Report Time : Fri 20 Jan 01:36:07 PM 2012  
Method: C:\DOCUMENTS AND SETTINGS\CL11924\DESKTOP\DPS.MSW  
Batch: C:\Documents and Settings\All Users\Application Data\Varian\Cary WinUV\Jonathan\222403-3.DSW  
Software version: 4.10(464)  
Operator:

**Sample Name: L2H-222403-3 (IN 0.2N H2SO4)1**  
Collection Time 1/20/2012 1:36:19 PM

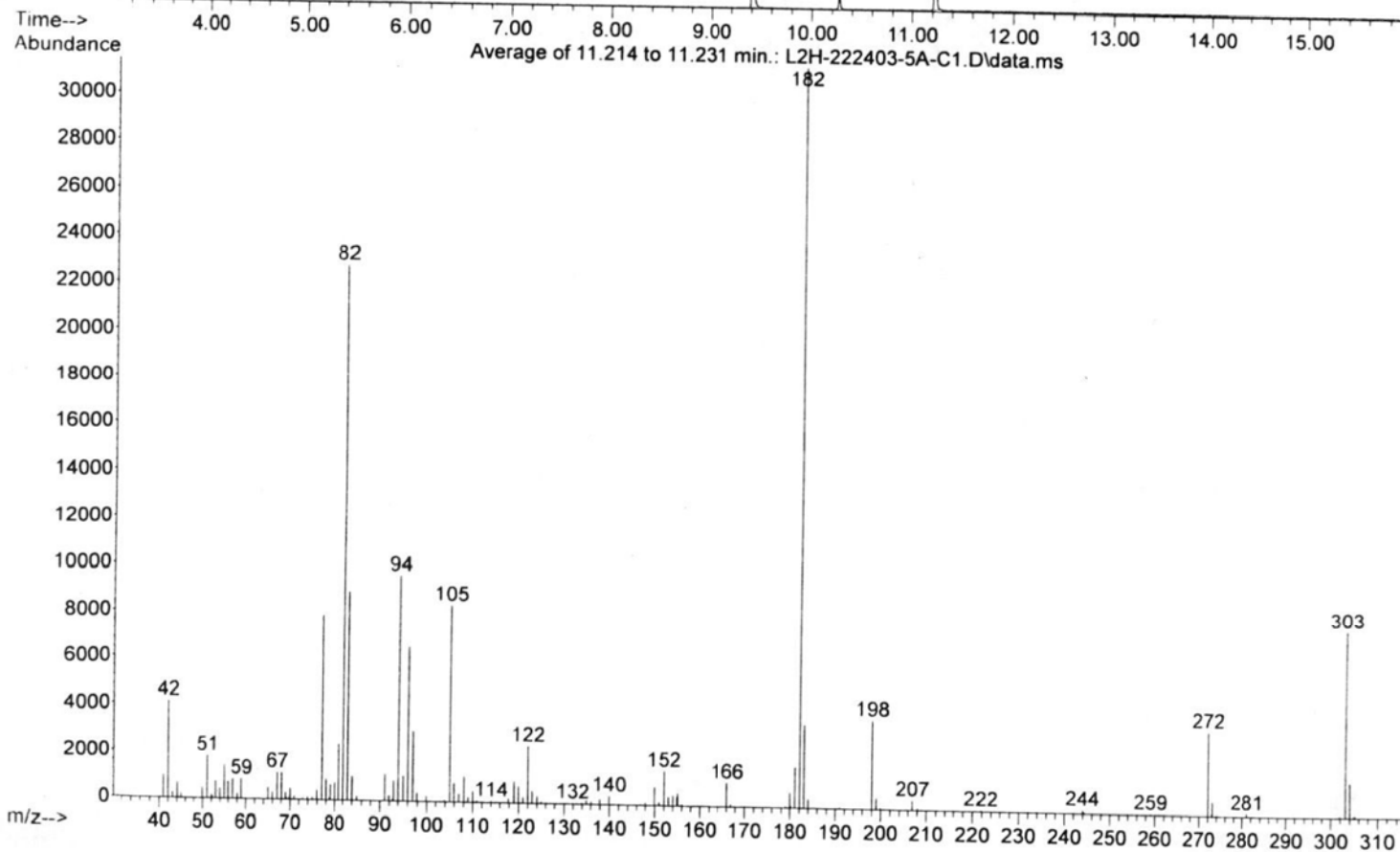
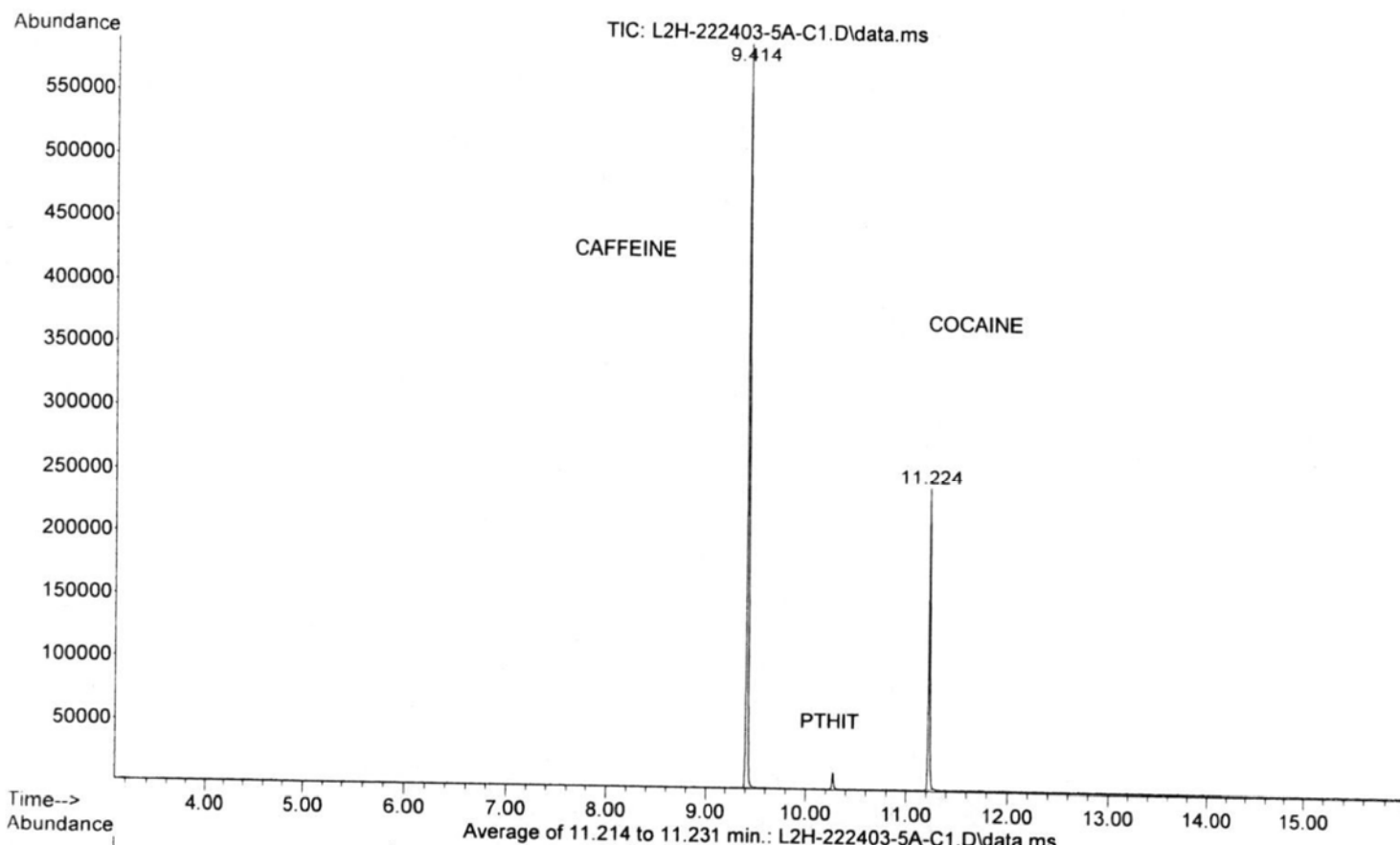
Peak Table  
Peak Style Peaks  
Peak Threshold 0.0100  
Range 340.00nm to 220.00nm

Wavelength (nm)	Abs
283.00	1.132
230.00	4.218

File : D:\1\DATA\2012\012012\L2H-222403-4.D  
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Instrument : HOGCMS206  
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Misc Info : it:150/2m; rt:20c/m; ft:300c/15m A>CHCl3  
Vial Number: 13

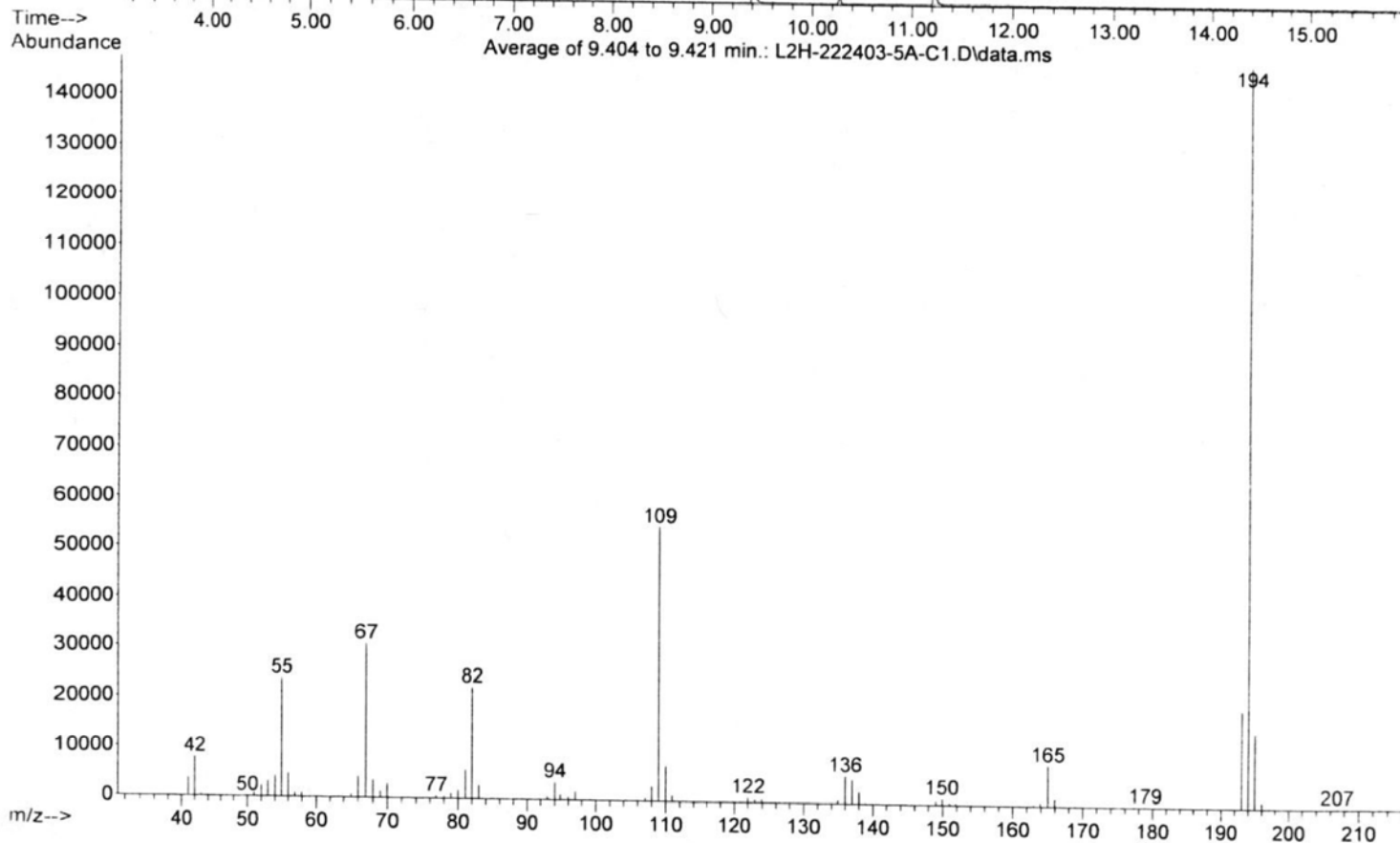
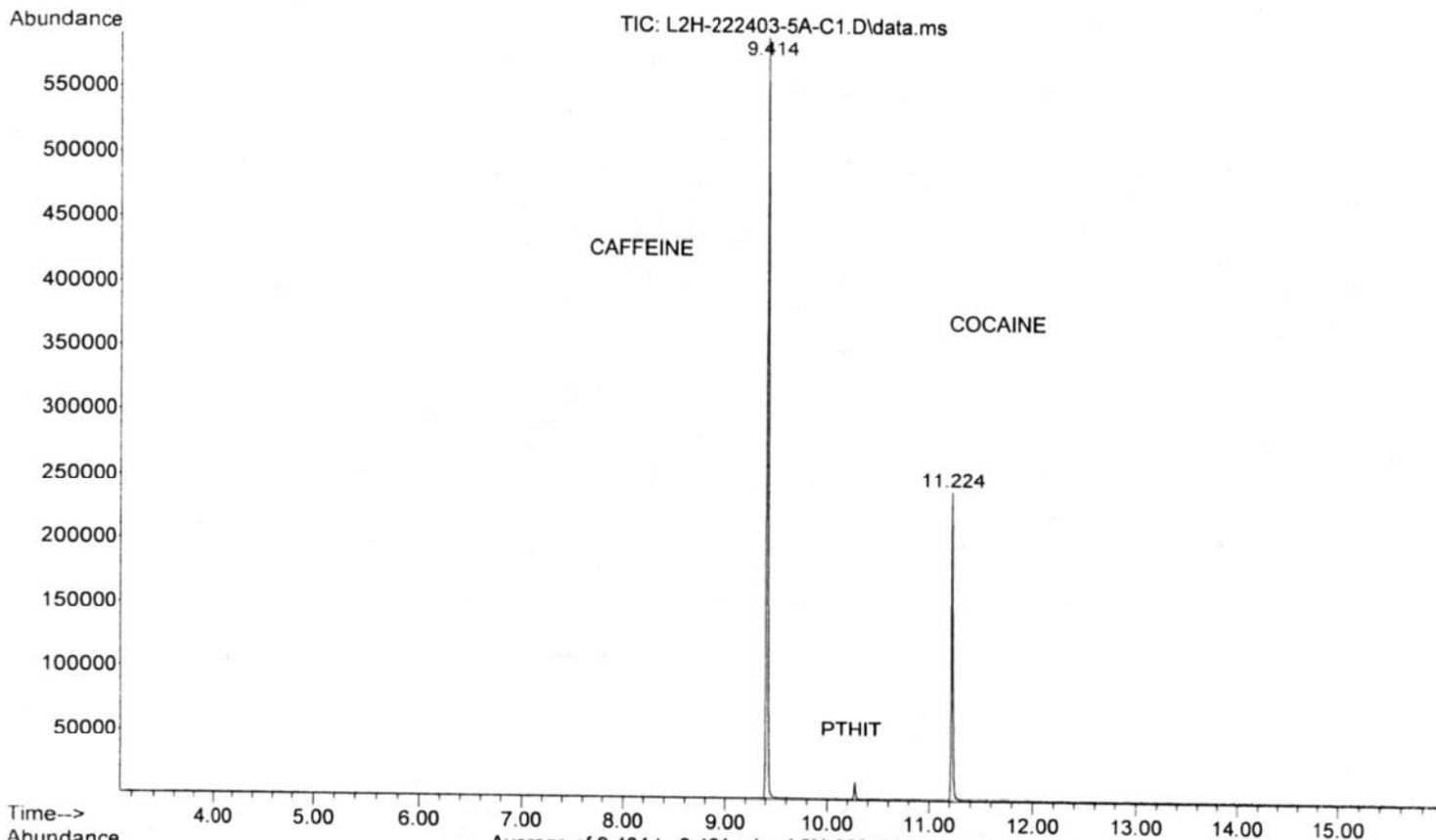


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Operator : MR 40-400, inj 250, det 280  
Acquired : 20 Jan 2012 18:44 using AcqMethod DPSCOC.M  
Instrument : HOGCMS206  
Sample Name: L2H-222403-5A COMBO#1  
Misc Info : it:100/2m; rt:20c/m; ft:280c/5m B>CHCl3  
Vial Number: 14

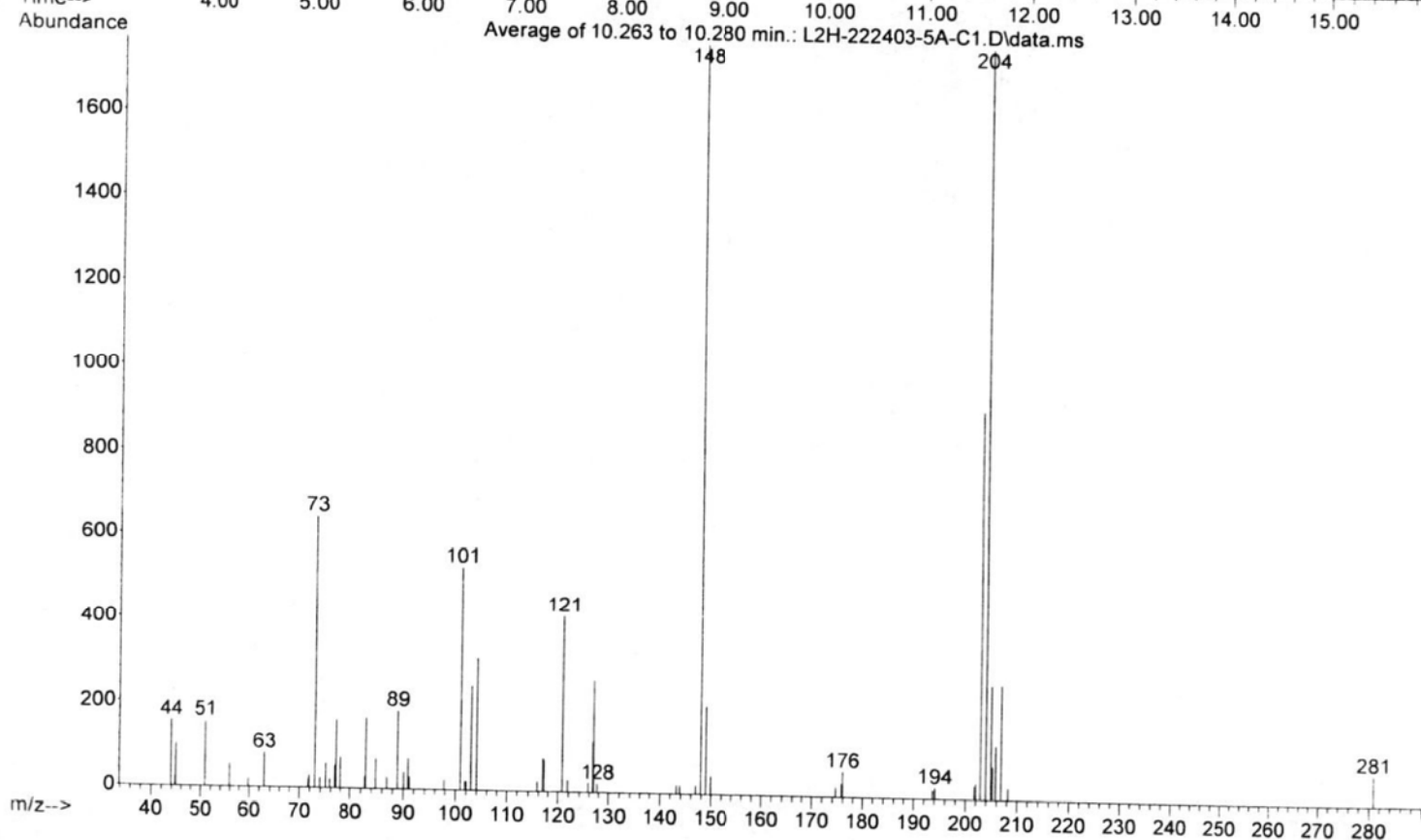
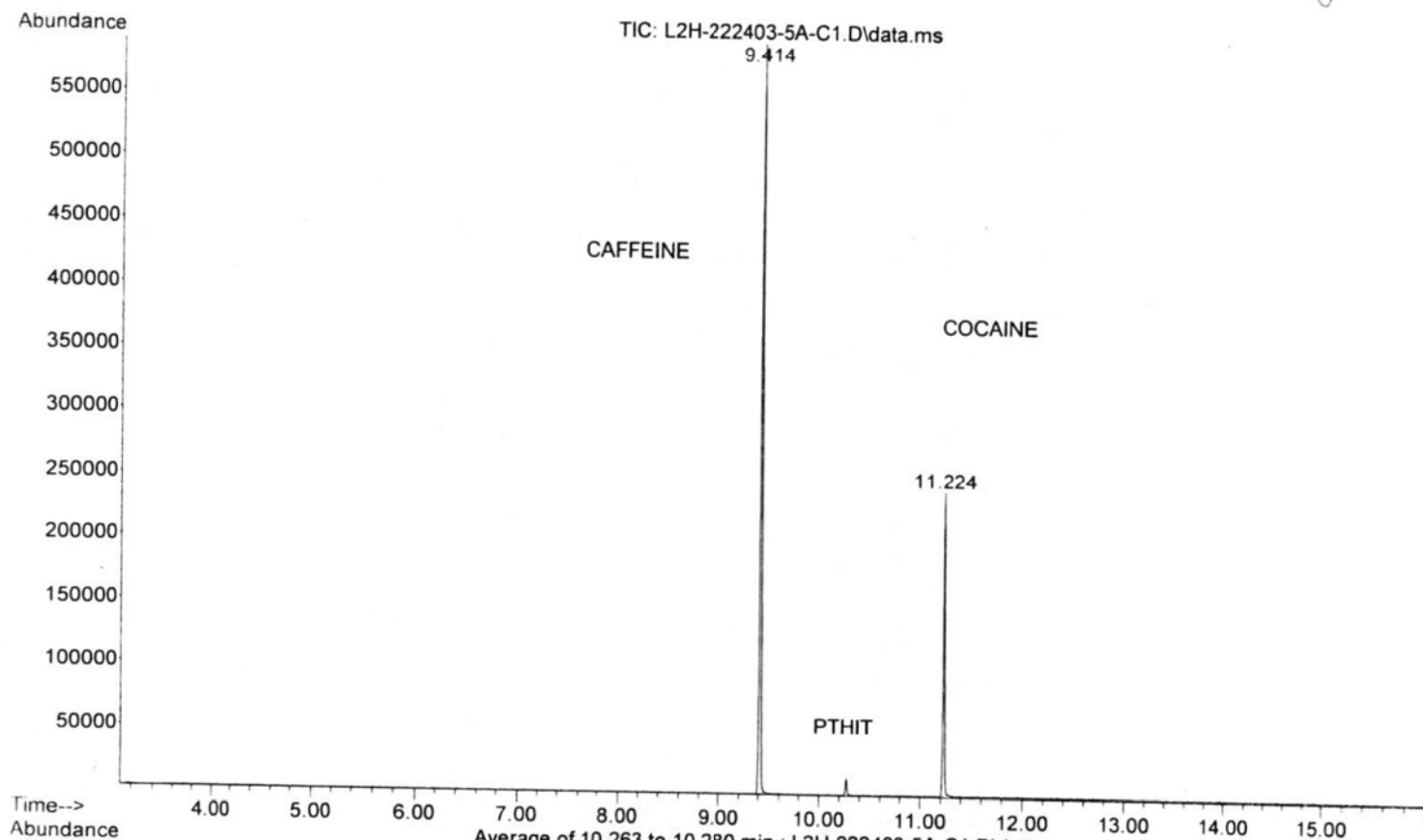




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Instrument : HOGCMS206  
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Misc Info : it:100/2m; rt:20c/m; ft:280c/5m B>CHCl3  
Vial Number: 14

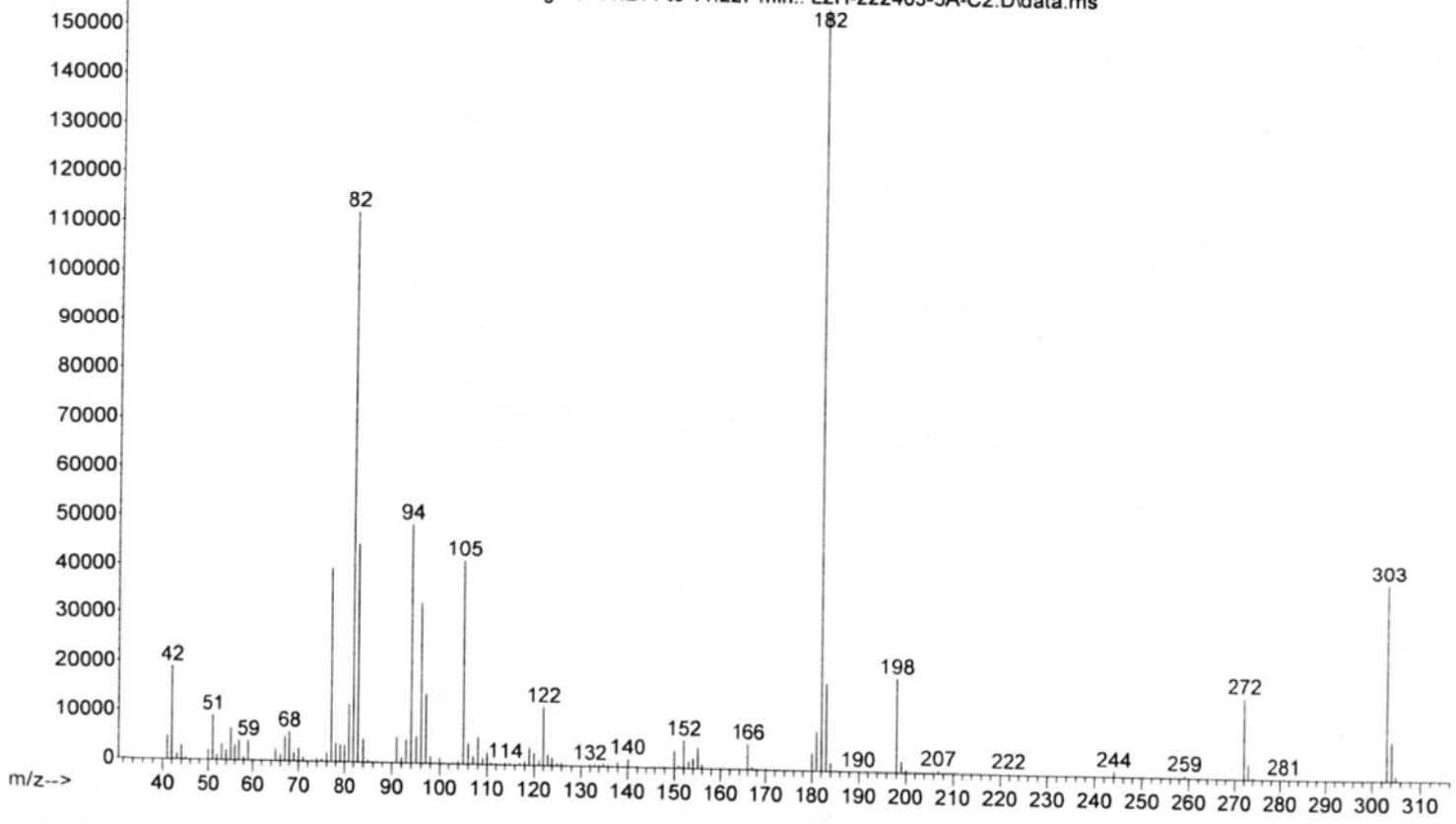
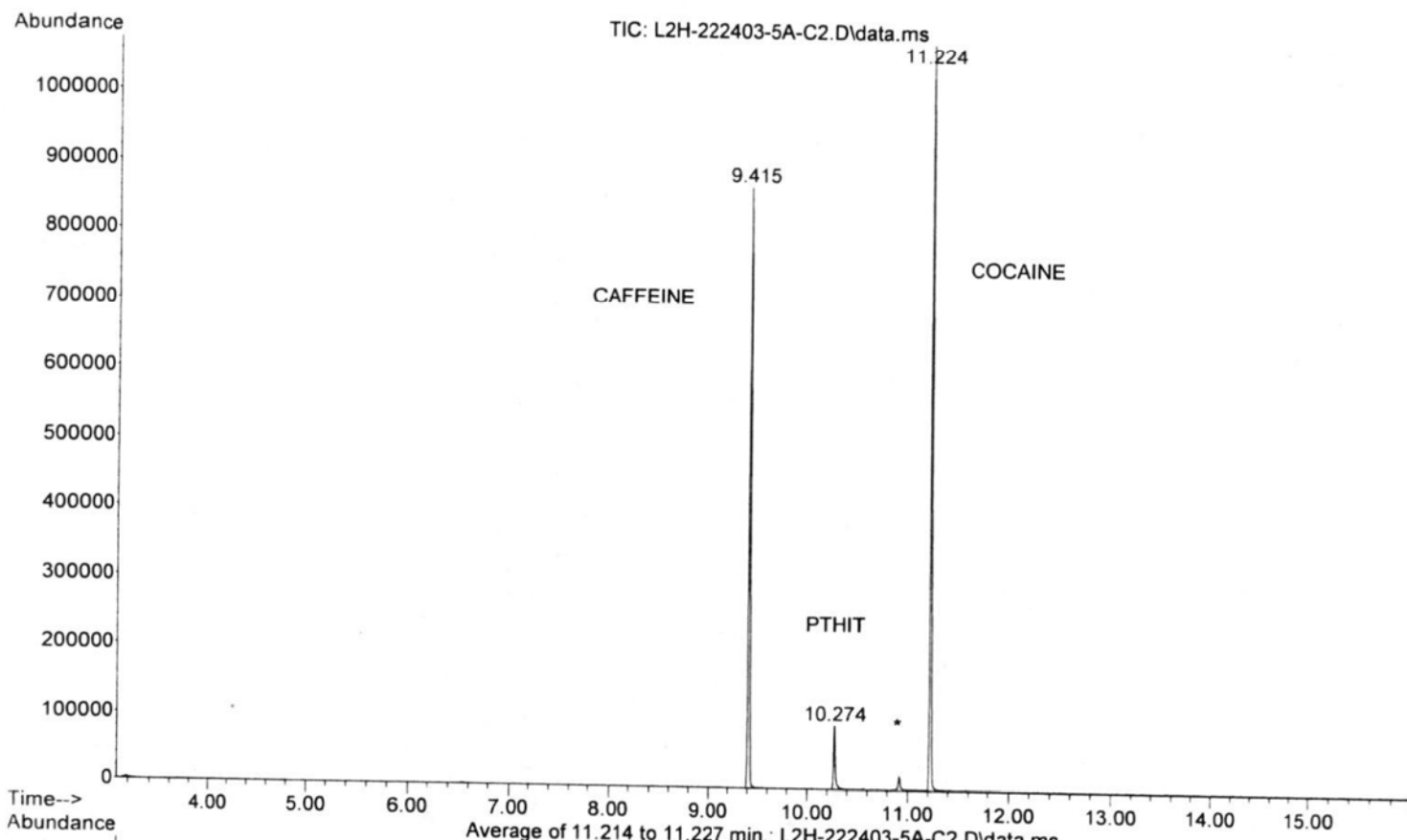


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Instrument : HOGCMS206  
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Vial Number: 14

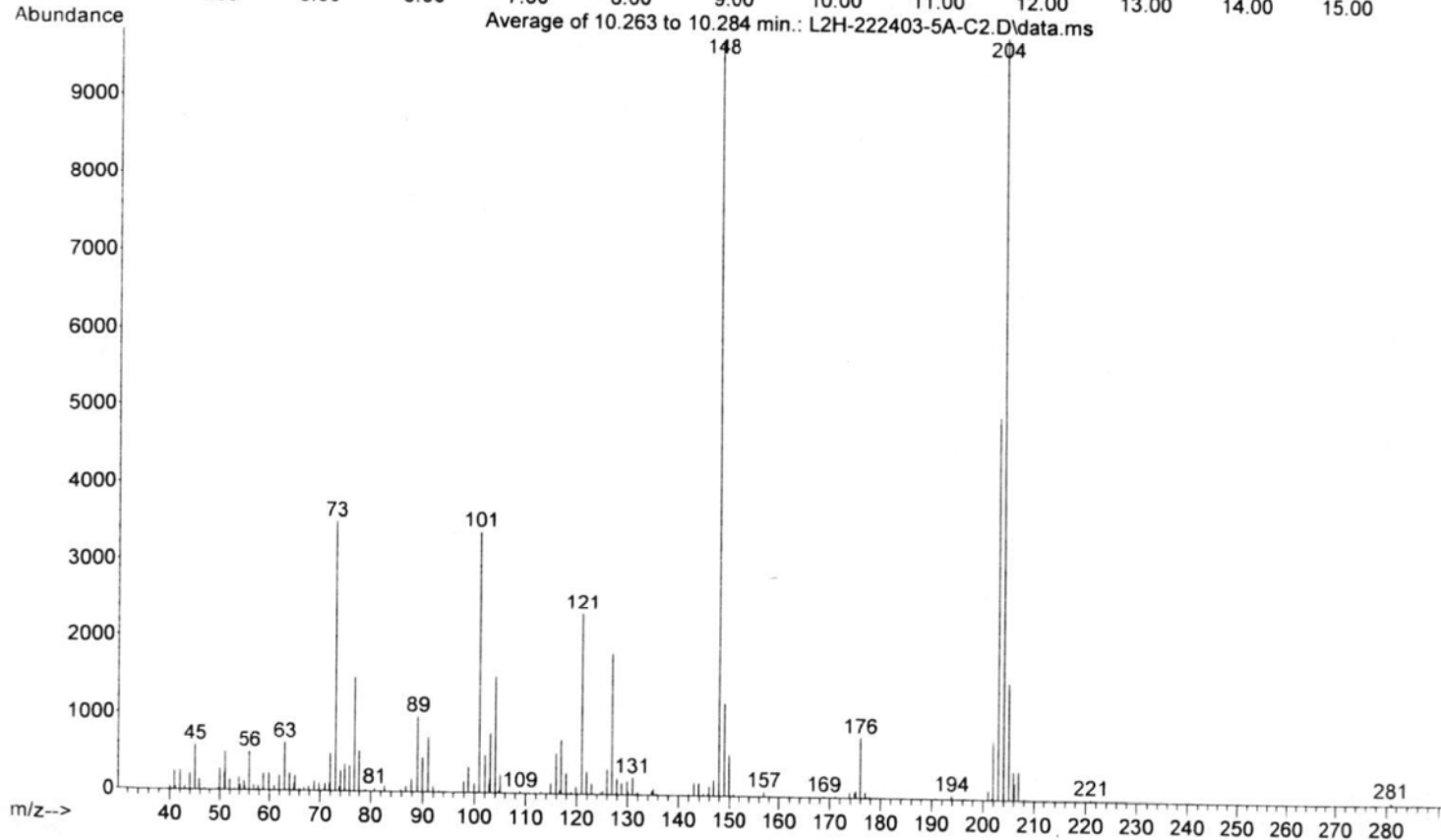
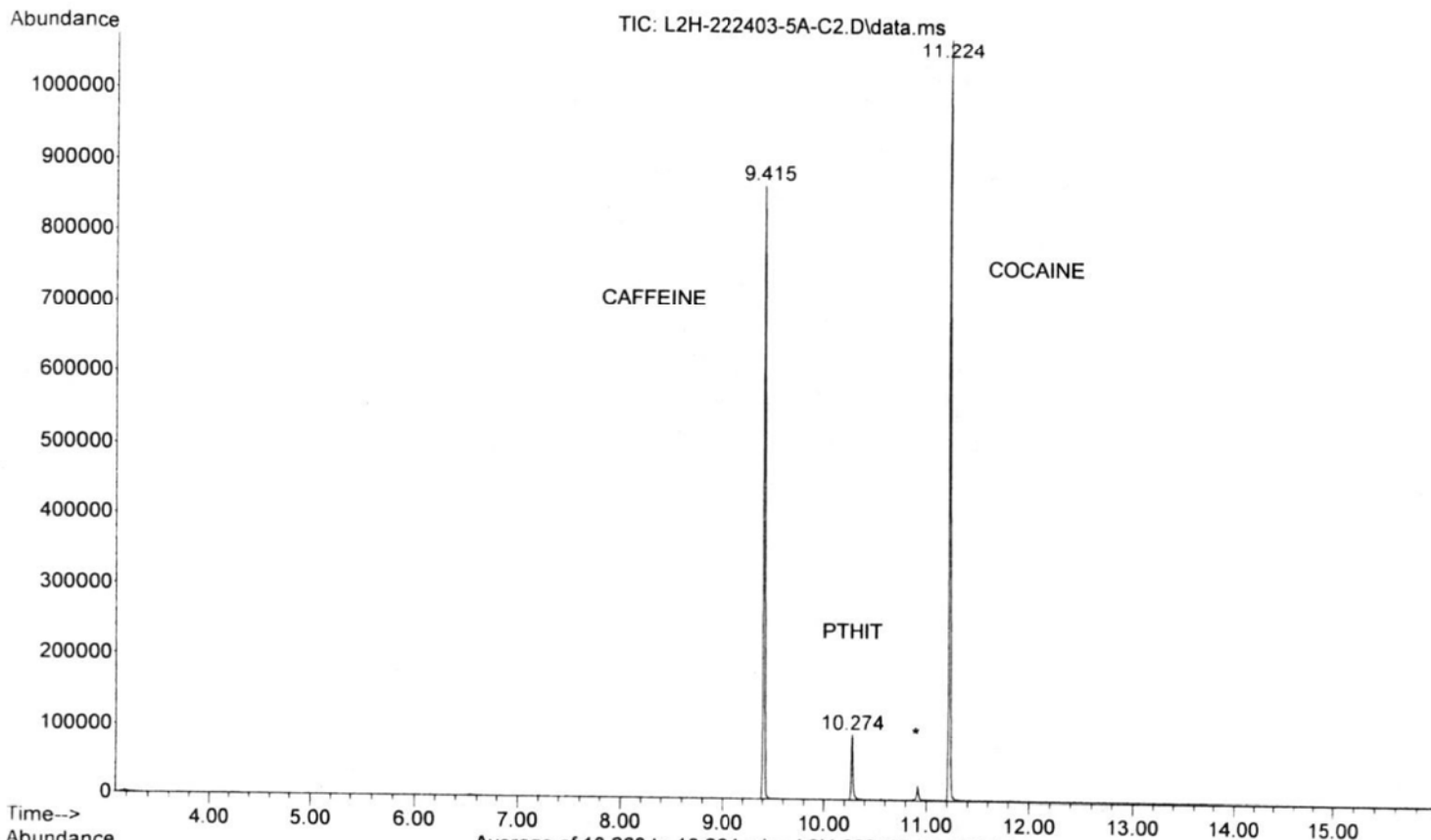


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Acquired : 20 Jan 2012 21:19 using AcqMethod DPSCOC.M  
Instrument : HOGCMS206  
Sample Name: L2H-222403-5A COMBO#2  
Misc Info : it:100/2m; rt:20c/m; ft:280c/5m B>CHCl3  
Vial Number: 19

*Handwritten signature*

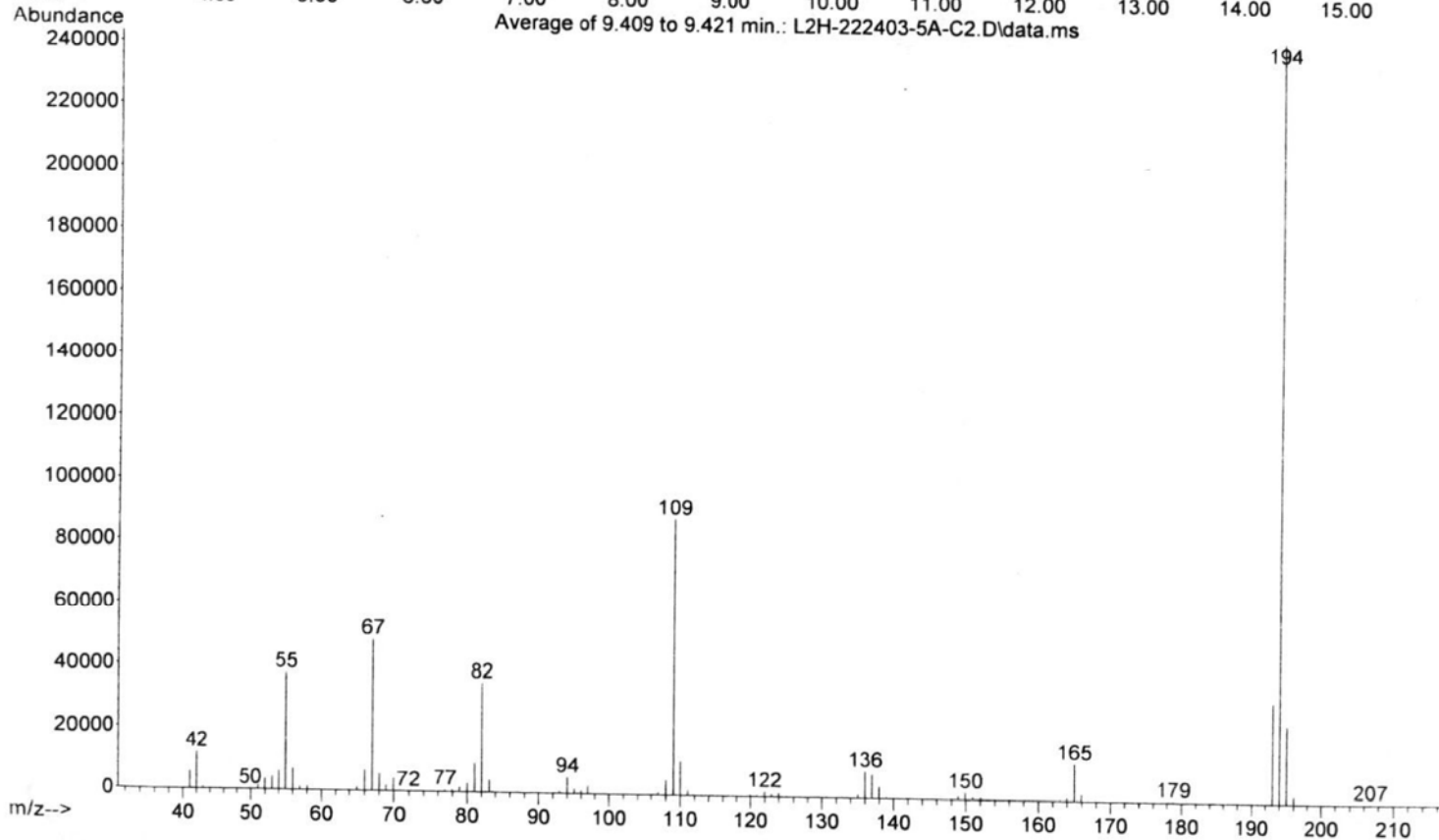
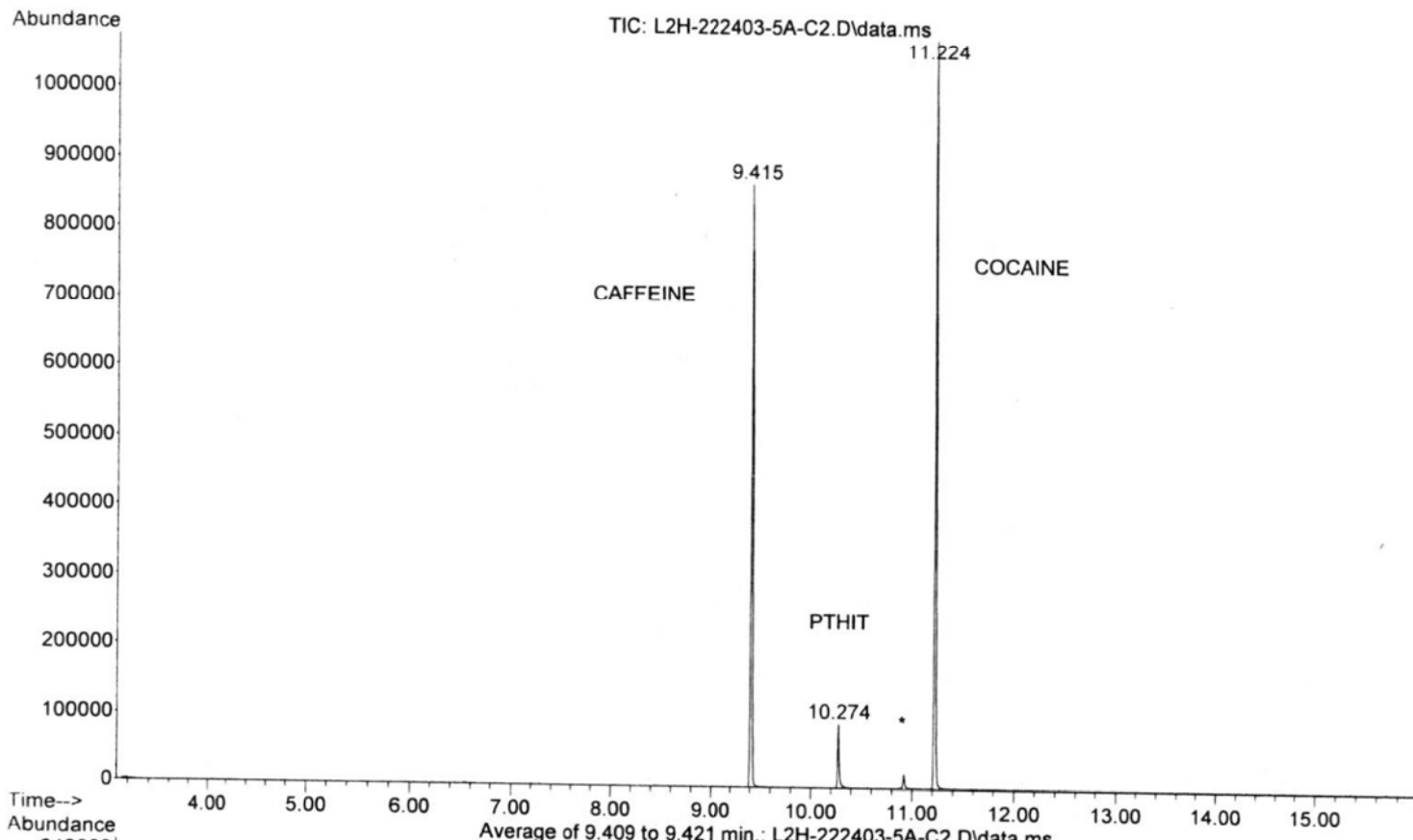


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Instrument : HOGCMS206  
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Misc Info : it:100/2m; rt:20c/m; ft:280c/5m B>CHCl3  
Vial Number: 19



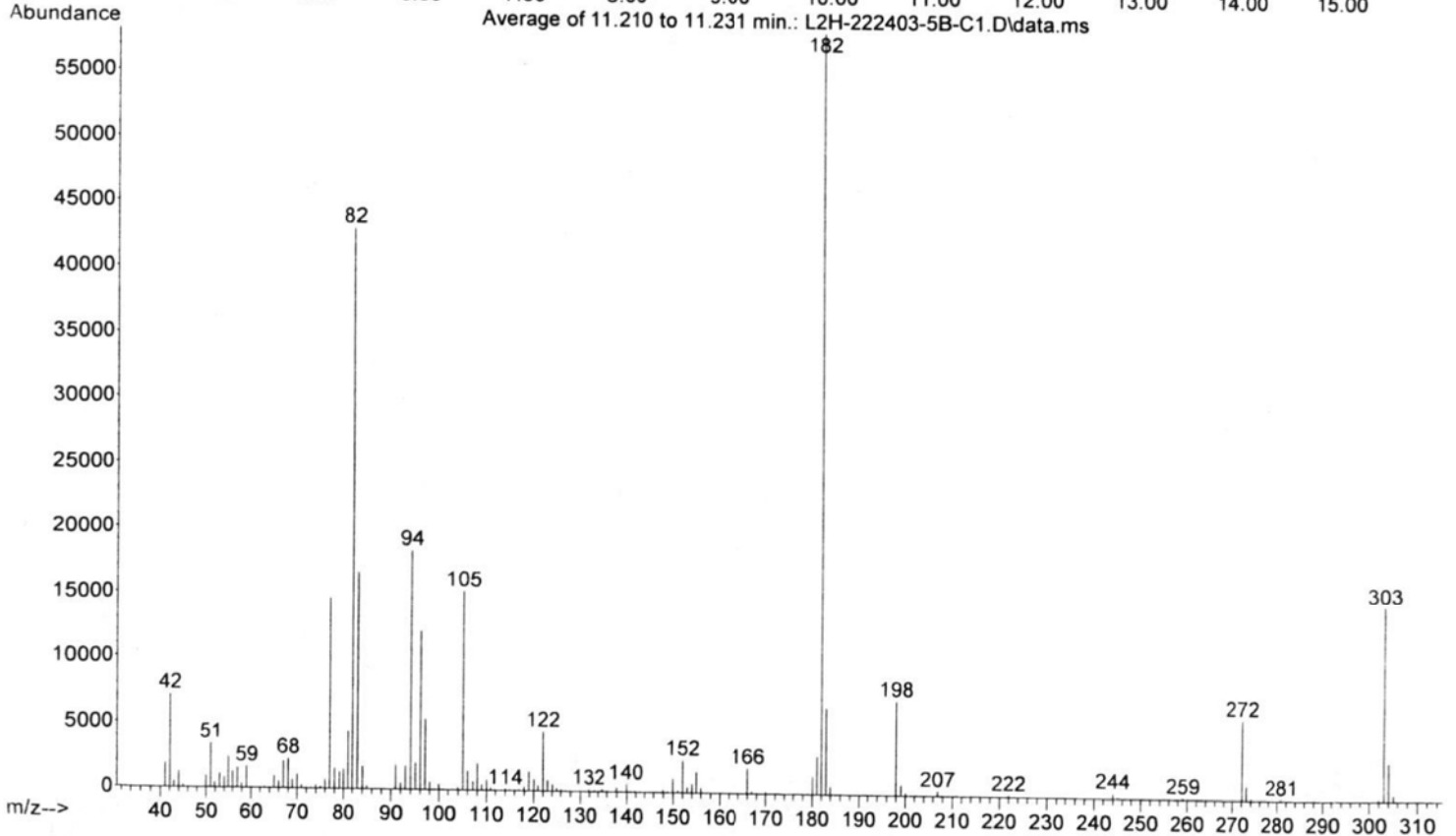
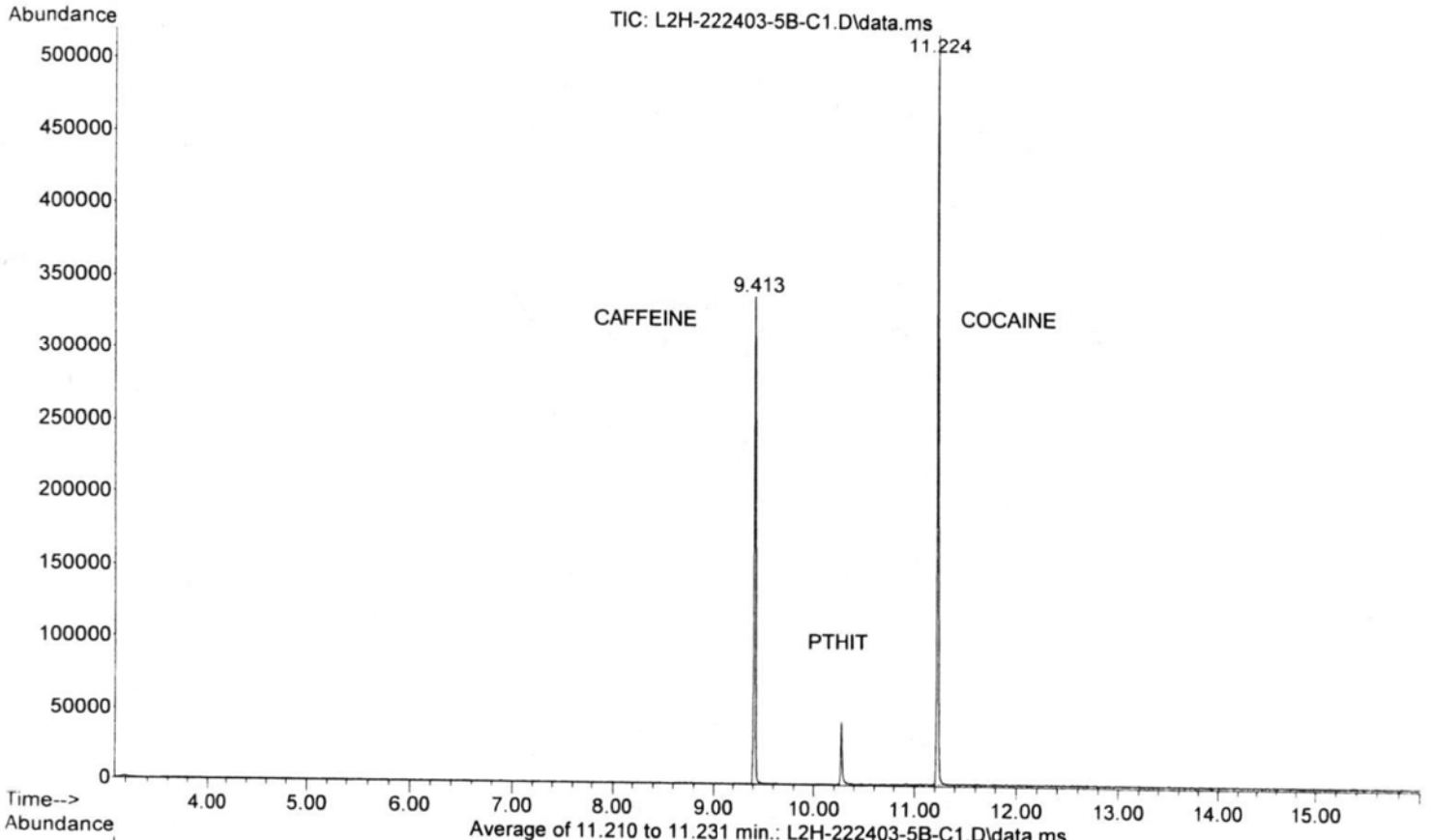
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Operator : MR 40-400, inj 250, det 280  
Acquired : 20 Jan 2012 21:19 using AcqMethod DPSCOC.M  
Instrument : HOGCMS206  
Sample Name: L2H-222403-5A COMBO#2  
Misc Info : it:100/2m; rt:20c/m; ft:280c/5m B>CHCl3  
Vial Number: 19

9

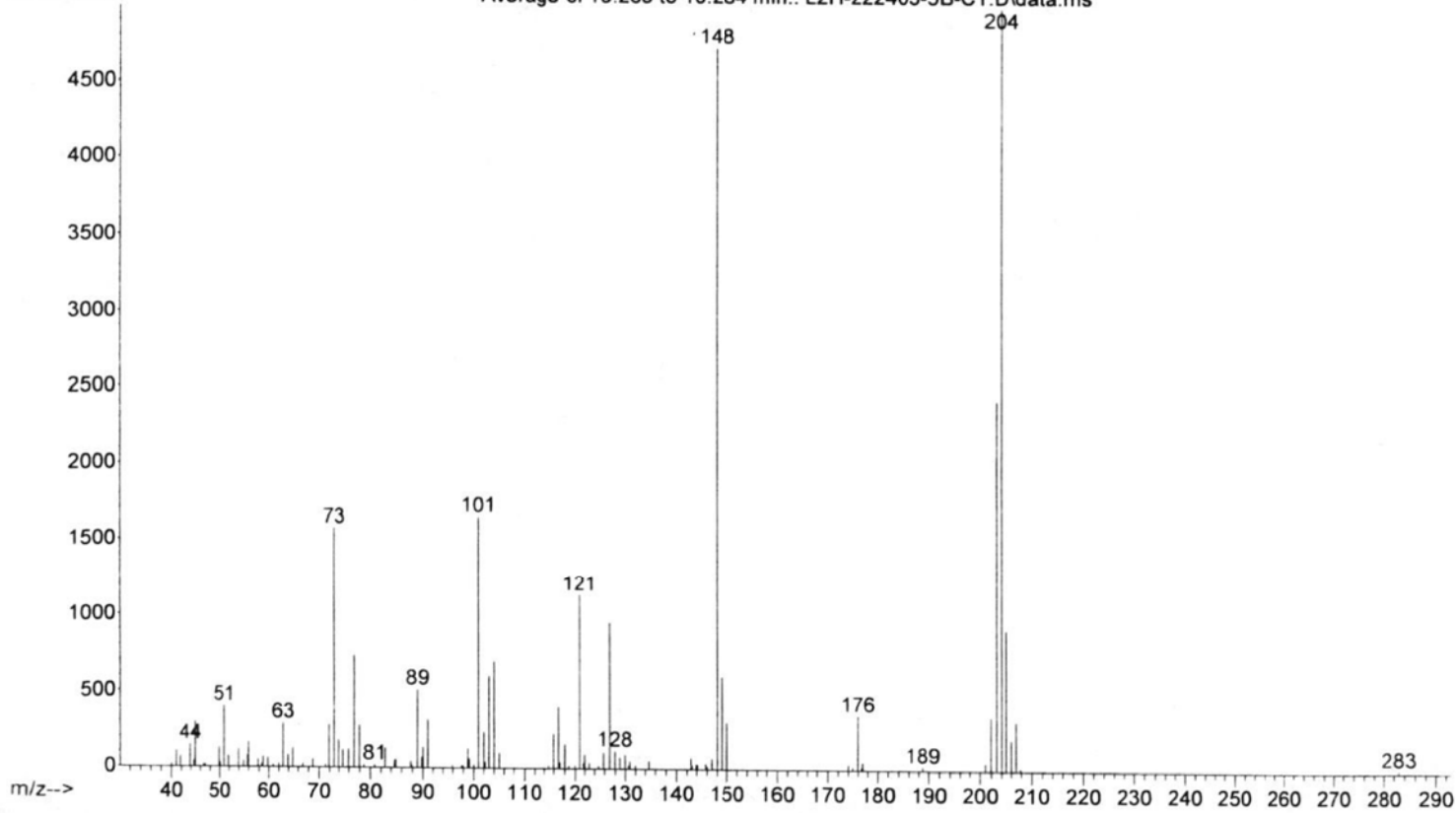
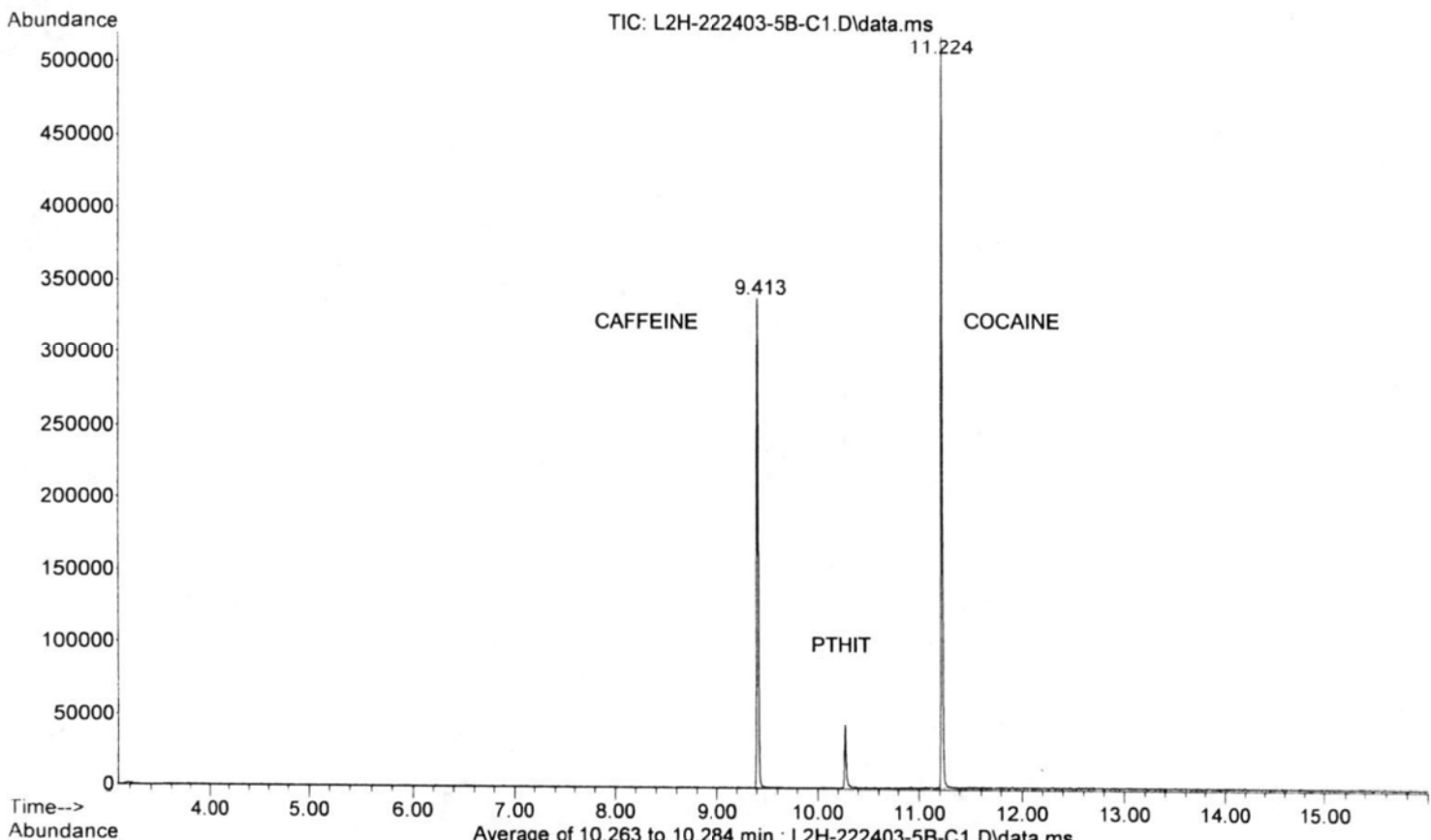


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Operator : MR 40-400, inj 250, det 280  
Acquired : 20 Jan 2012 20:34 using AcqMethod DPSCOC.M  
Instrument : HOGCMS206  
Sample Name: L2H-222403-5B COMBO  
Misc Info : it:100/2m; rt:20c/m; ft:280c/5m B>CHCl3  
Vial Number: 17

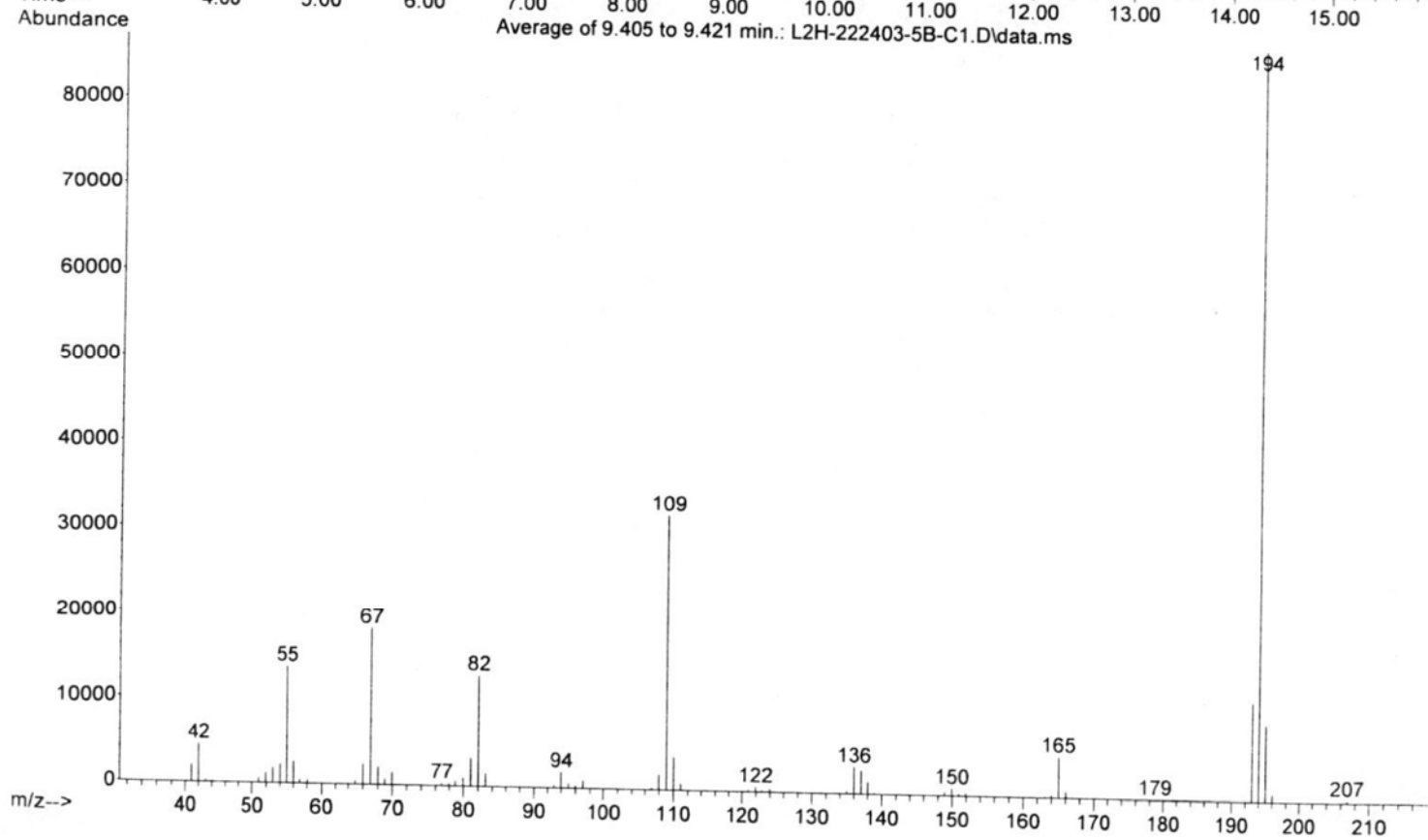
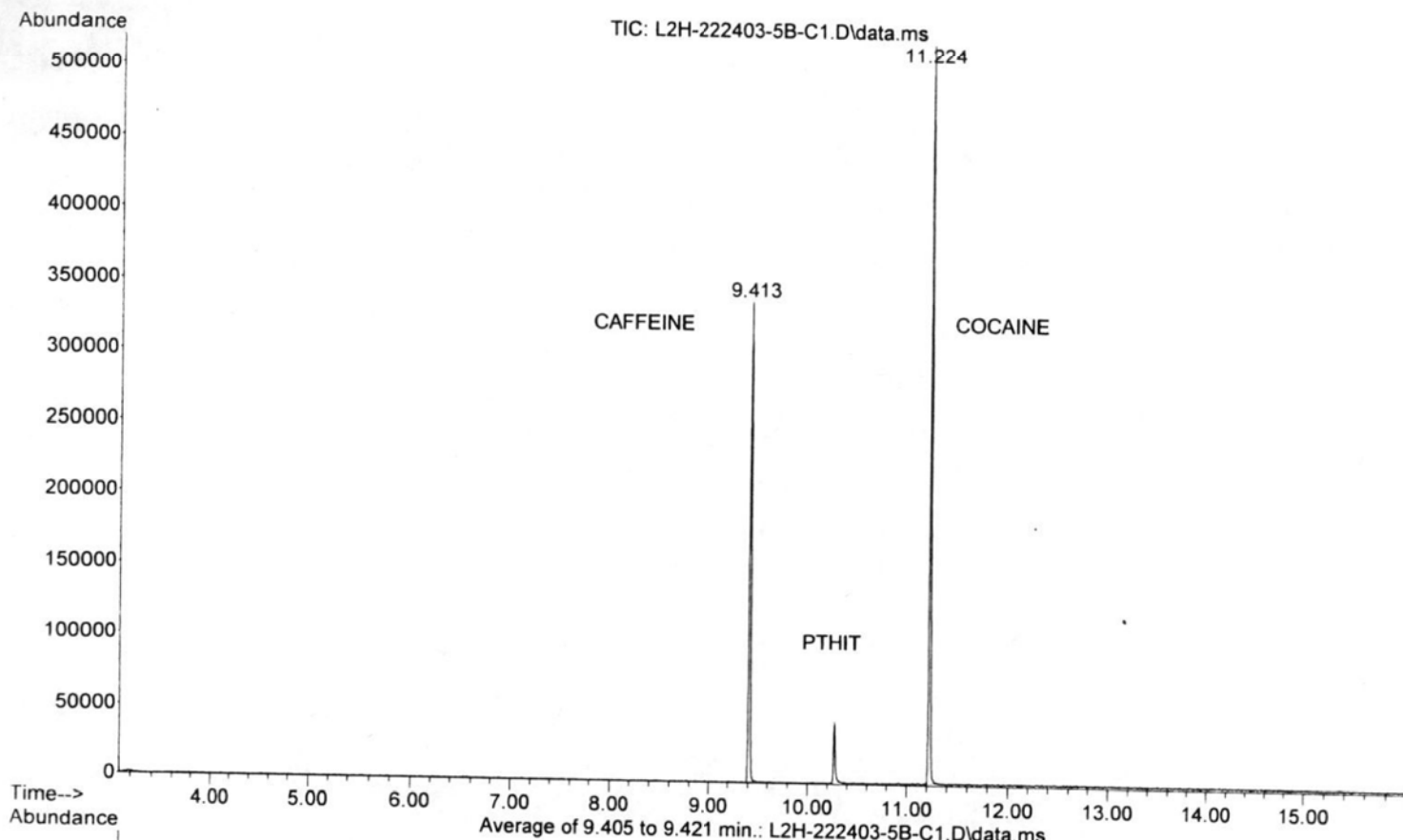
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File : D:\1\DATA\2012\012012\L2H-222403-5B-C1.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 20 Jan 2012 20:34 using AcqMethod DPSCOC.M  
Instrument : HOGCMS206  
Sample Name: L2H-222403-5B COMBO  
Misc Info : it:100/2m; rt:20c/m; ft:280c/5m B>CHCl3  
Vial Number: 17



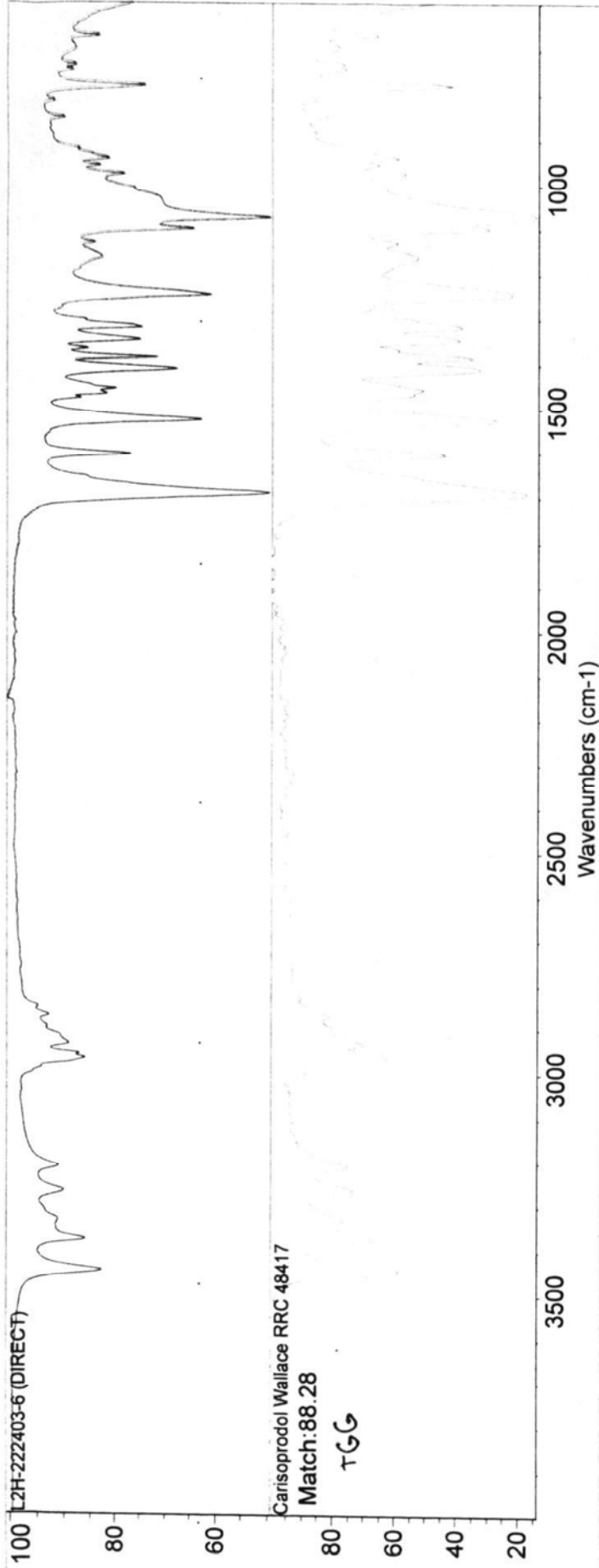
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Operator : MR 40-400, inj 250, det 280  
Acquired : 20 Jan 2012 20:34 using AcqMethod DPSCOC.M  
Instrument : HOGCMS206  
Sample Name: L2H-222403-5B COMBO  
Misc Info : it:100/2m; rt:20c/m; ft:280c/5m B>CHCl3  
Vial Number: 17





H-222403-6 (DIRECT)

Collection time: Fri Jan 20 08:23:38 2012 (GMT-06:00)



No peak table for the selected spectrum!

Collect Sample

Background collected on Fri Jan 20 08:22:07 2012 (GMT-06:00)

Final format: %Transmittance

Resolution: 4.000 from 599.7828 to 3999.8376

Validation wheel: 0

Bench Serial Number: AGL1003264

HOFIR203

Jonathan Salvador

Number of sample scans: 32

Number of background scans: 32

Resolution: 4.000

Sample gain: 1.0

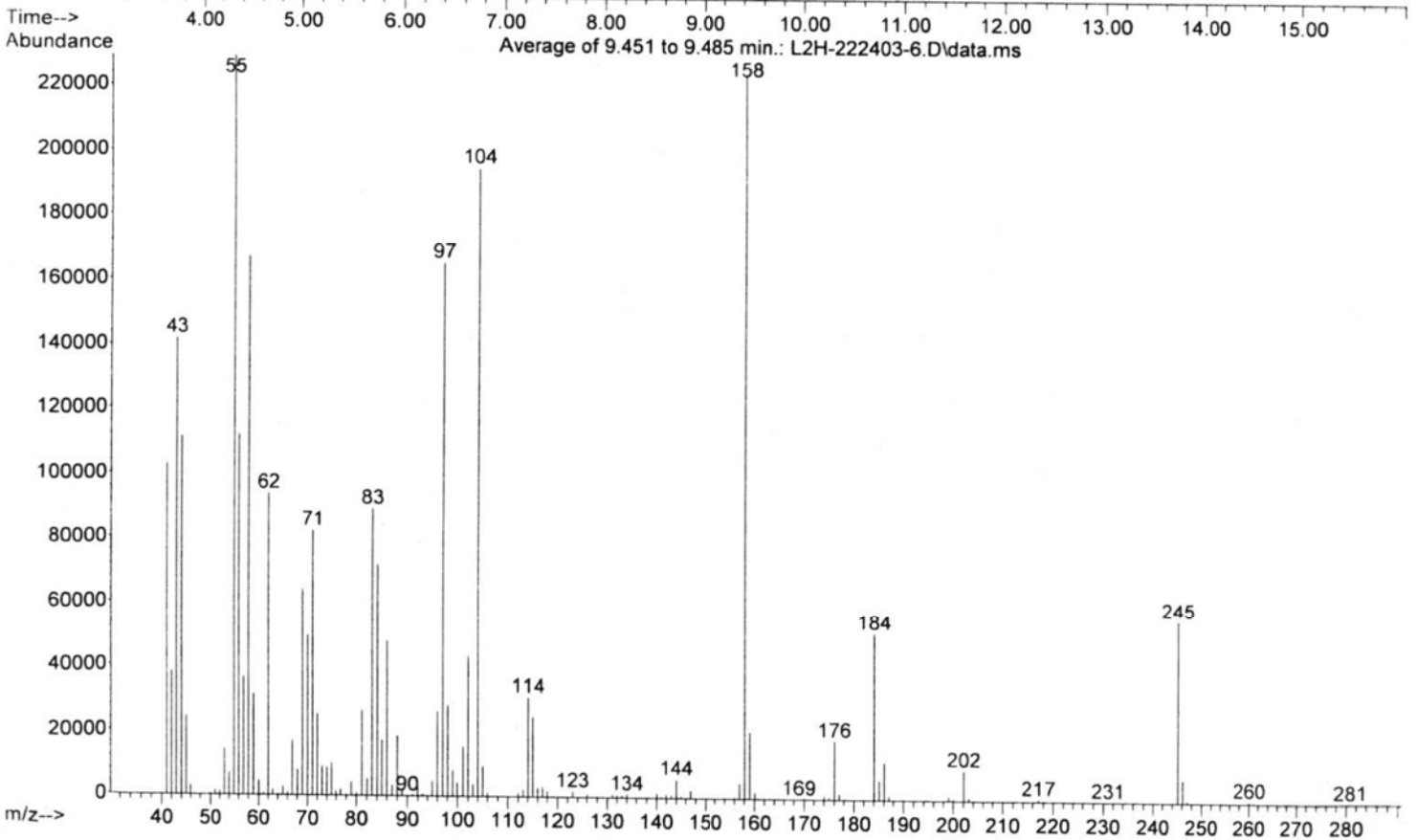
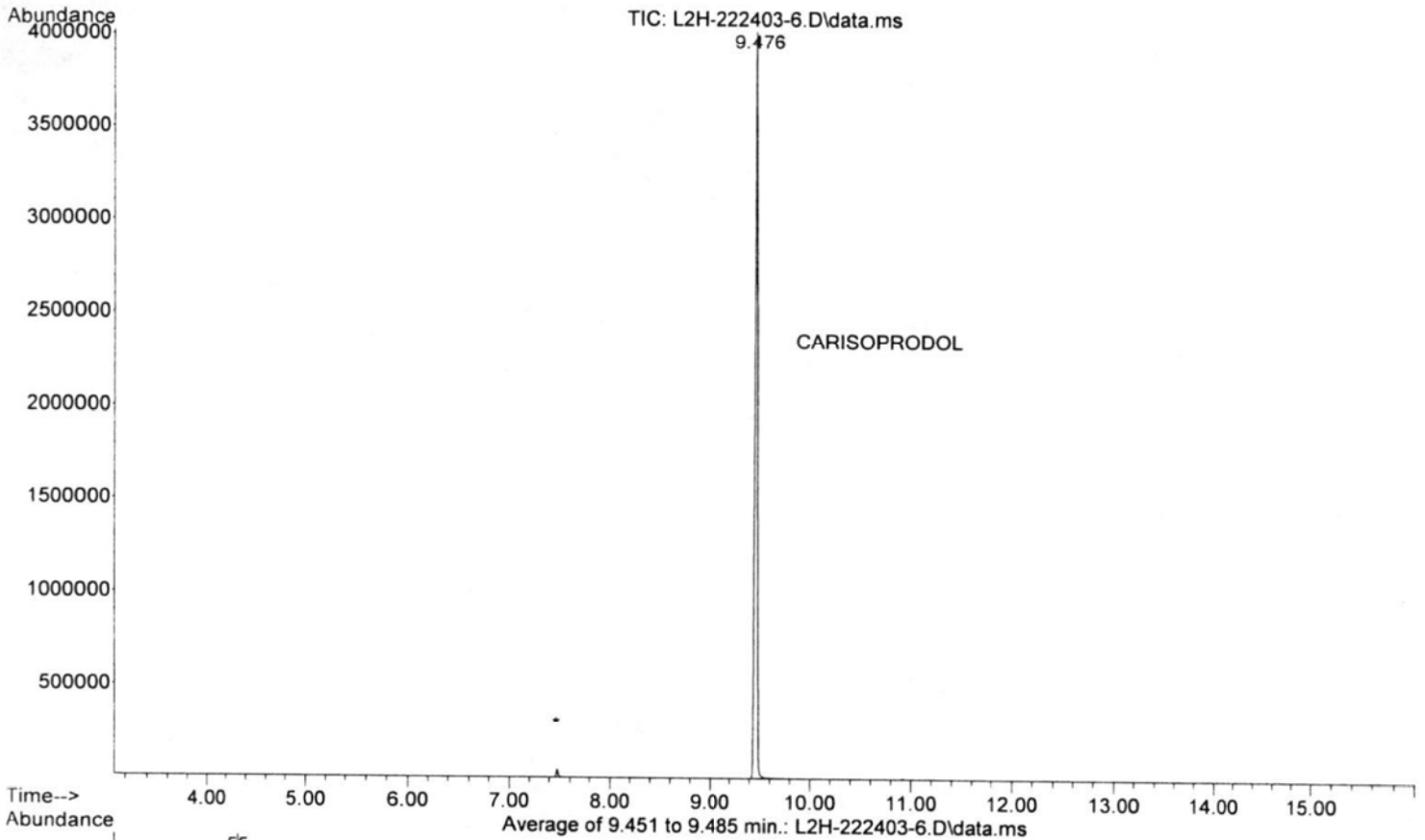
Optical velocity: 0.6329

Aperture: 100.00

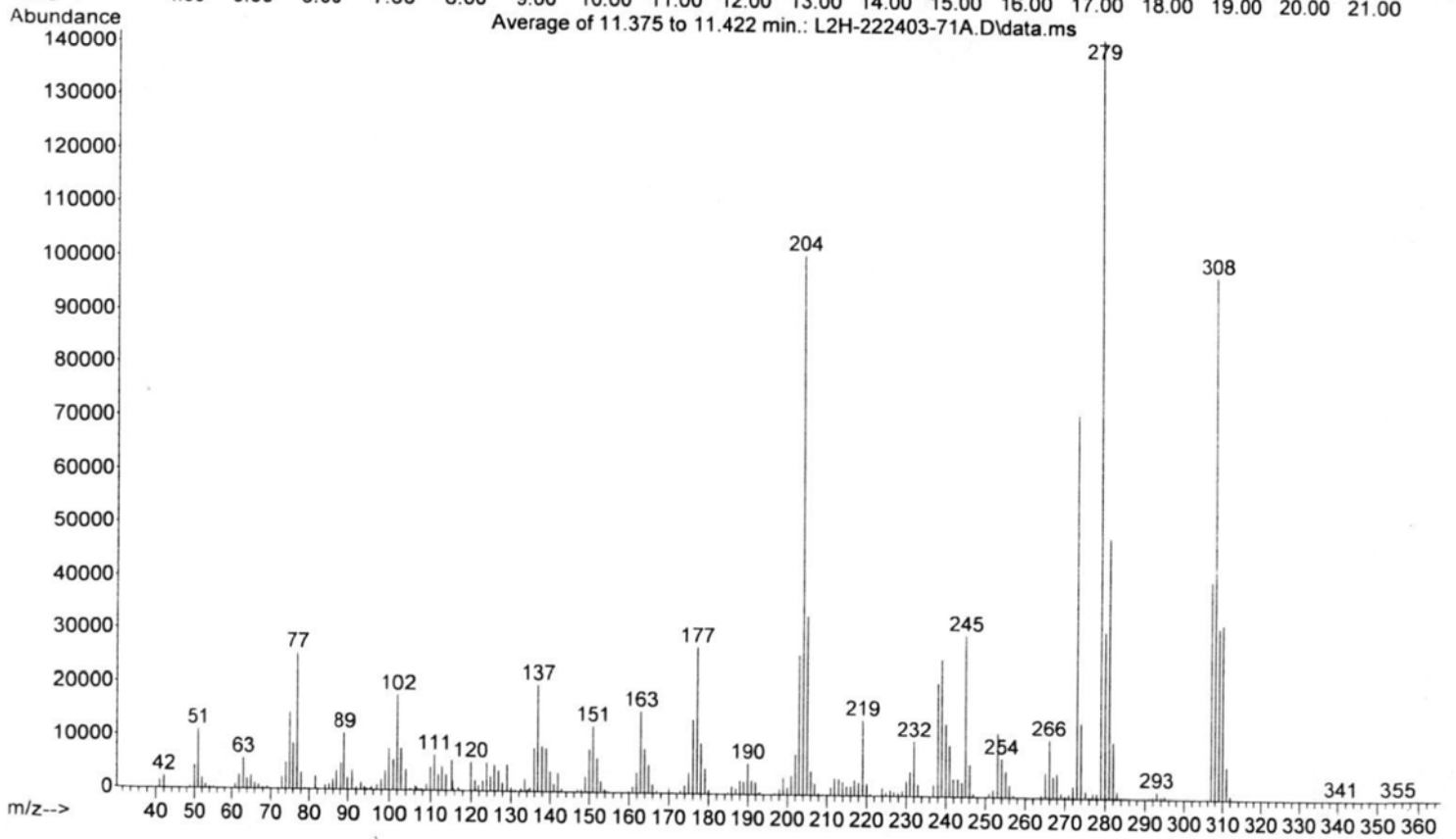
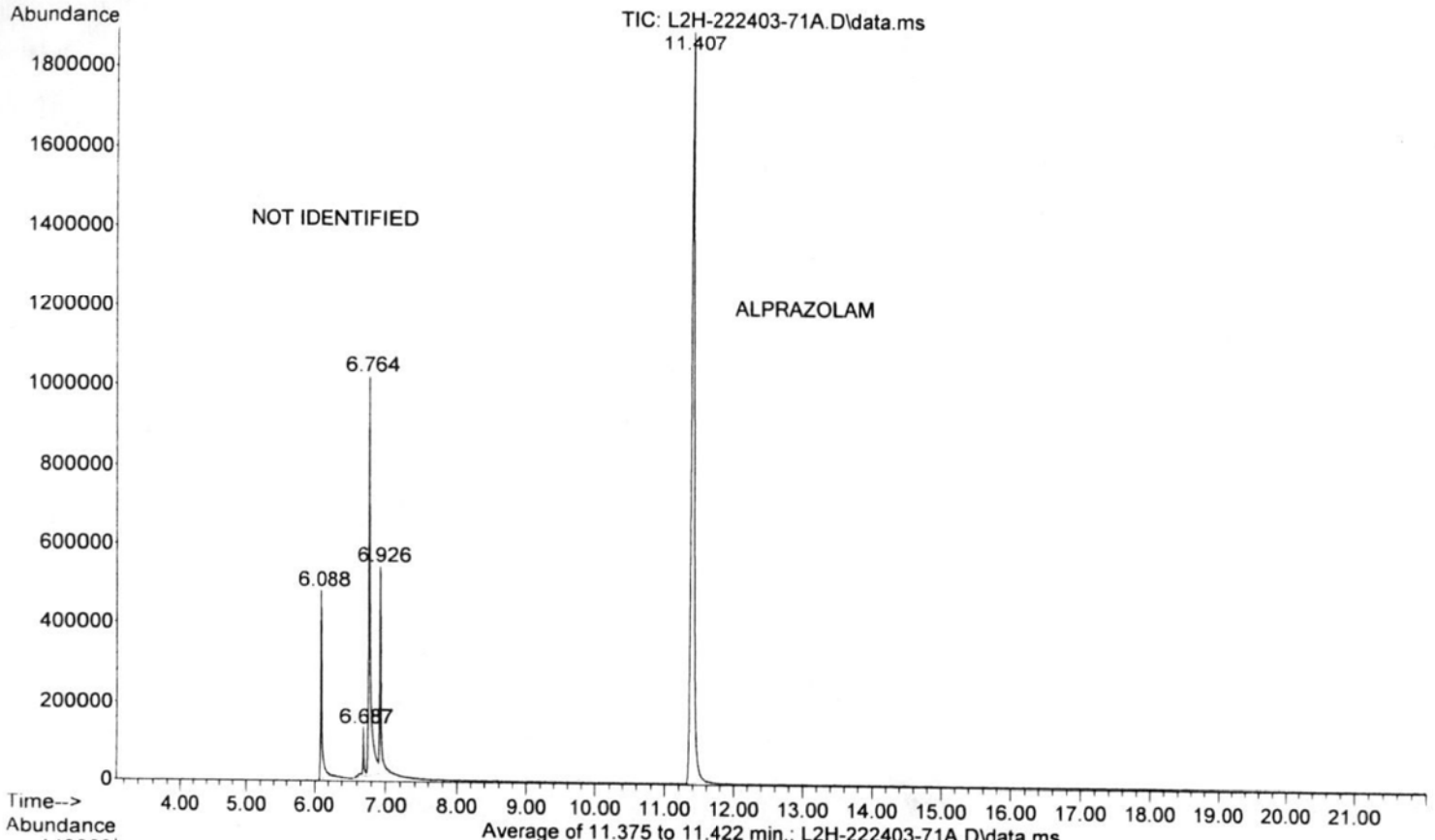
CARISOPRODOL

File : D:\1\DATA\2012\012012\L2H-222403-6.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 20 Jan 2012 21:39 using AcqMethod DPSCOC.M  
Instrument : HOGCMS206  
Sample Name: L2H-222403-6  
Misc Info : it:100/2m; rt:20c/m; ft:280c/5m B>CHCl3  
Vial Number: 20

9

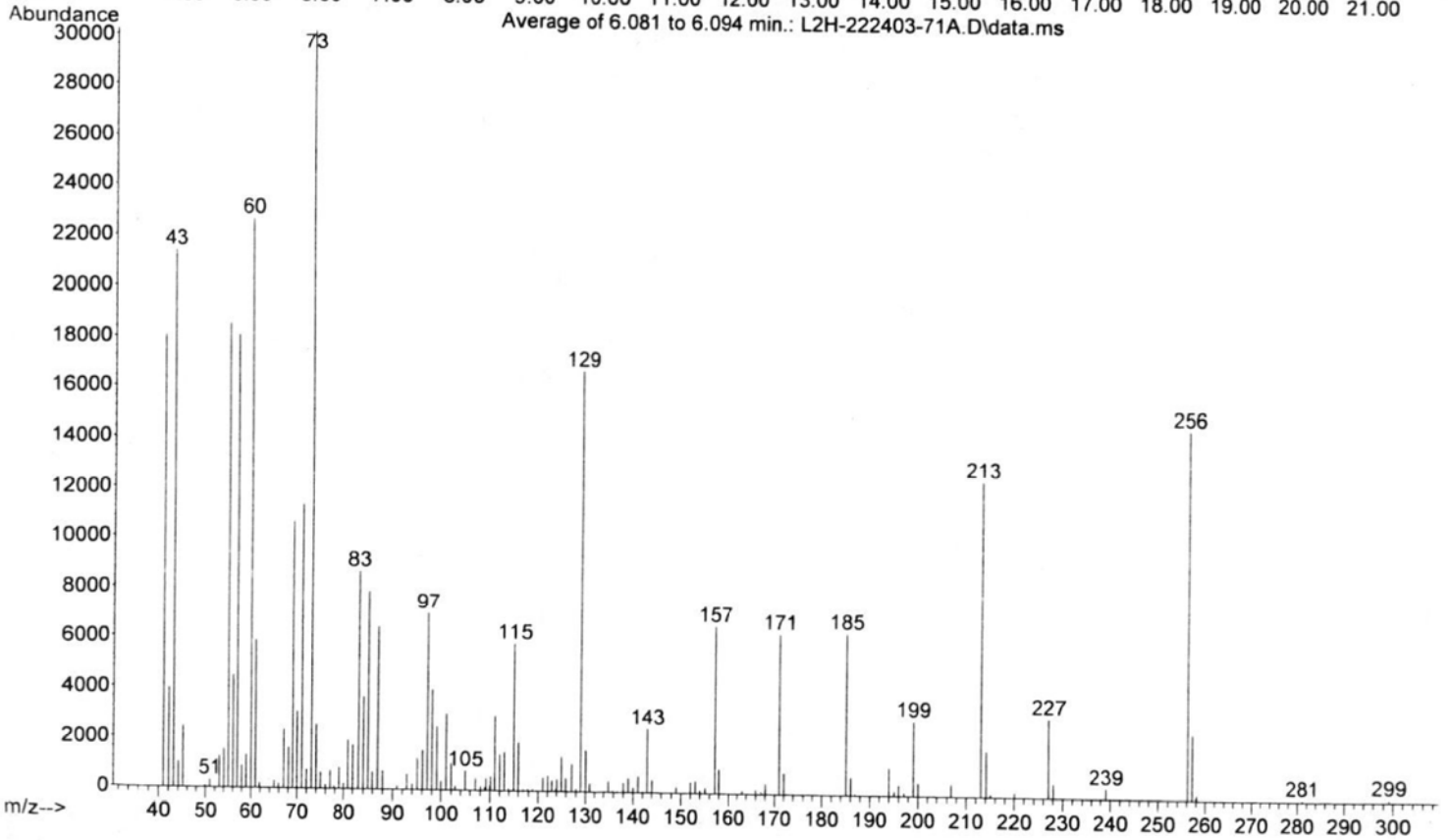
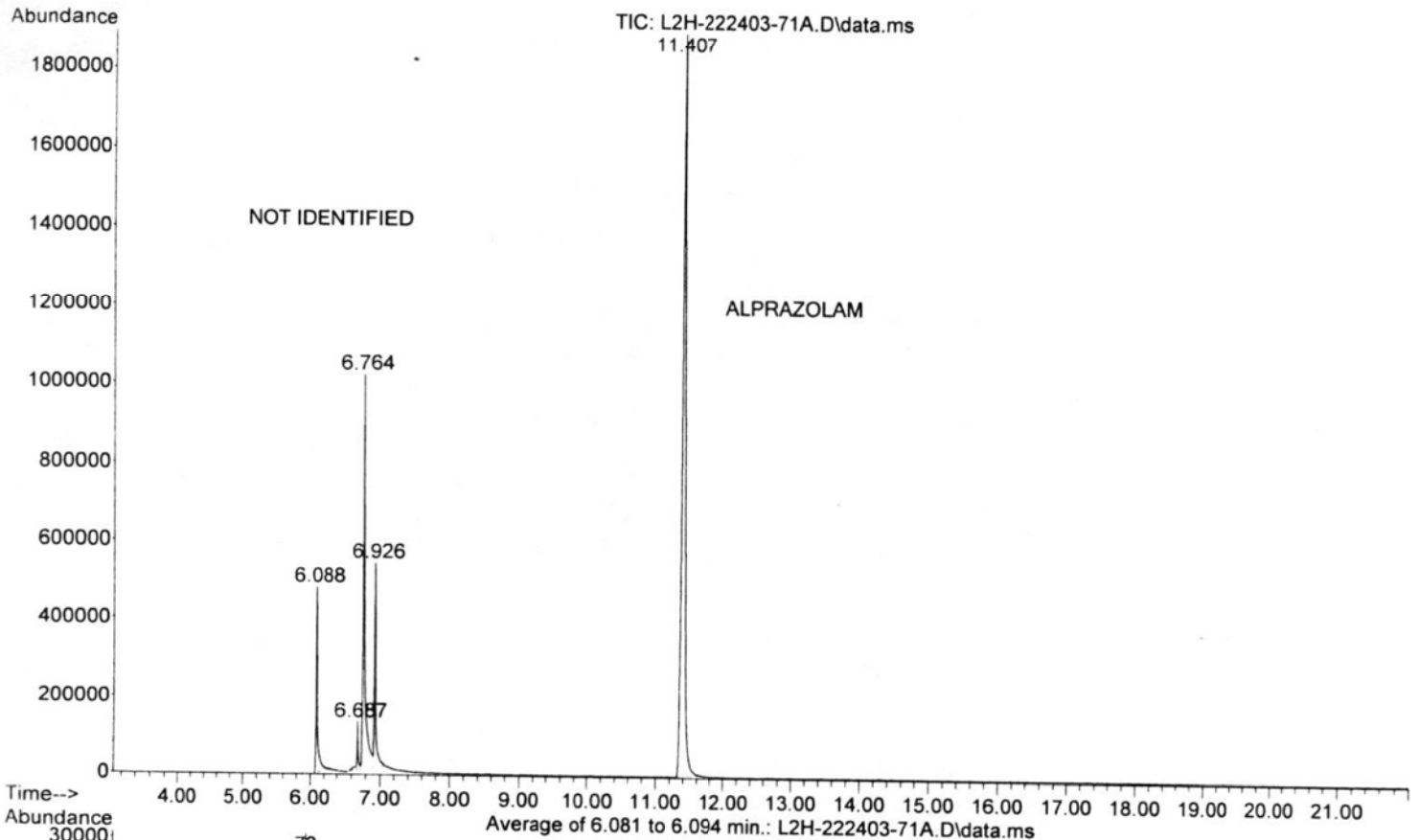


File : D:\1\DATA\2012\012012\L2H-222403-71A.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 20 Jan 2012 20:08 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: L2H-222403-7.1A  
Misc Info : it:150/2m; rt:20c/m; ft:300c/15m A>CHCl3  
Vial Number: 16



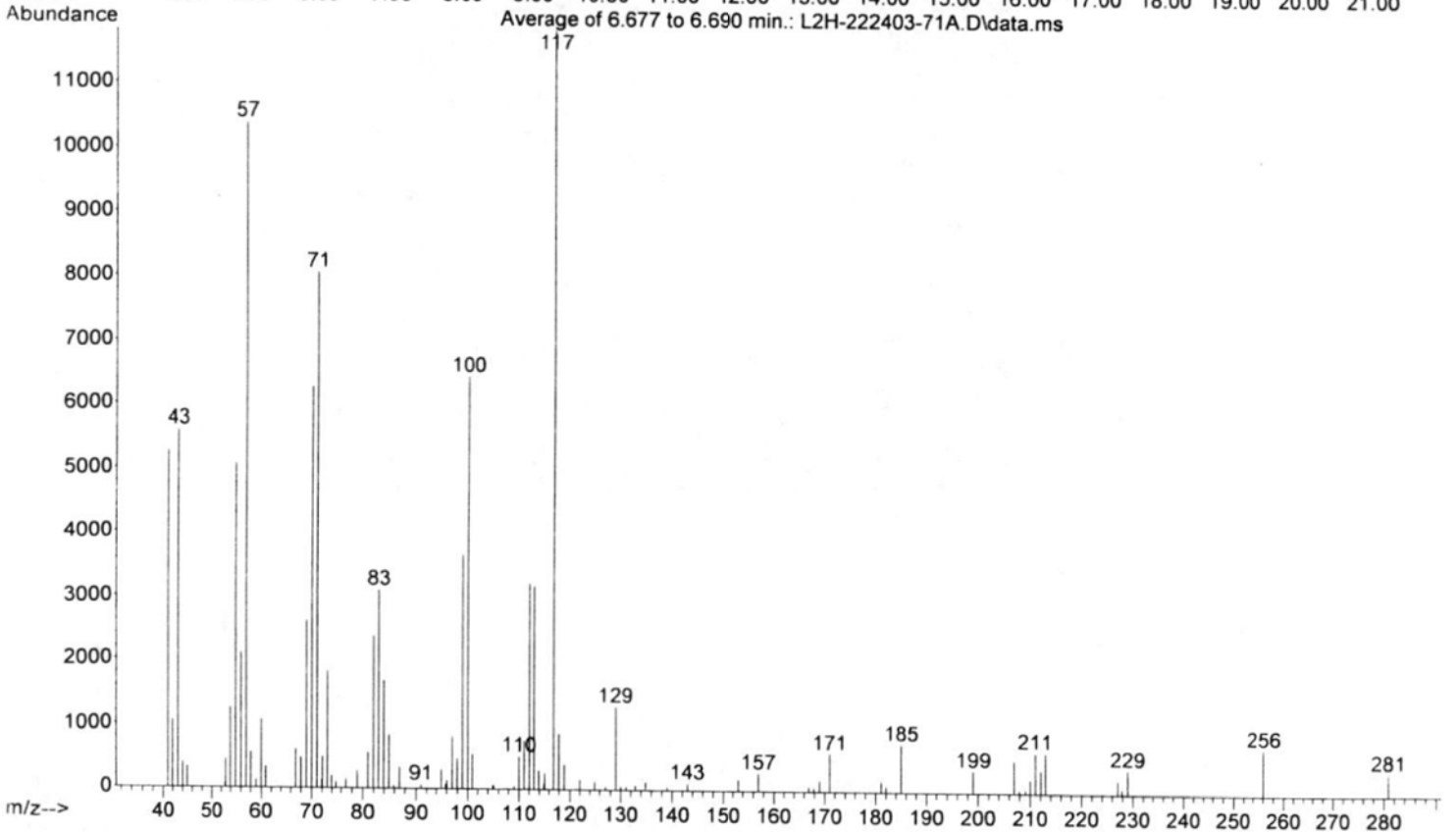
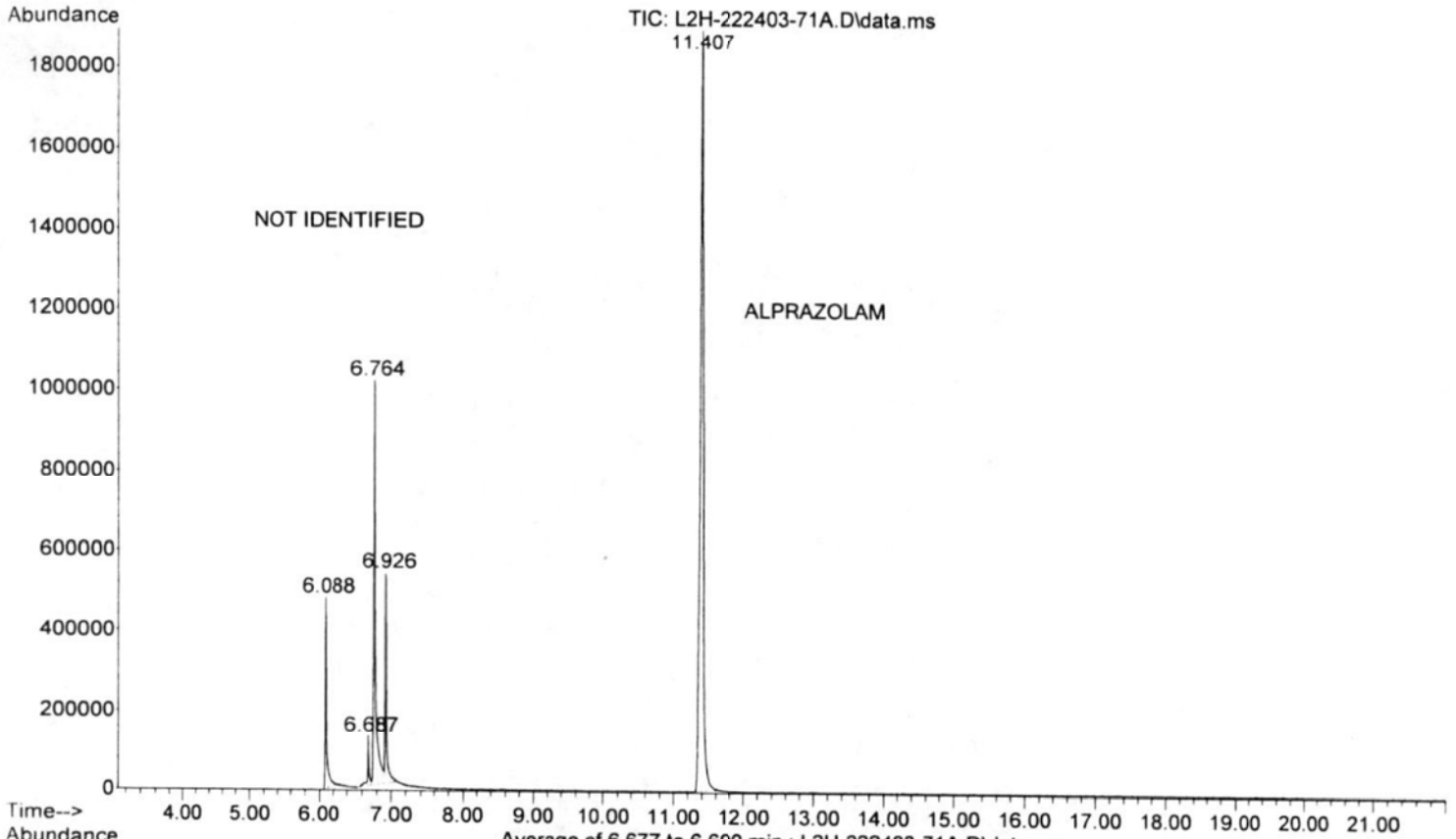
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Operator : MR 40-400, inj 250, det 280  
Acquired : 20 Jan 2012 20:08 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: L2H-222403-7.1A  
Misc Info : it:150/2m; rt:20c/m; ft:300c/15m A>CHCl3  
Vial Number: 16

Y



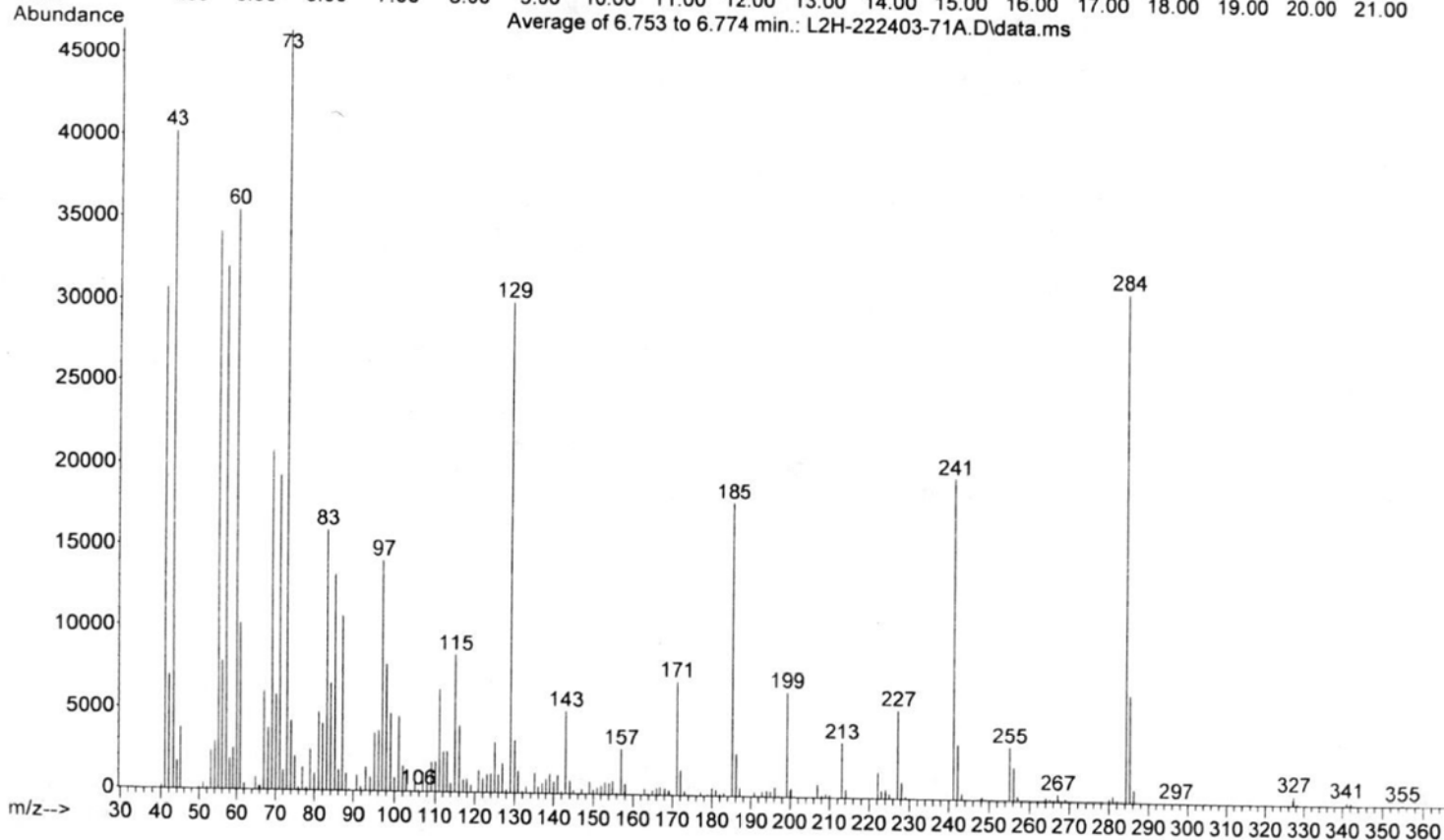
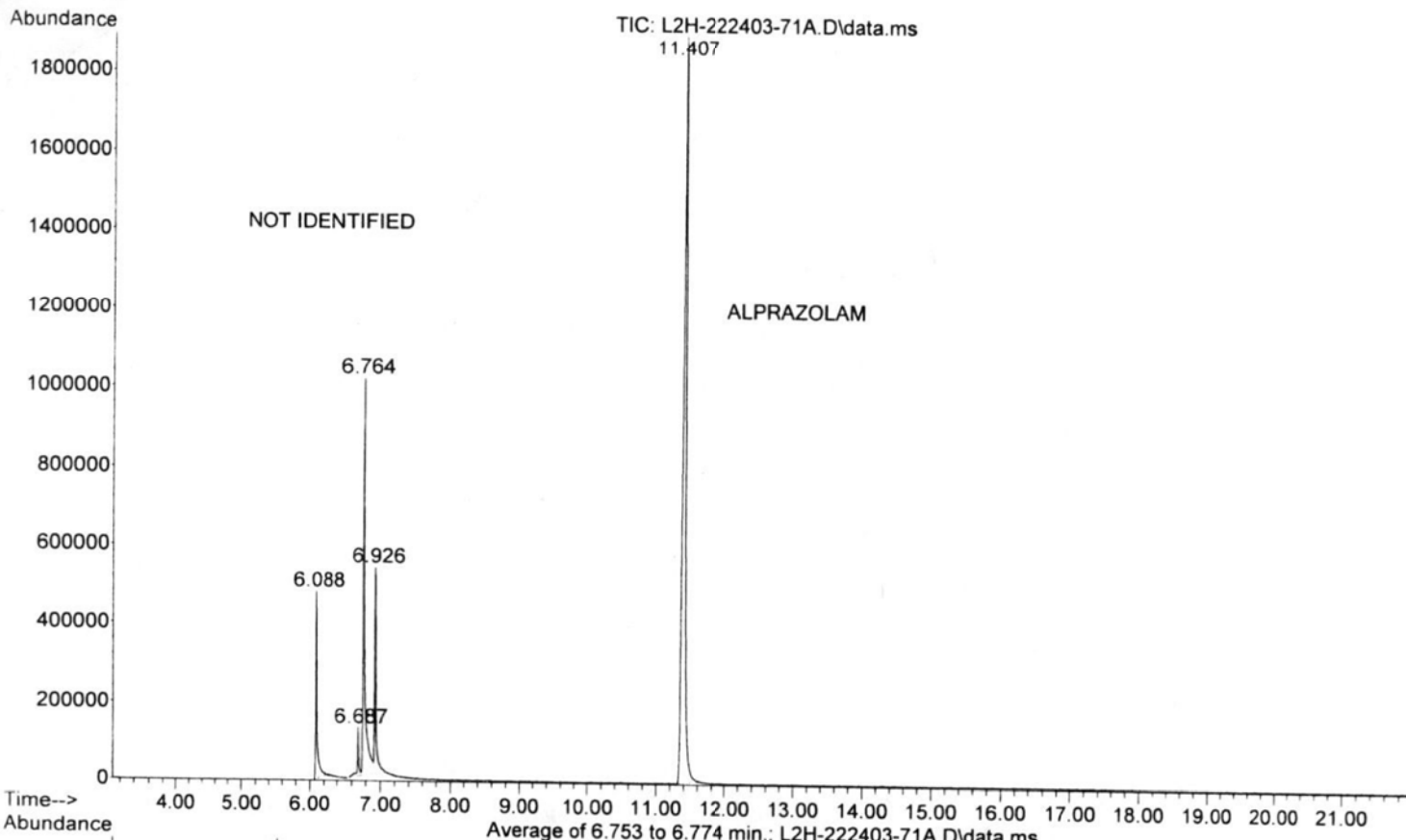
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Operator : MR 40-400, inj 250, det 280  
Acquired : 20 Jan 2012 20:08 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: L2H-222403-7.1A  
Misc Info : it:150/2m; rt:20c/m; ft:300c/15m A>CHCl3  
Vial Number: 16

gi



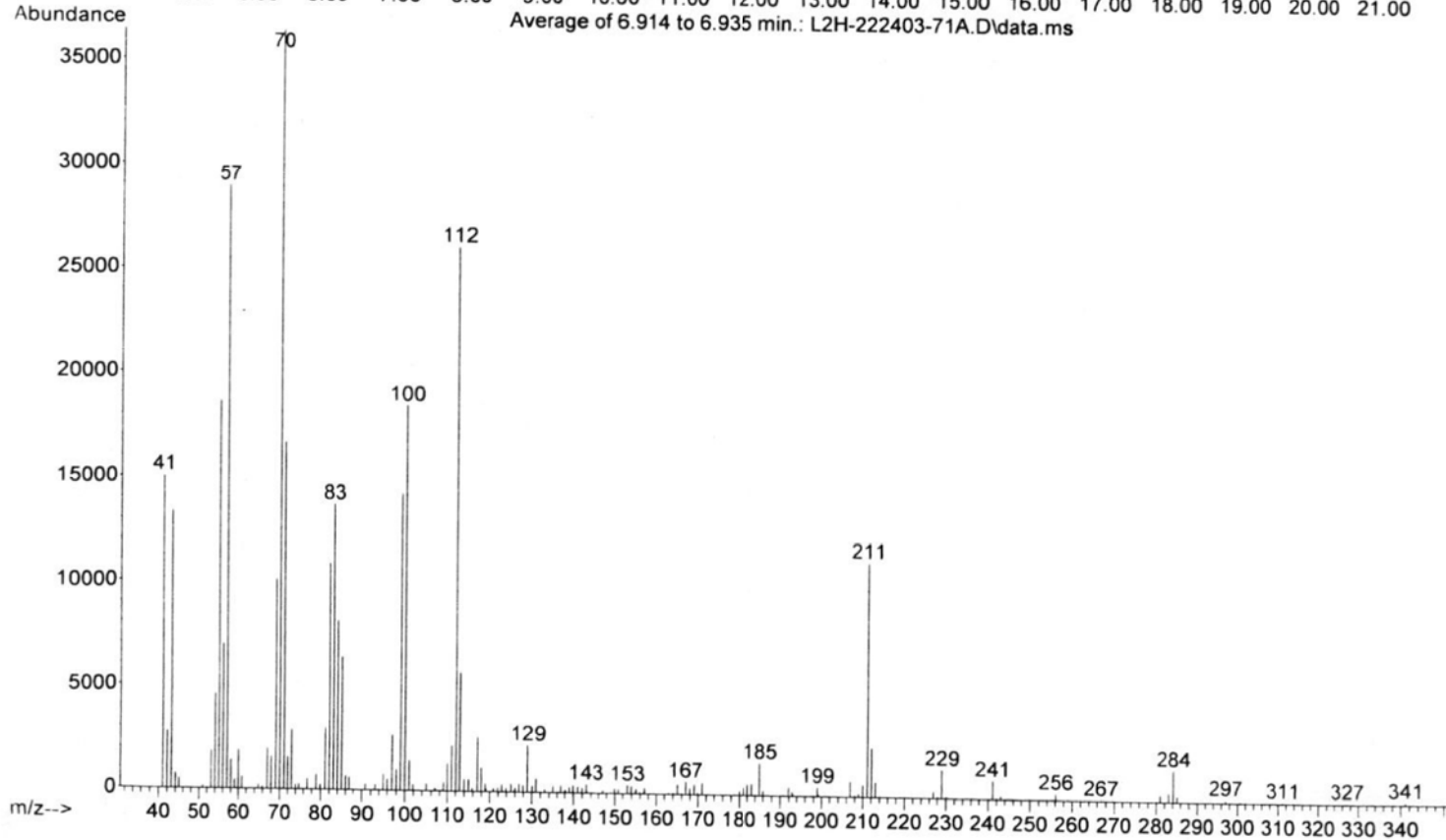
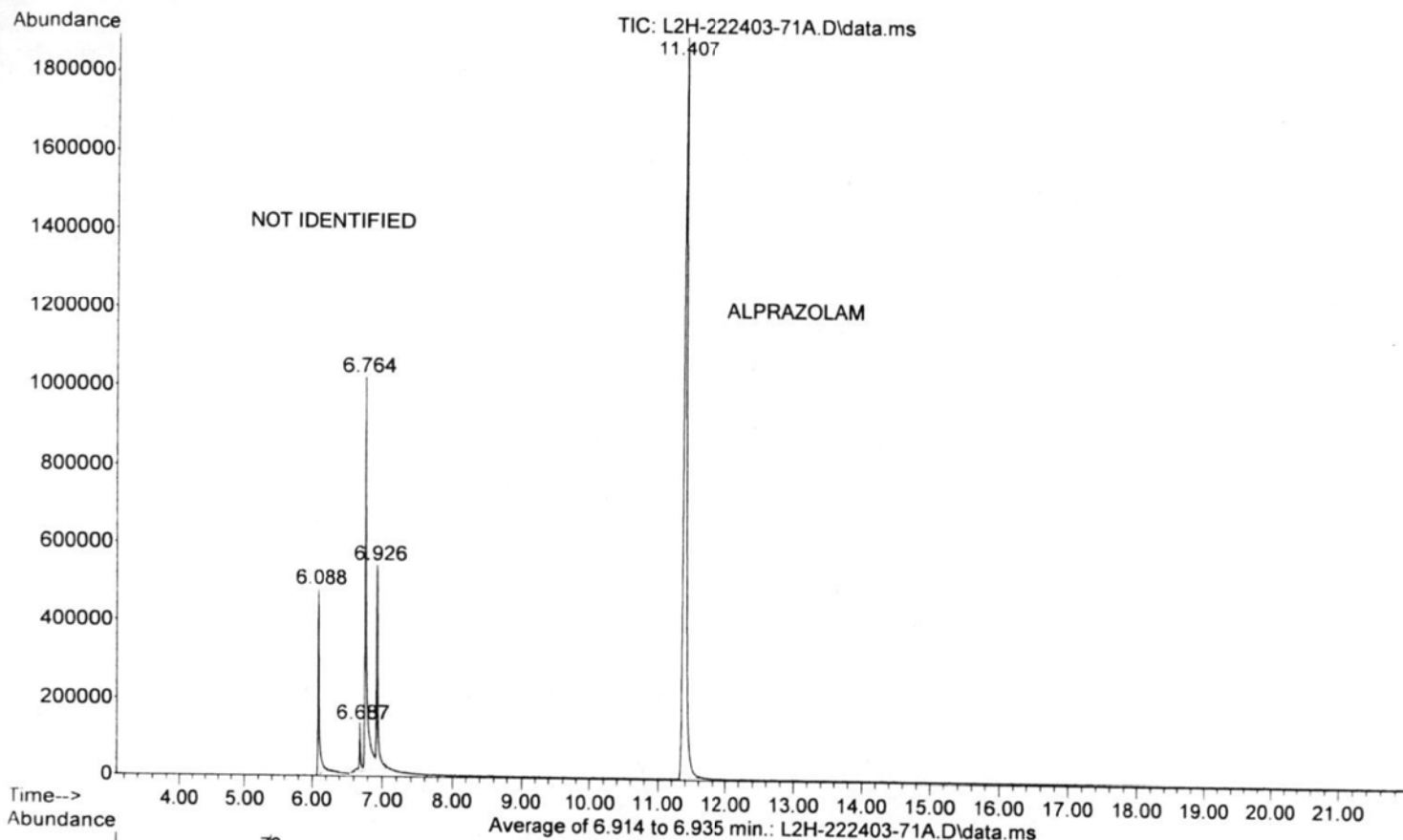
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Acquired : 20 Jan 2012 20:08 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: L2H-222403-7.1A  
Misc Info : it:150/2m; rt:20c/m; ft:300c/15m A>CHCl3  
Vial Number: 16

9



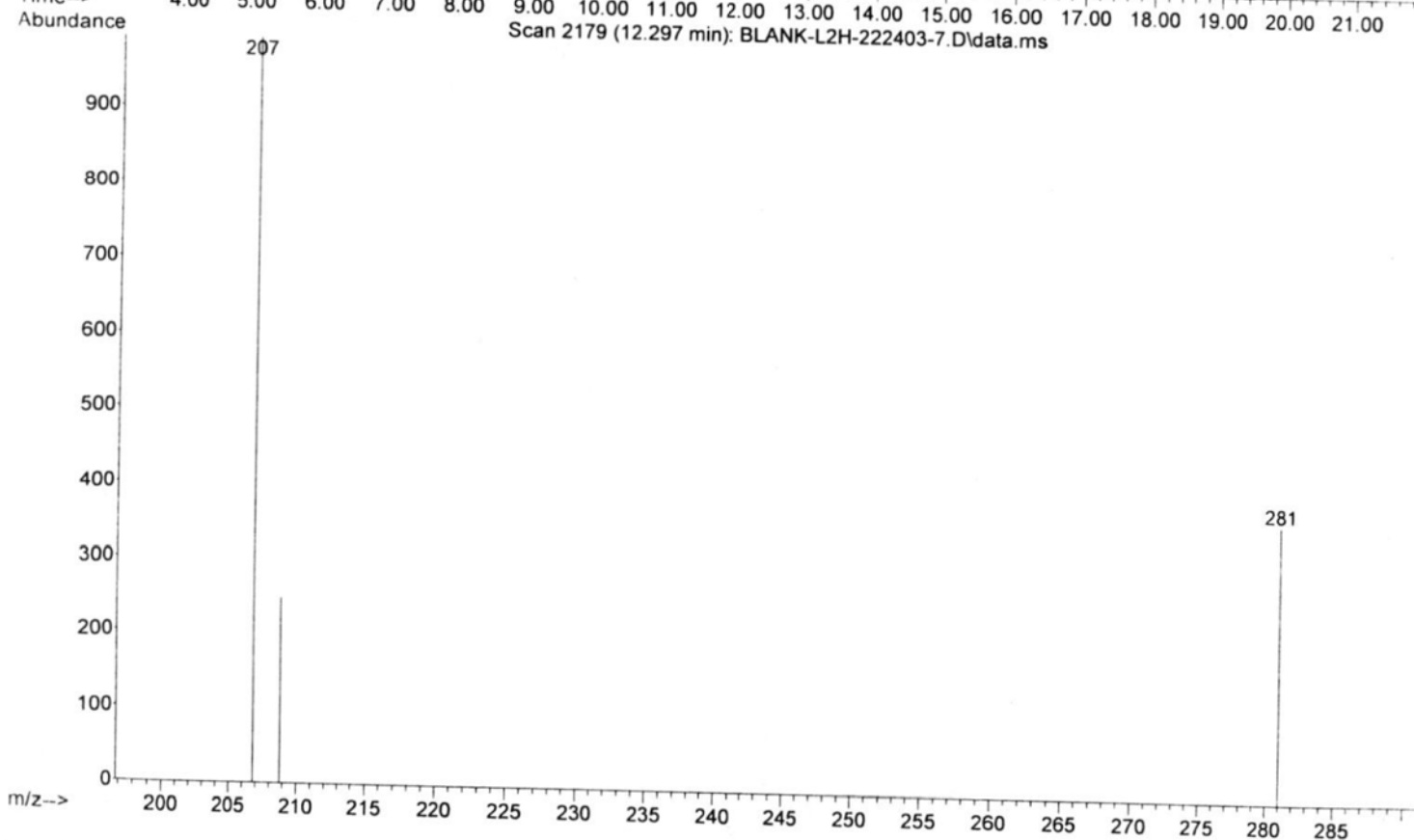
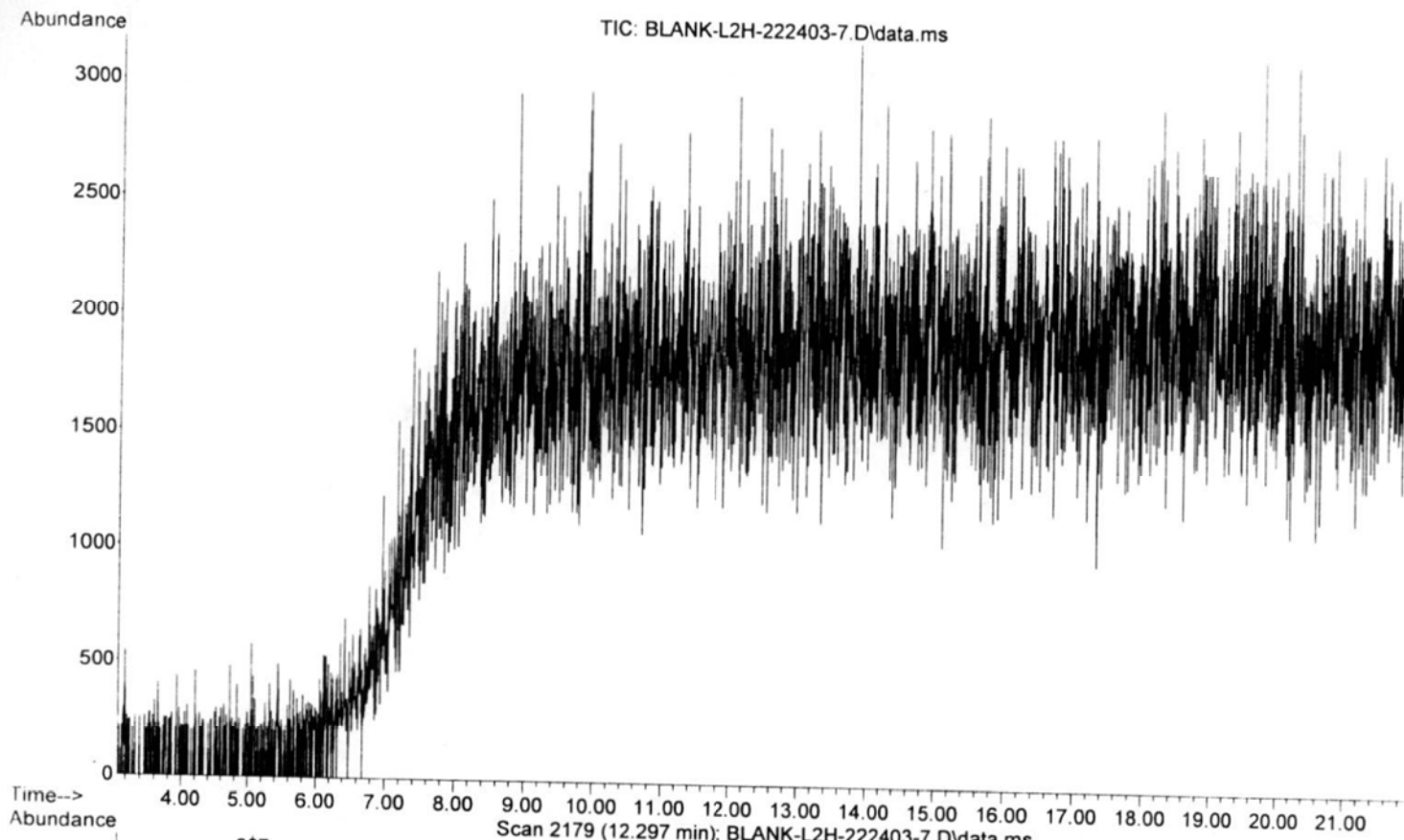
File : D:\1\DATA\2012\012012\L2H-222403-71A.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 20 Jan 2012 20:08 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: L2H-222403-7.1A  
Misc Info : it:150/2m; rt:20c/m; ft:300c/15m A>CHCl3  
Vial Number: 16

PK



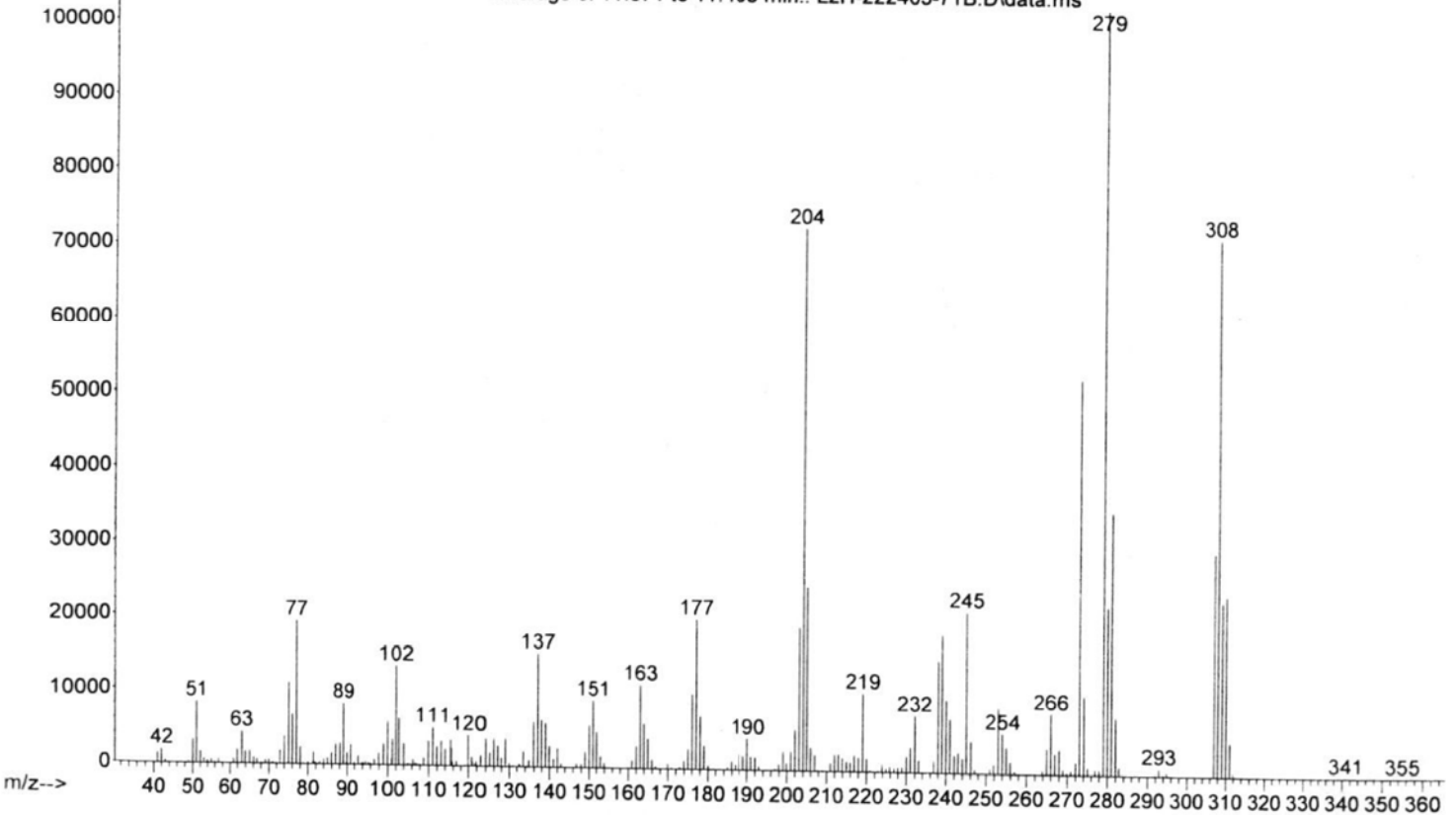
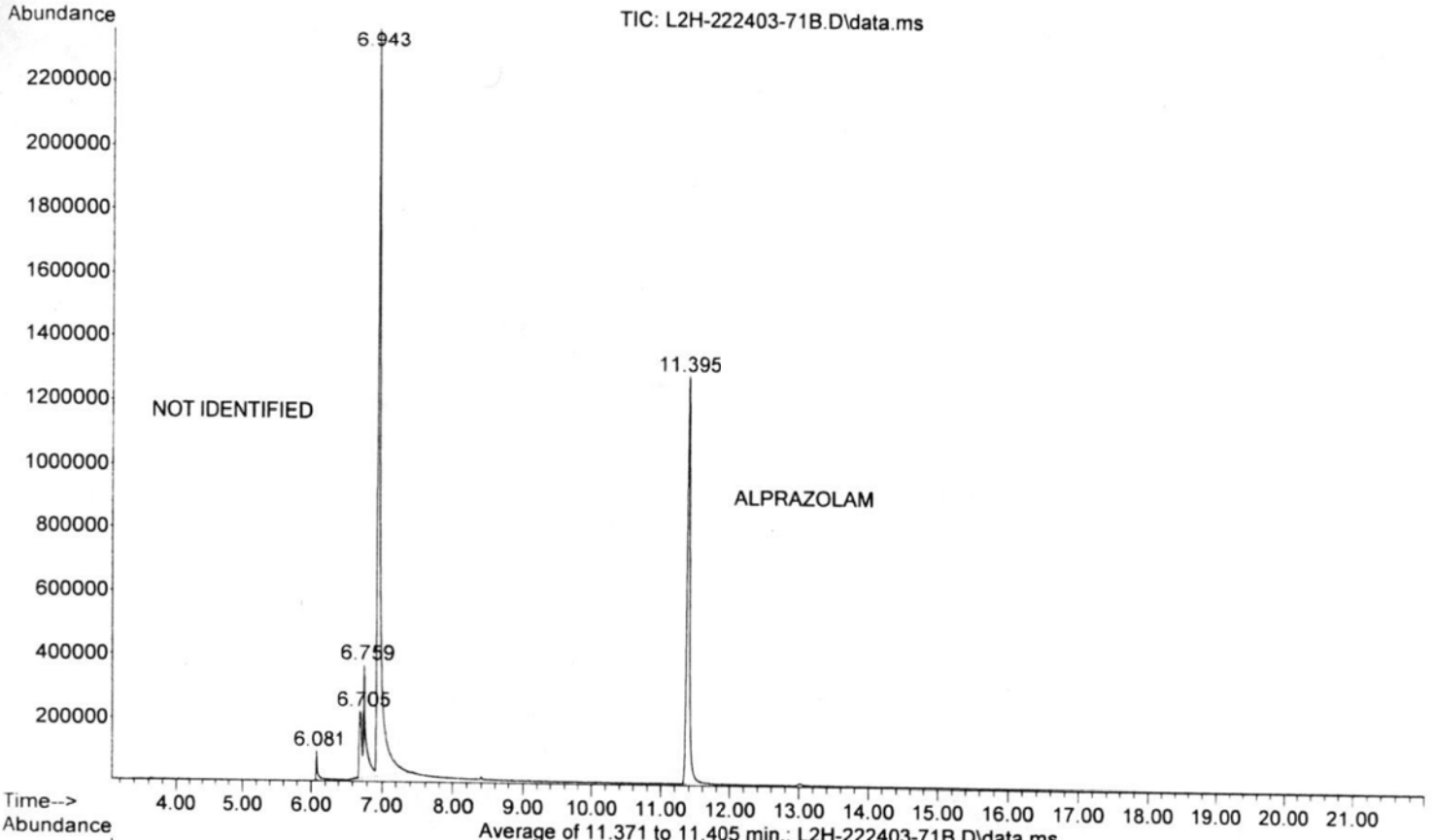
File : D:\1\DATA\2012\012012\BLANK-L2H-222403-7.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 20 Jan 2012 19:43 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: BLANK BEFORE L2H-222403-7.1A  
Misc Info : it:150/2m; rt:20c/m; ft:300c/15m CHCl3  
Vial Number: 23

28

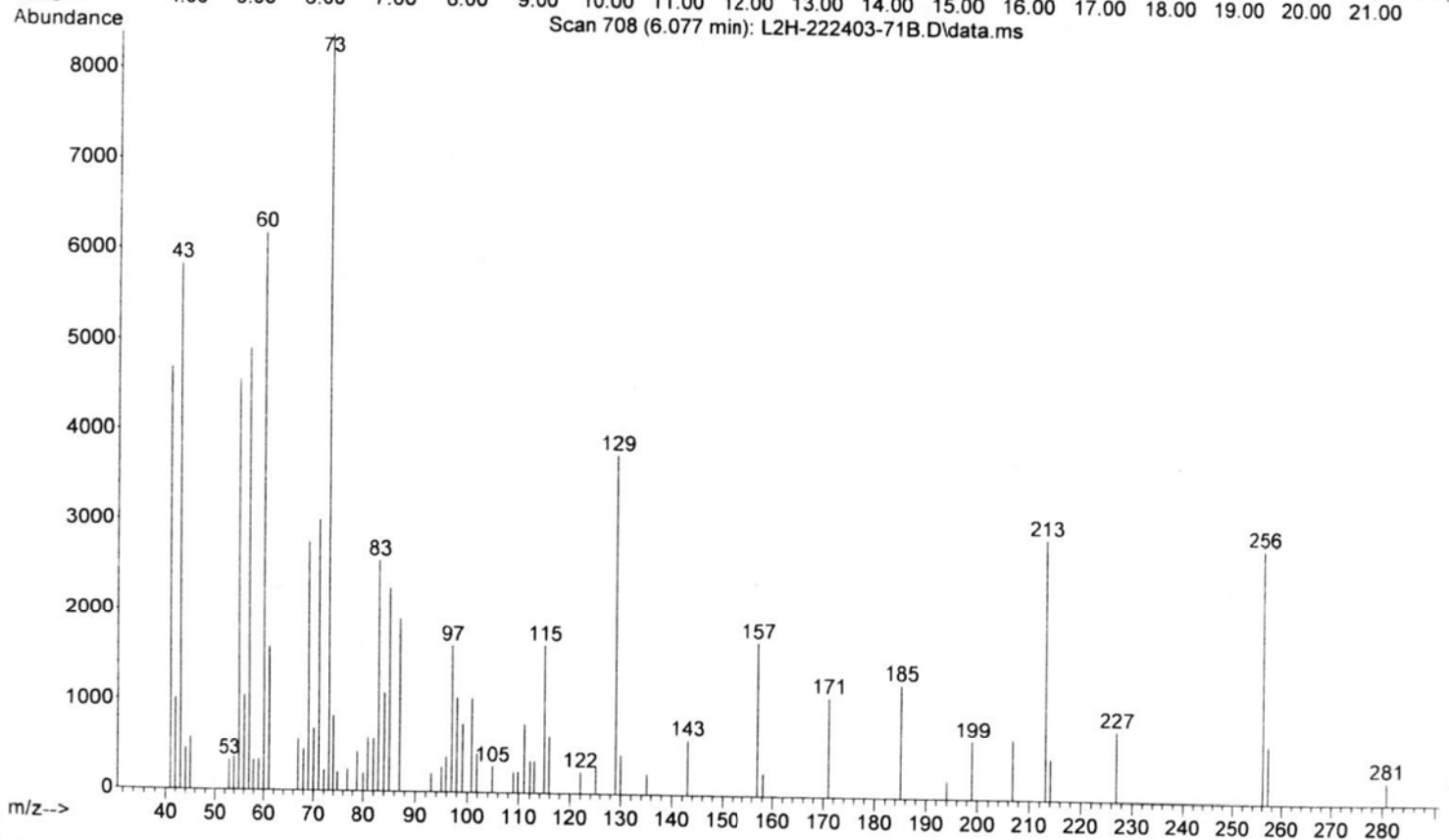
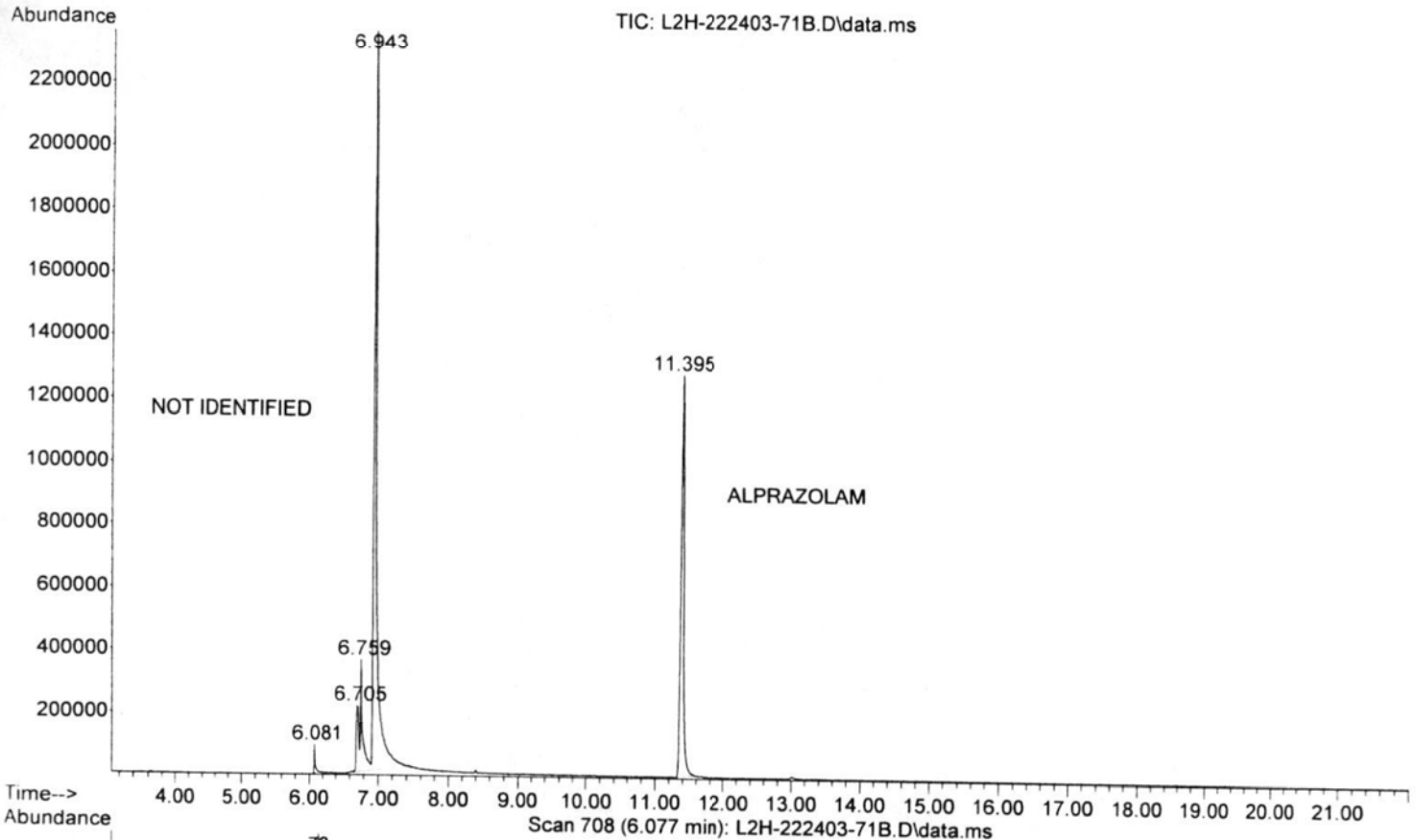




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Operator : MR 40-400, inj 250, det 280  
Acquired : 20 Jan 2012 20:53 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: L2H-222403-7.1B  
Misc Info : it:150/2m; rt:20c/m; ft:300c/15m A>CHCl3  
Vial Number: 18

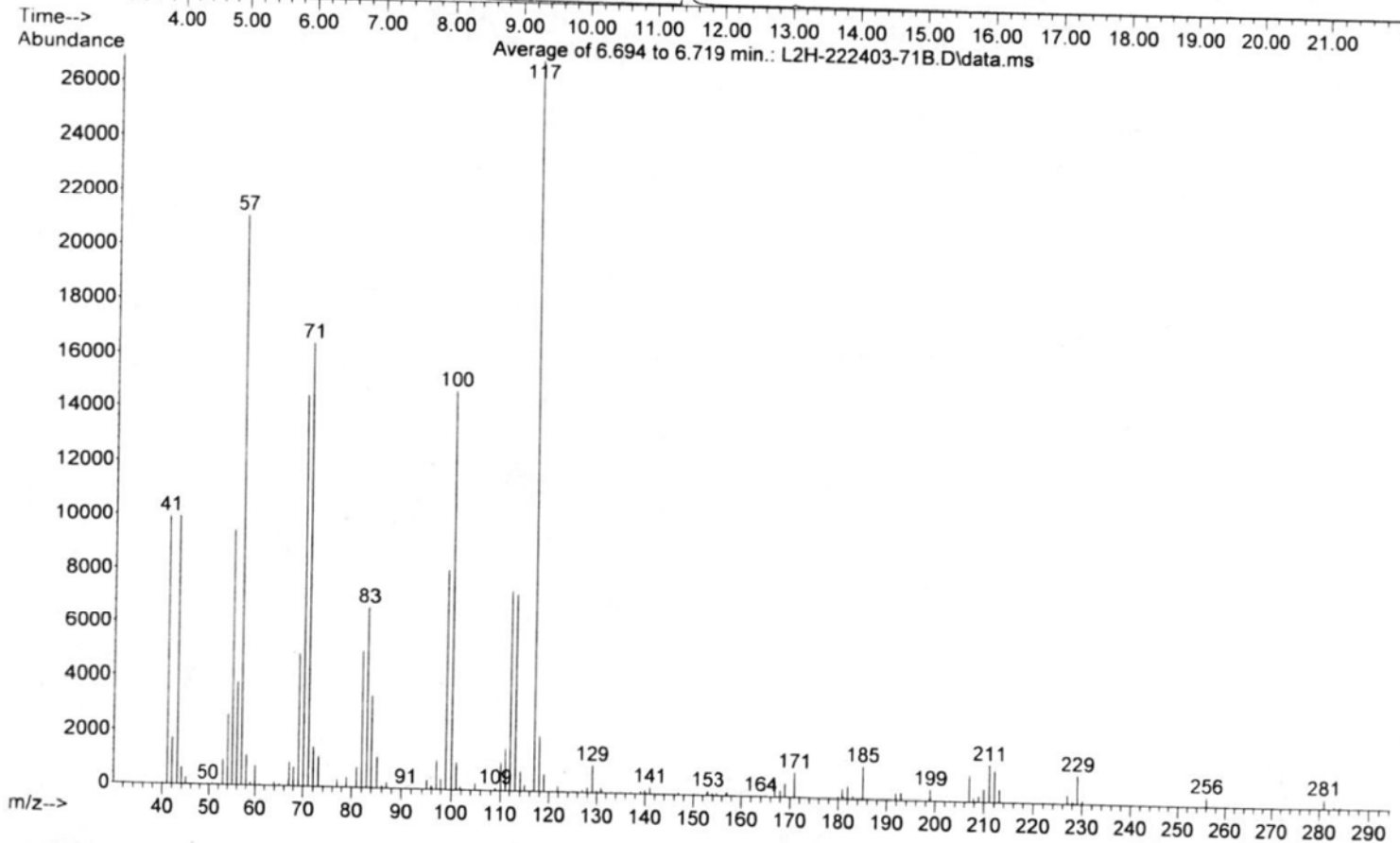
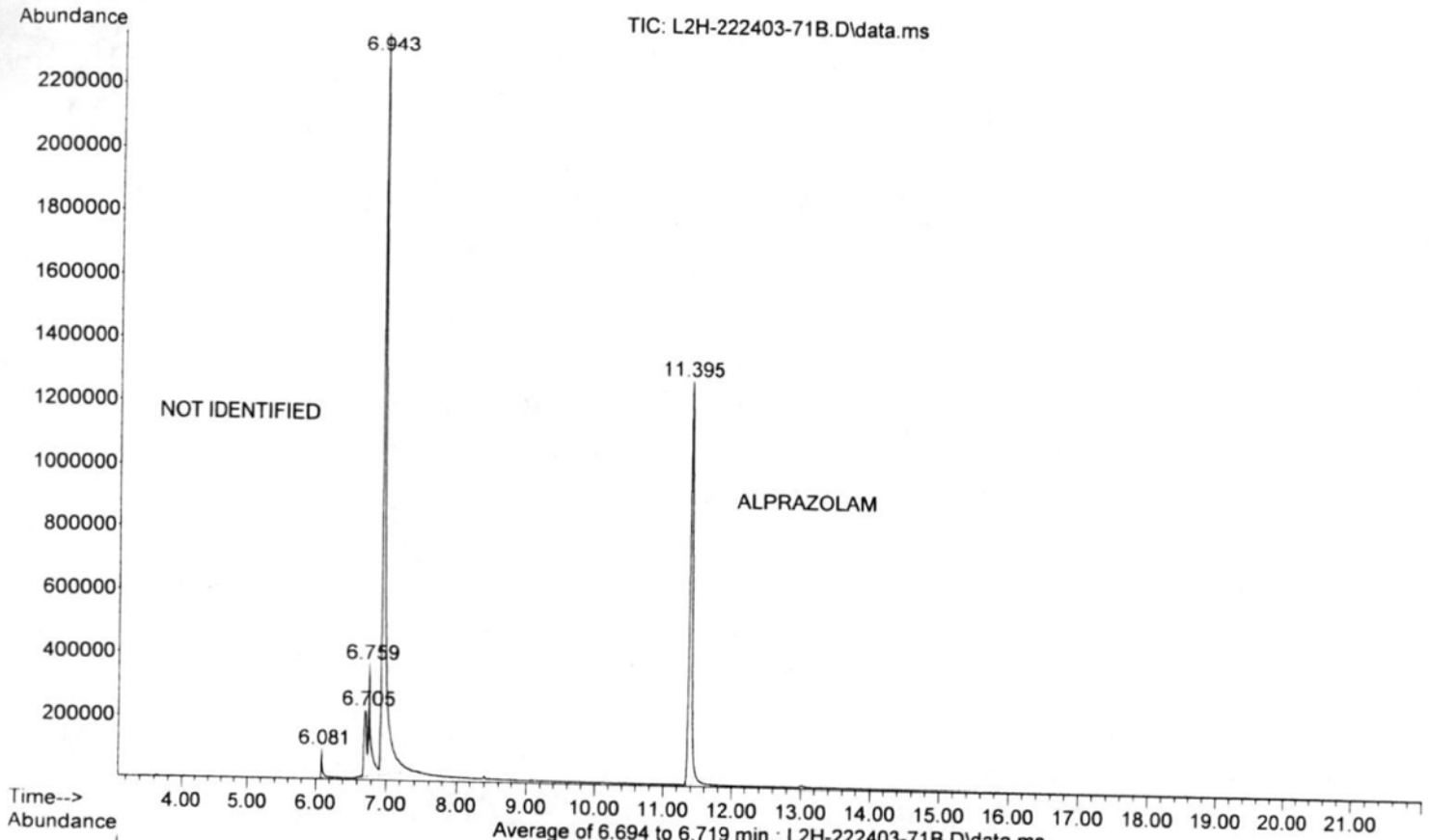


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Operator : MR 40-400, inj 250, det 280  
Acquired : 20 Jan 2012 20:53 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: L2H-222403-7.1B  
Misc Info : it:150/2m; rt:20c/m; ft:300c/15m A>CHCl3  
Vial Number: 18



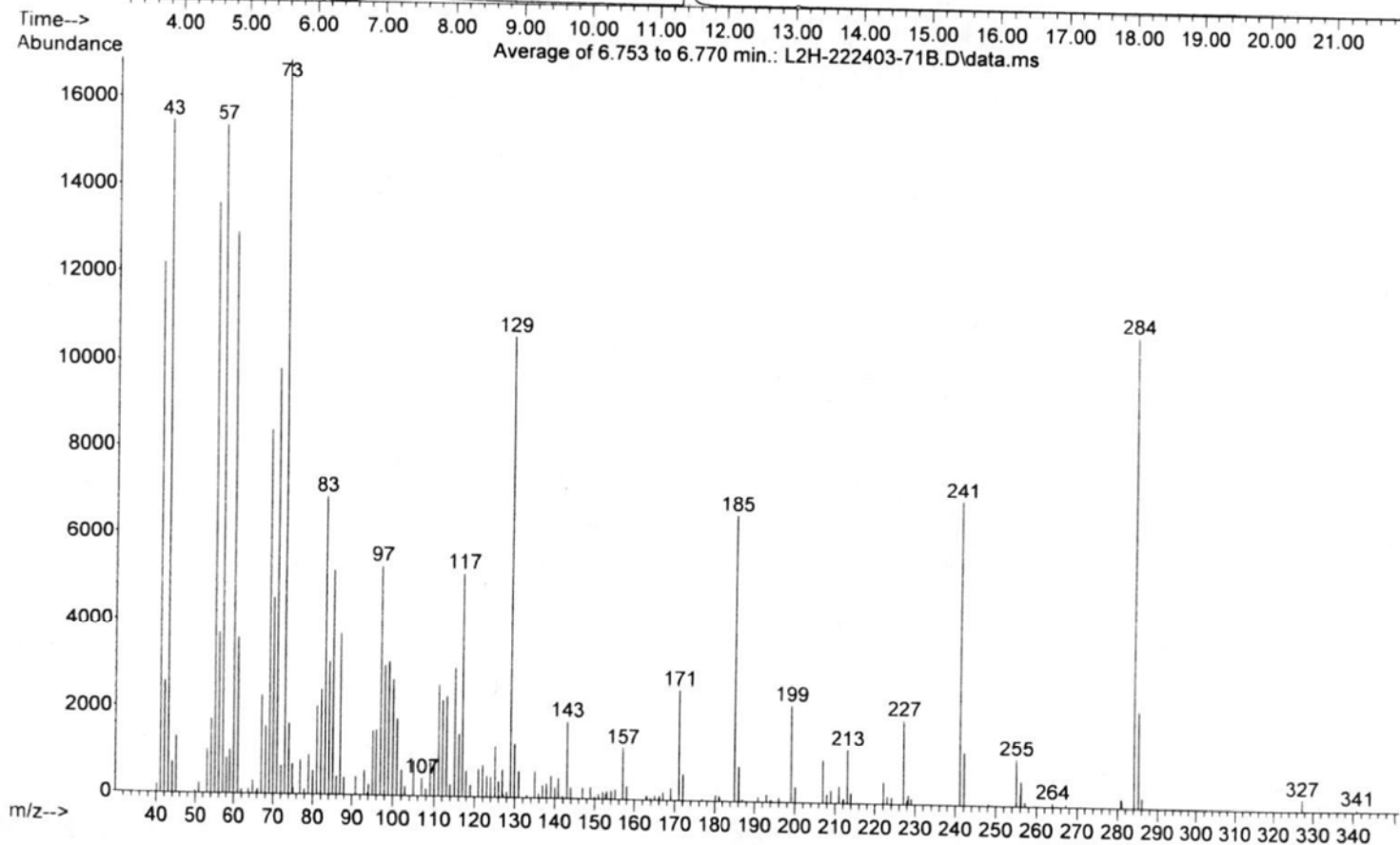
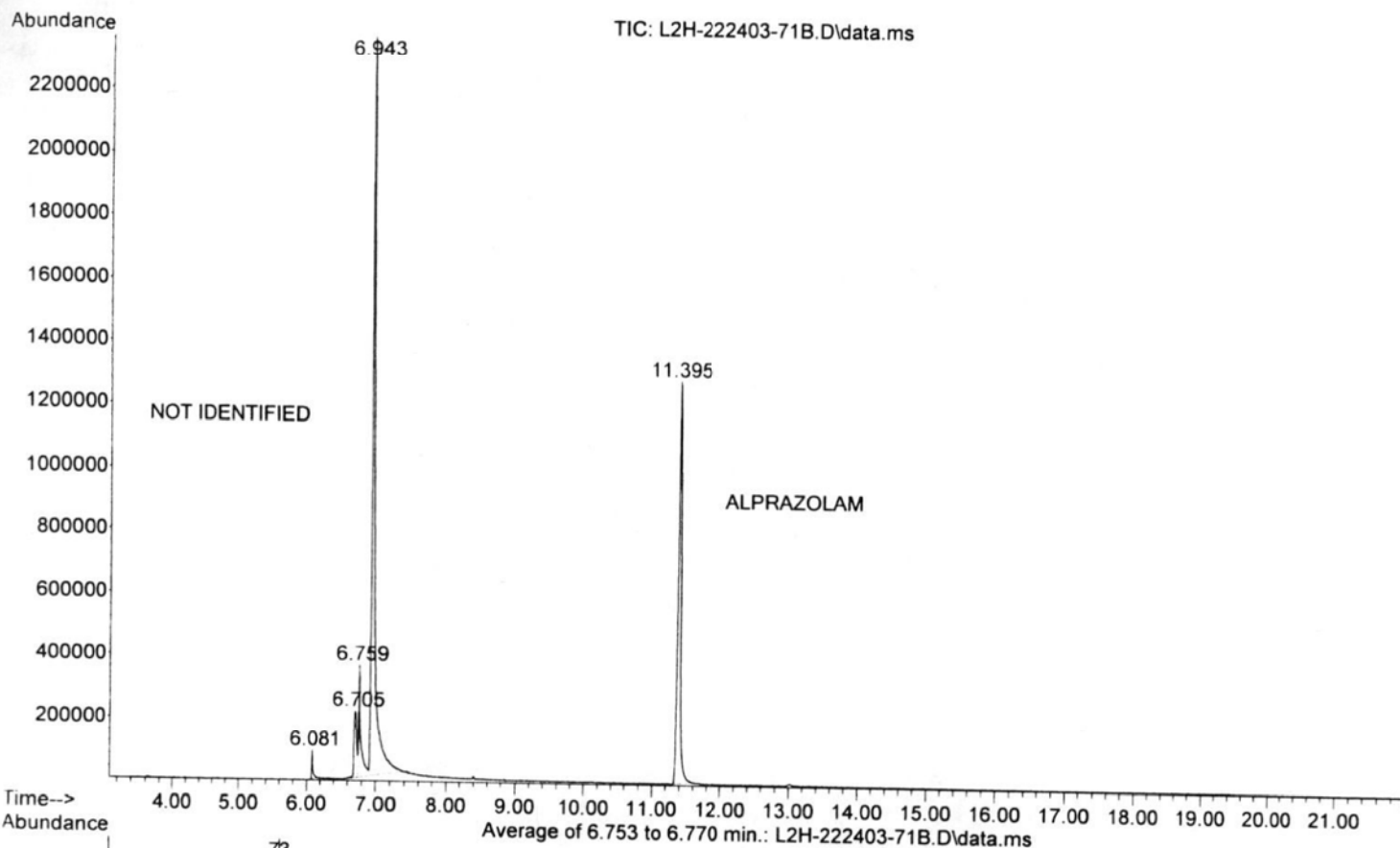
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Operator : MR 40-400, inj 250, det 280  
Acquired : 20 Jan 2012 20:53 using AcqMethod DPMSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: L2H-222403-7.1B  
Misc Info : it:150/2m; rt:20c/m; ft:300c/15m A>CHCl3  
Vial Number: 18

*g*



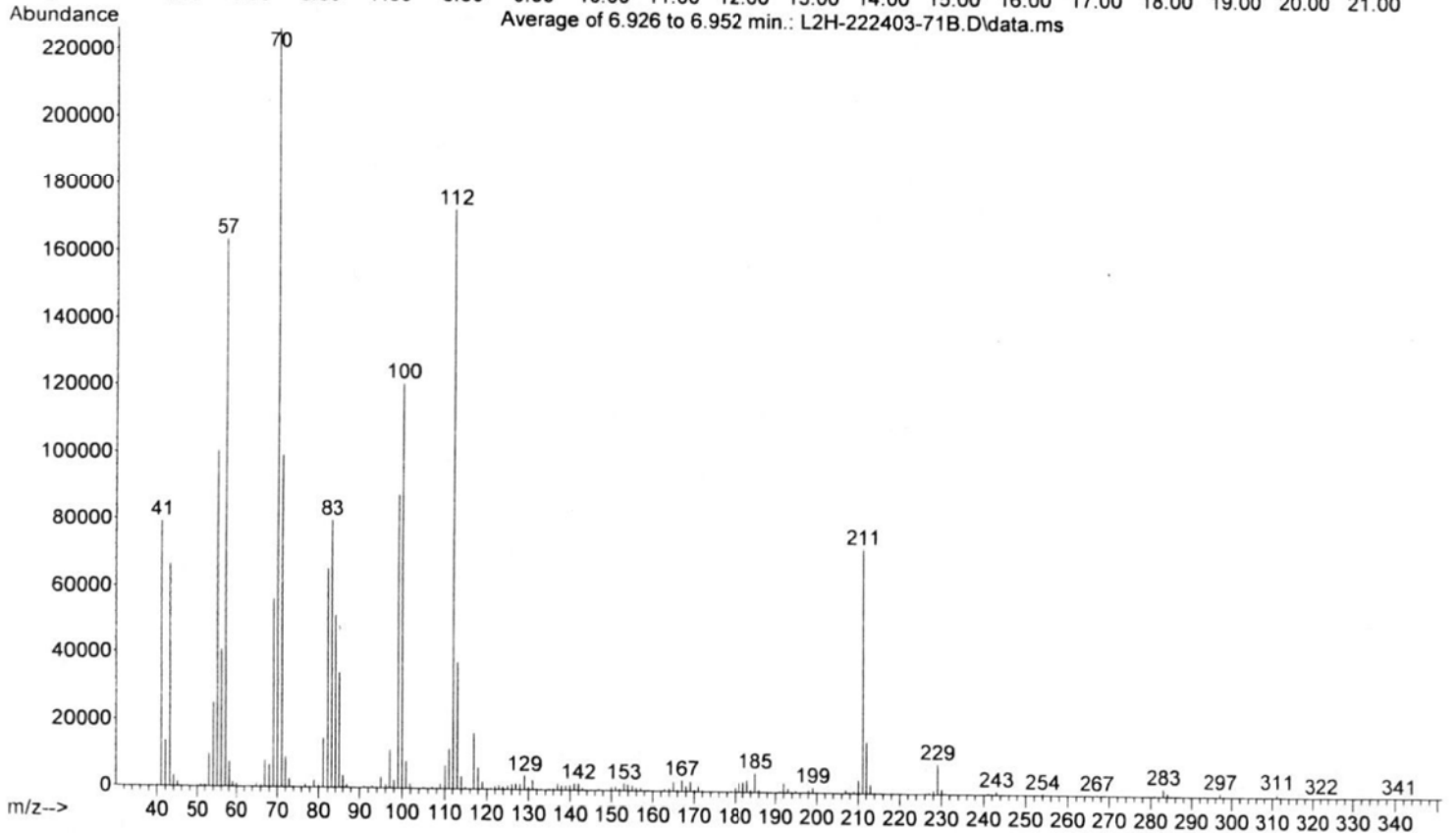
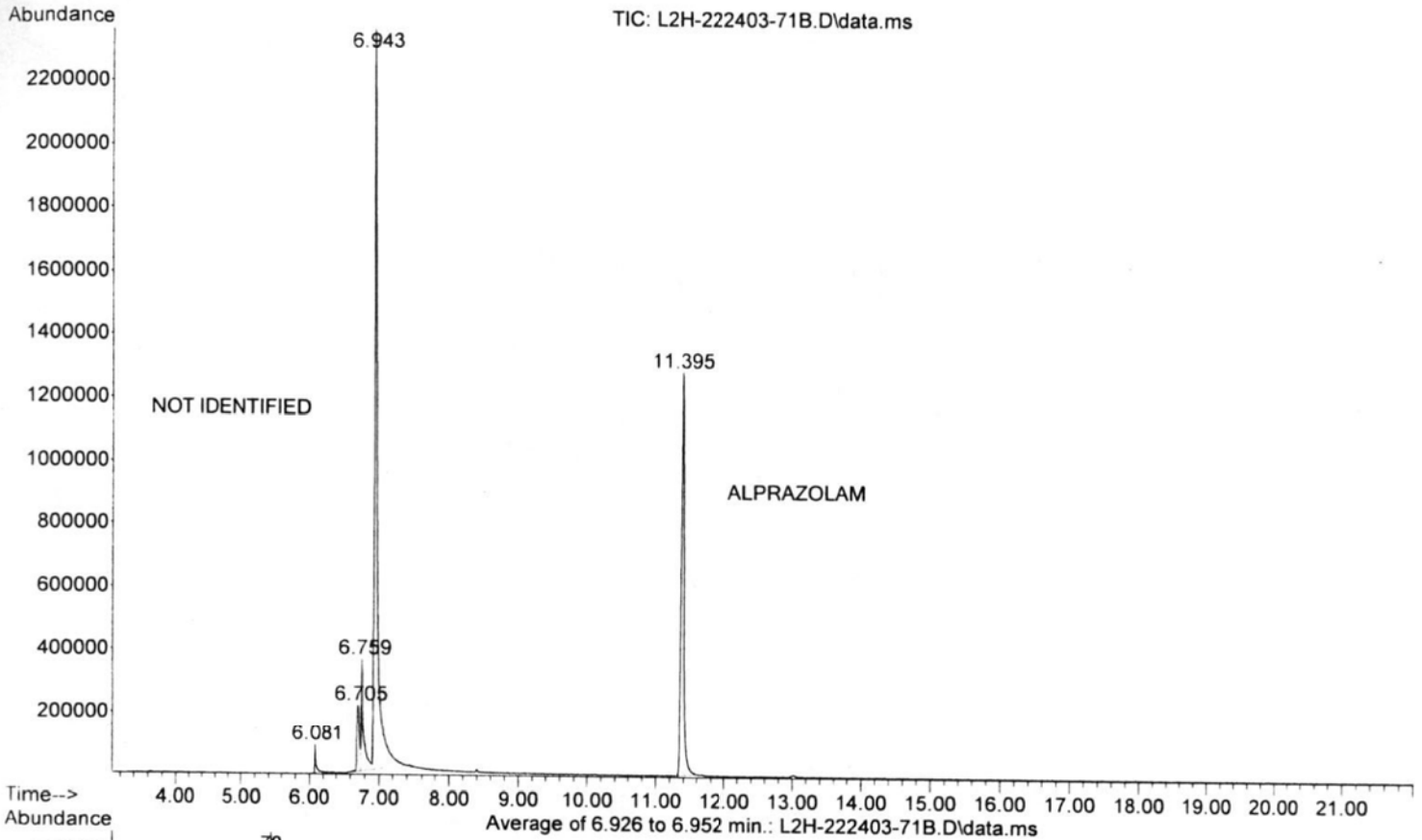
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Operator : MR 40-400, inj 250, det 280  
Acquired : 20 Jan 2012 20:53 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: L2H-222403-7.1B  
Misc Info : it:150/2m; rt:20c/m; ft:300c/15m A>CHCl3  
Vial Number: 18

JK



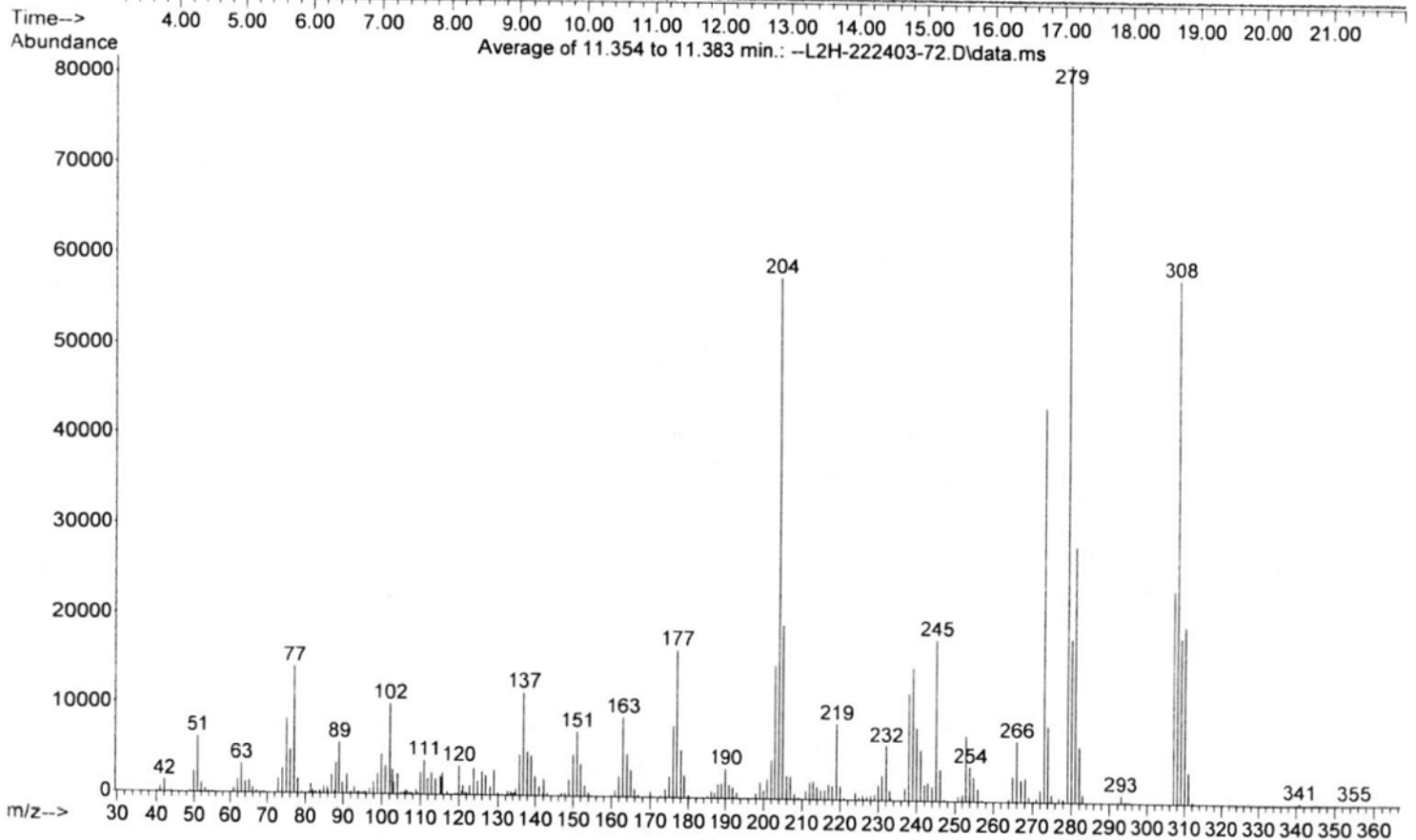
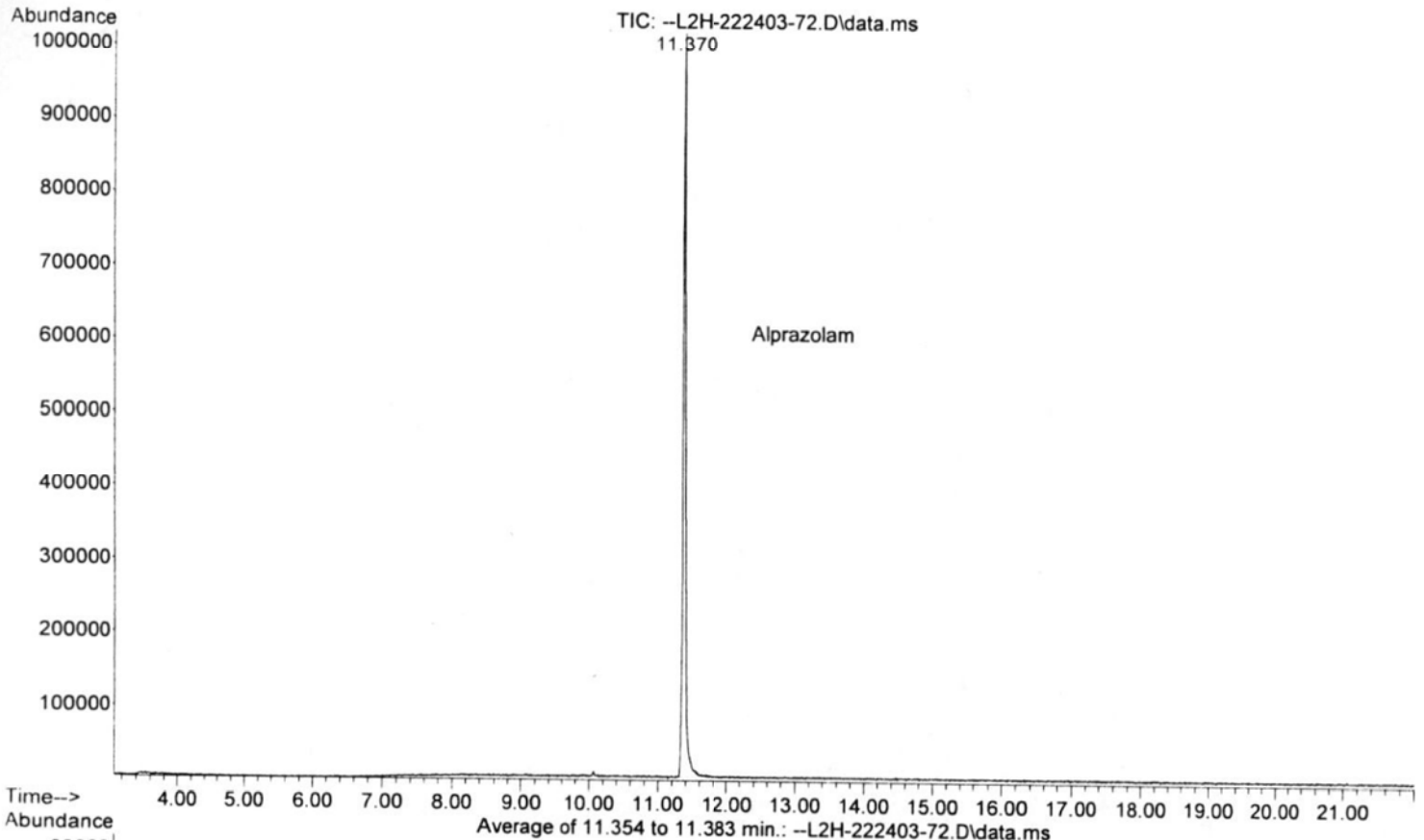
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Operator : MR 40-400, inj 250, det 280  
Acquired : 20 Jan 2012 20:53 using AcqMethod DPMSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: L2H-222403-7.1B  
Misc Info : it:150/2m; rt:20c/m; ft:300c/15m A>CHCl3  
Vial Number: 18

*Handwritten signature*



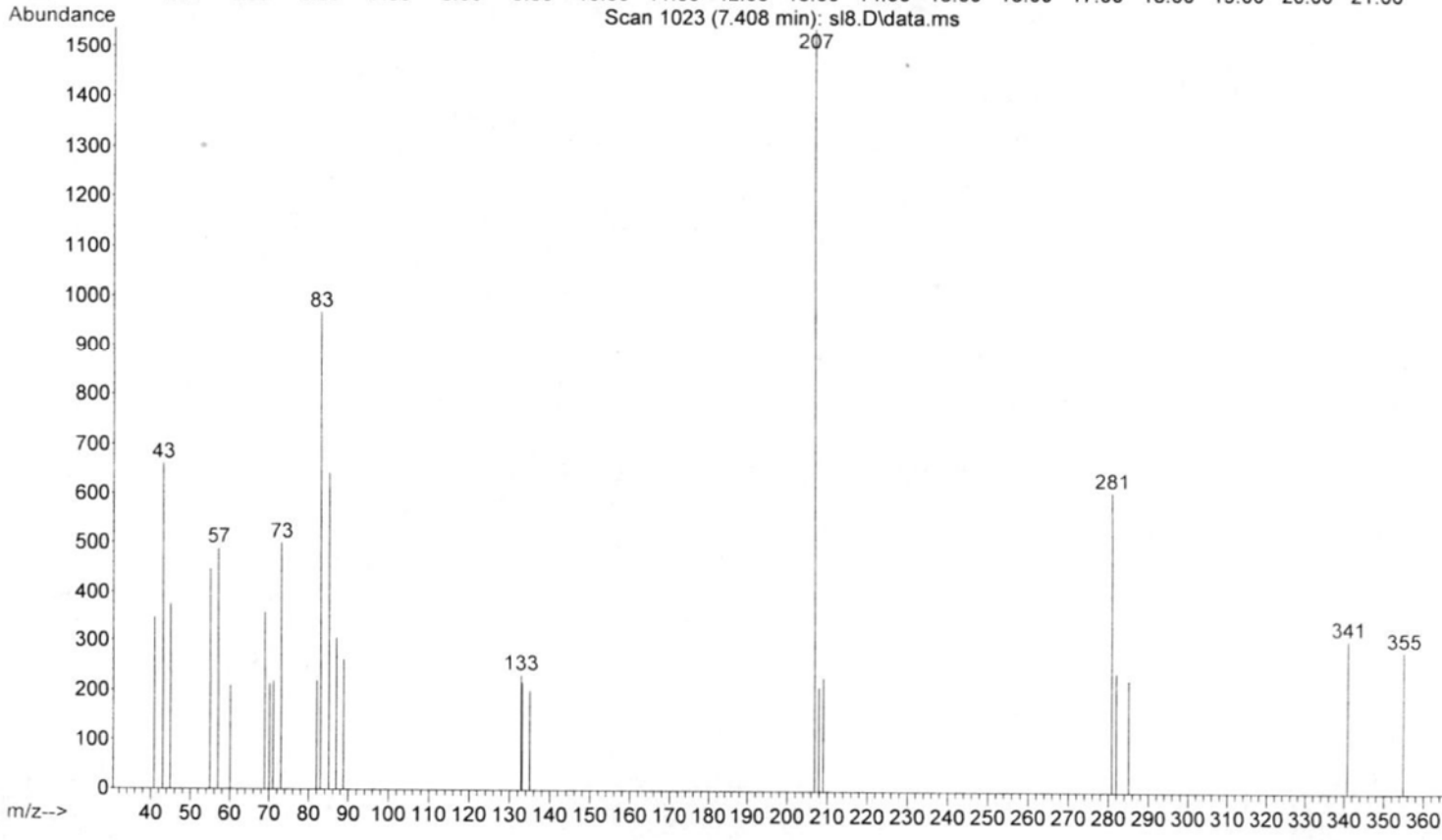
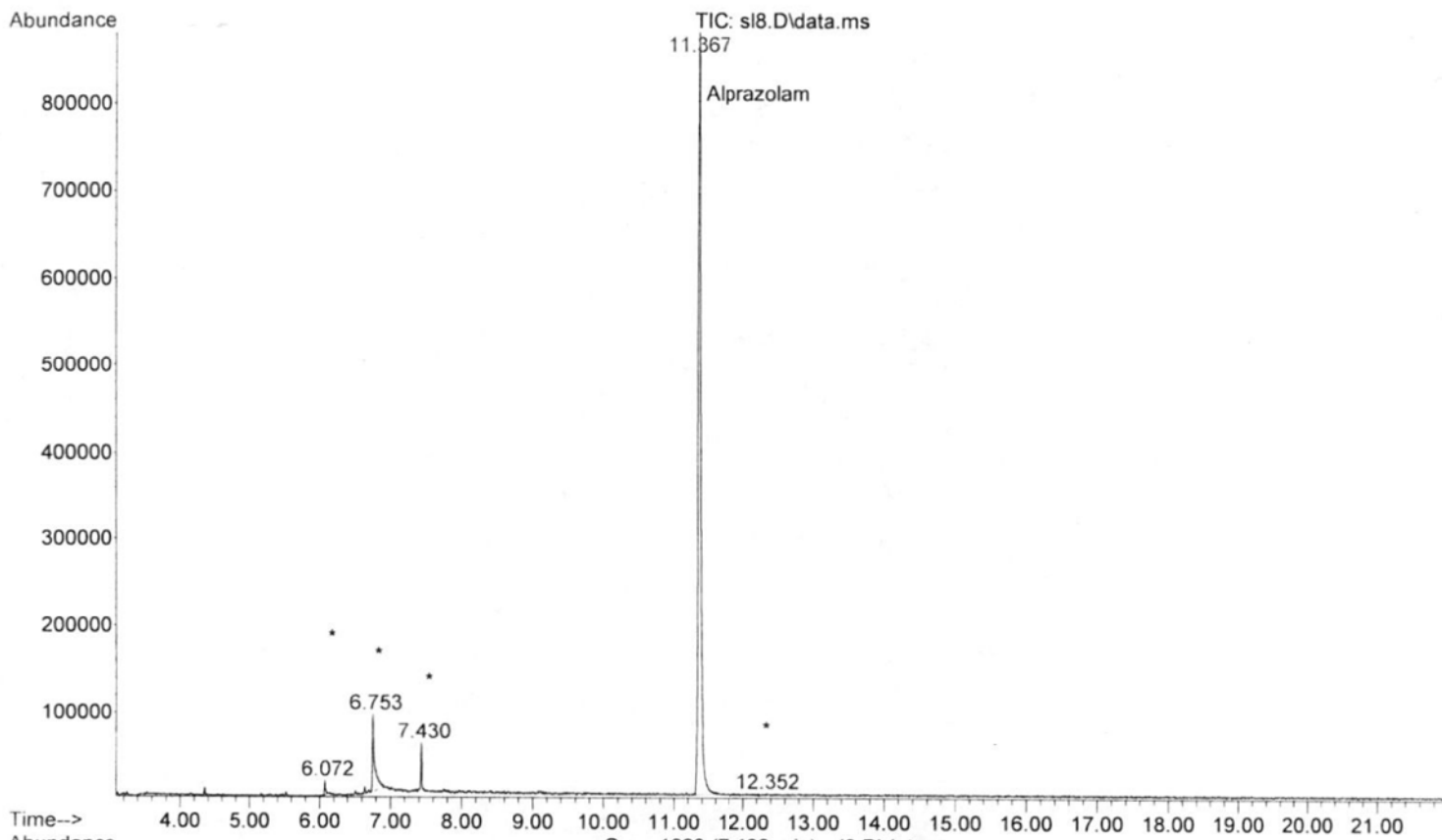
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Operator : MR 40-400, inj 250, det 280  
Acquired : 25 Jan 2012 16:46 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: L2H-222403 EX# 7.2  
Misc Info : it:150/2m; rt:30c/m; ft:280c/15m A>CHCl3  
Vial Number: 18

*J*



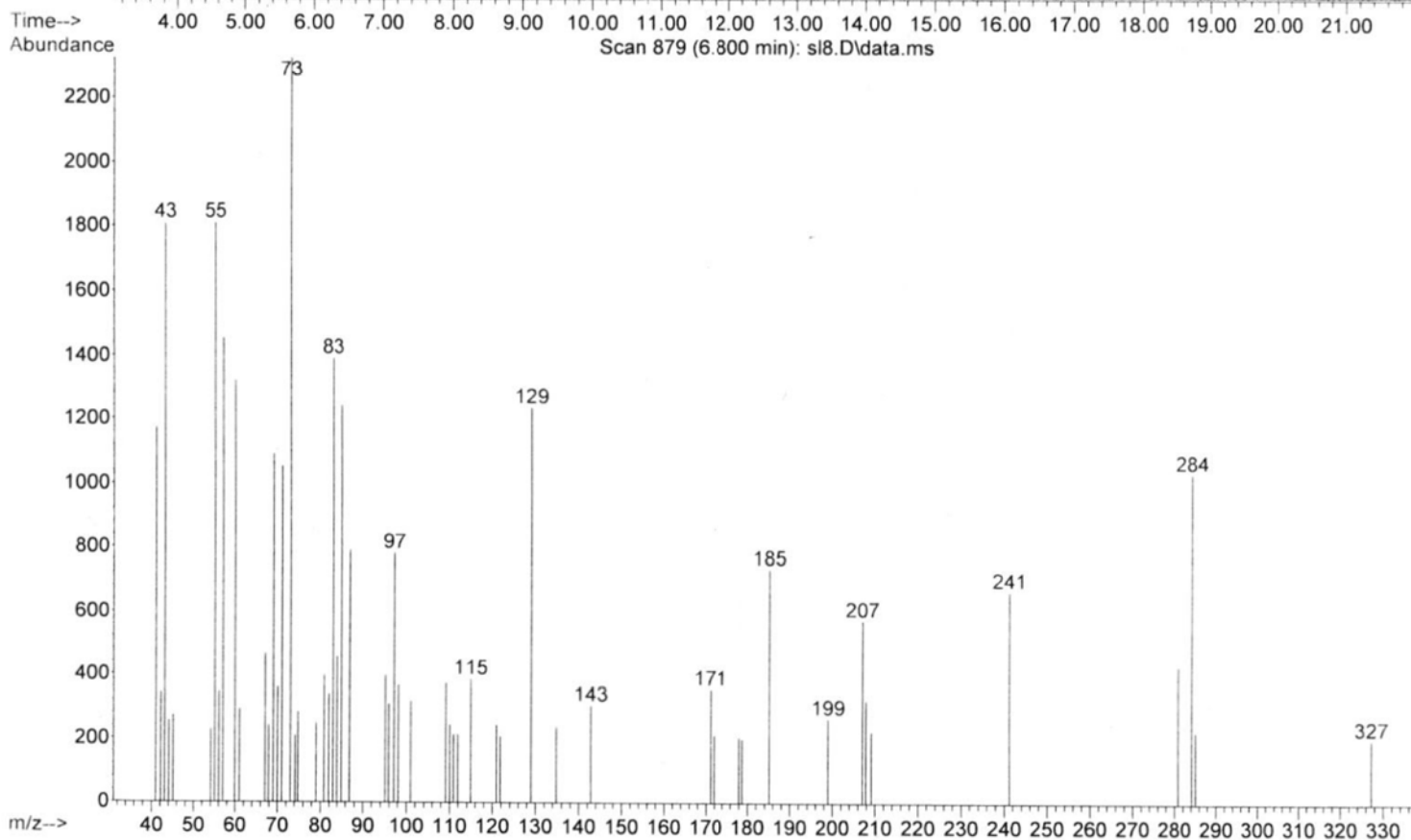
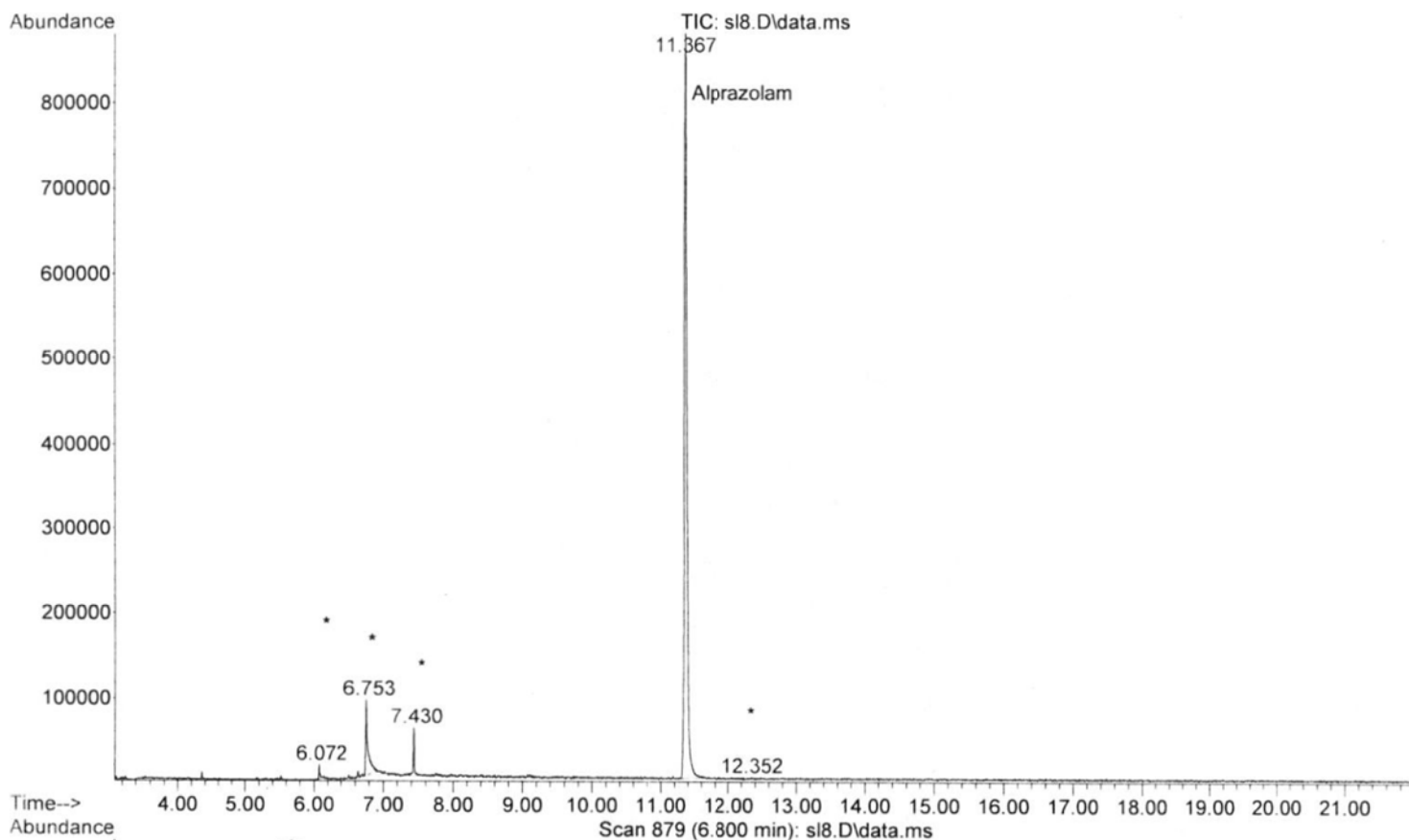
# Exhibit 1.5

File : D:\1\DATA\2012\020312\sl8.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 3 Feb 2012 18:18 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: L2H-222396 #1 A>CHCl3  
Misc Info : oven 150/2(30/min)300/15 spl t  
Vial Number: 85

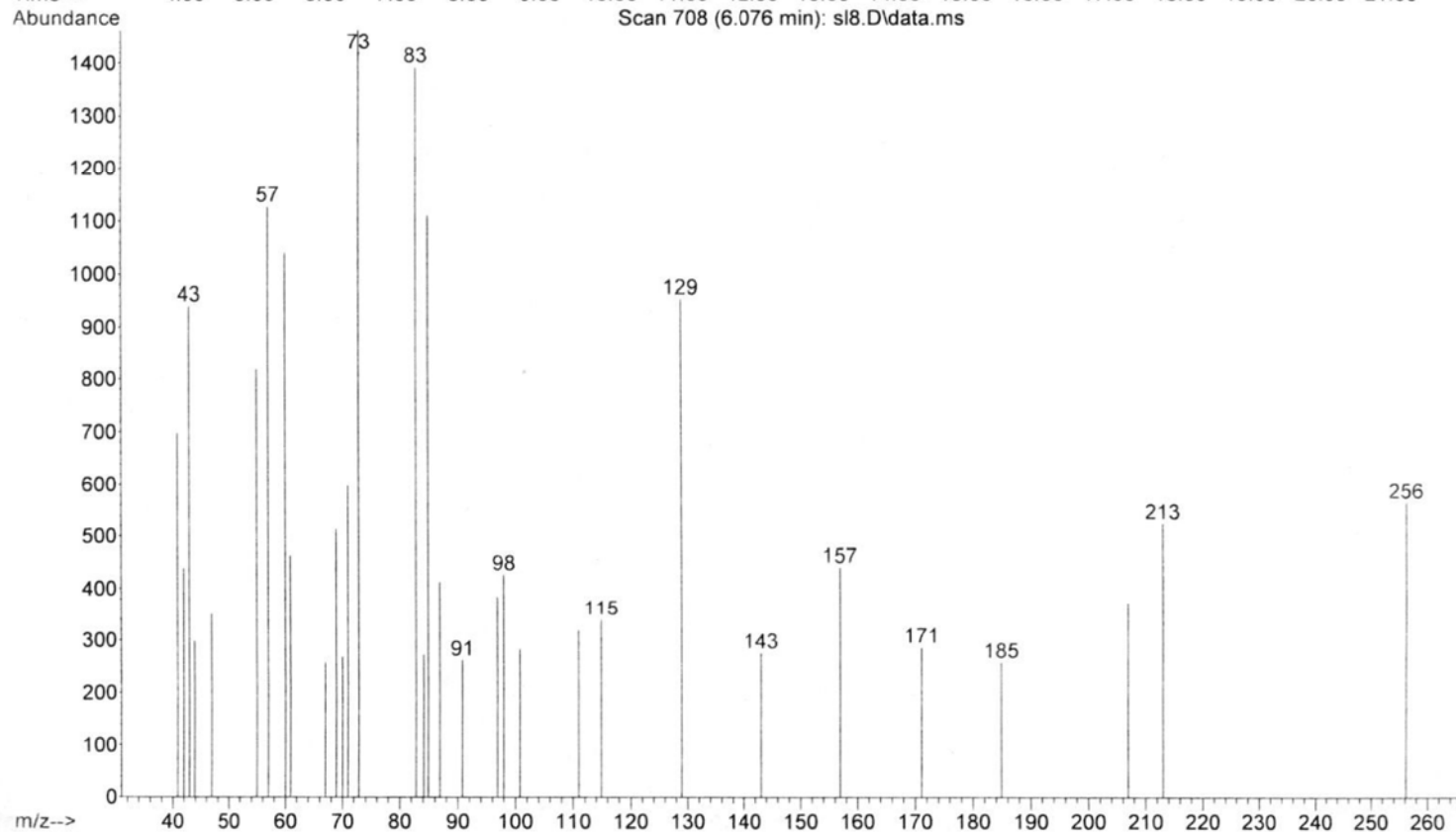
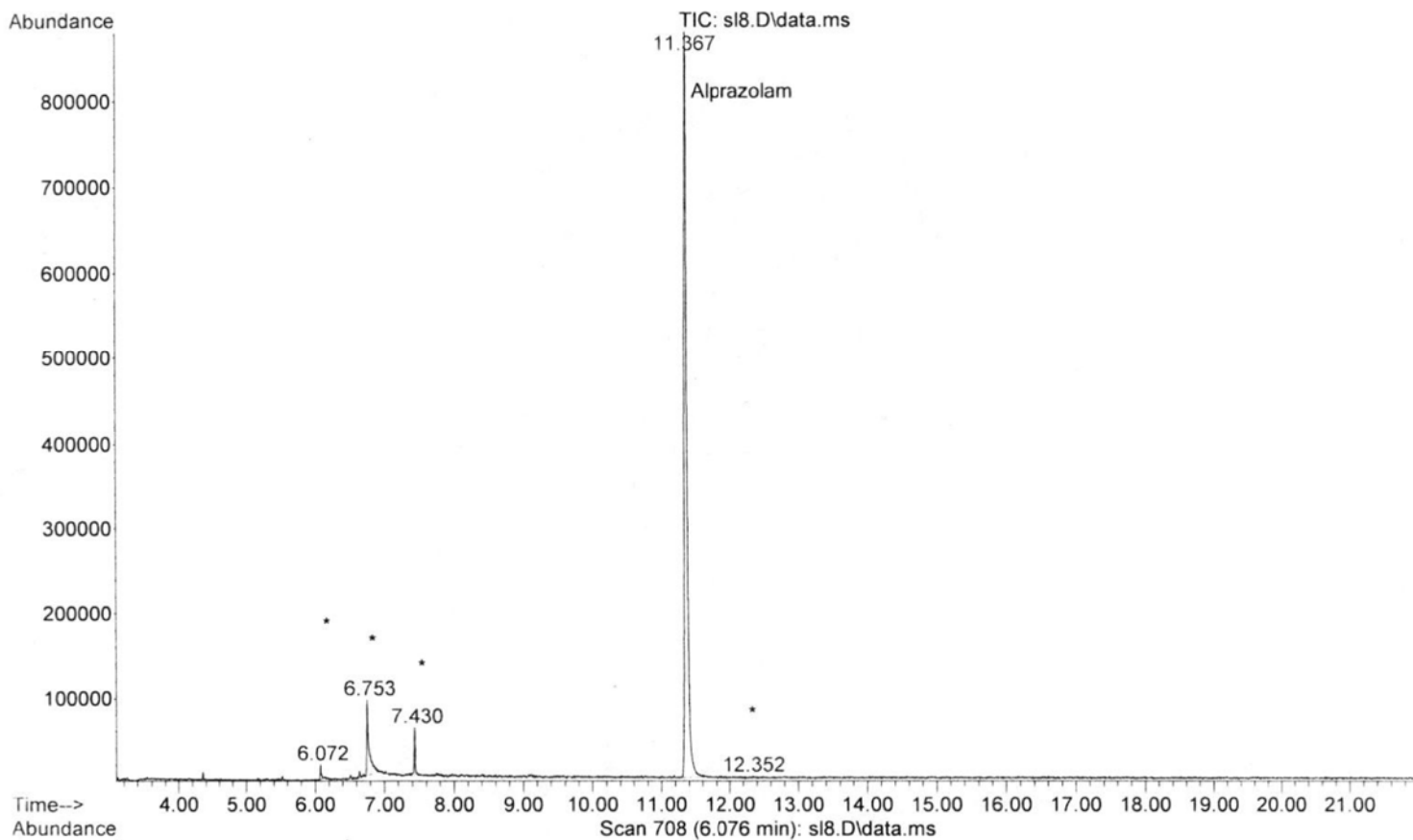




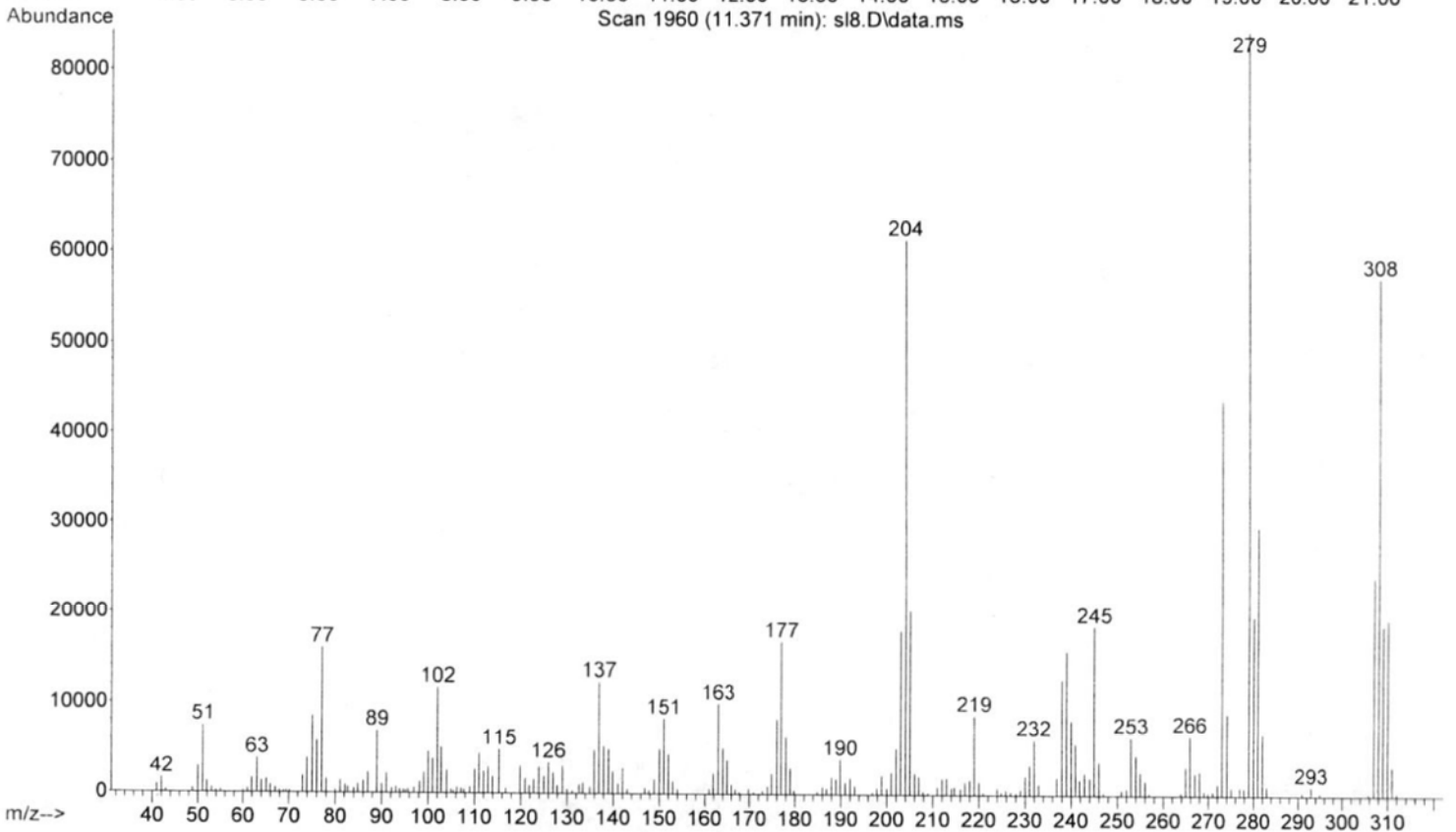
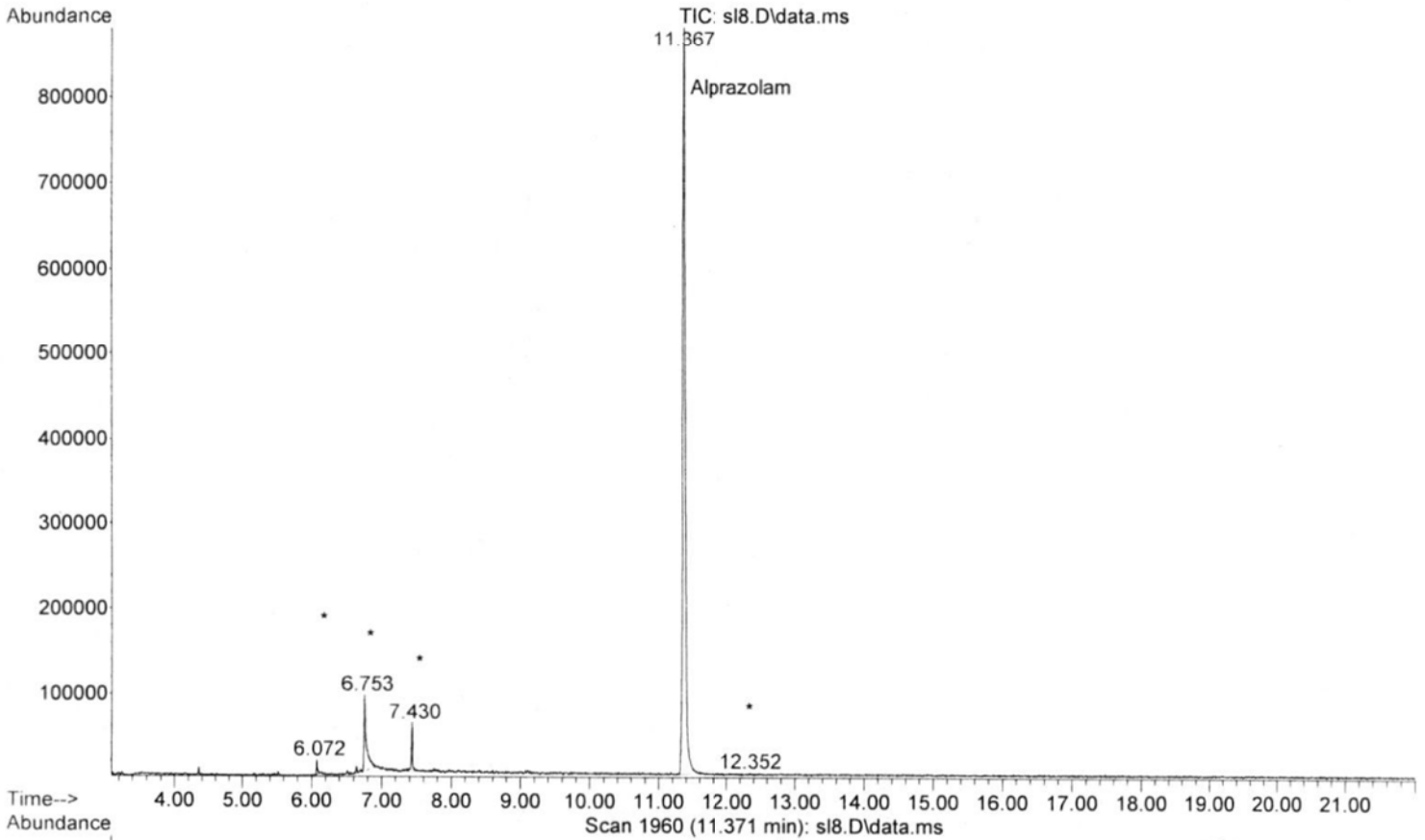
File : D:\1\DATA\2012\020312\sl8.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 3 Feb 2012 18:18 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: L2H-222396 #1 A>CHCl3  
Misc Info : oven 150/2(30/min)300/15 spl  
Vial Number: 85



File : D:\1\DATA\2012\020312\sl8.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 3 Feb 2012 18:18 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: L2H-222396 #1 A>CHCl3  
Misc Info : oven 150/2(30/min)300/15 spl  
Vial Number: 85



File : D:\1\DATA\2012\020312\sl8.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 3 Feb 2012 18:18 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: L2H-222396 #1 A>CHCl3  
Misc Info : oven 150/2(30/min)300/15 spl  
Vial Number: 85






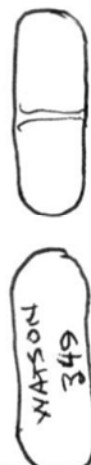
TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

Controlled Substances Worksheet

LAB-CS-01 Rev.02 (07/2006)

Lab Case # LAH 222396  
Date Started 2/3/12  
Analyst [Signature]  
Date Completed \_\_\_\_\_  
Page \_\_\_\_\_  
Gross Inventory Wt \_\_\_\_\_

x12 yellow Env.

Sub #	# Items	# Analyzed	# Exams	Weights			Marquis	SNP	Co(SCN) <sub>2</sub>	Microscopic	Duquenois	TLC	FTIR	GC/MS	UV		Other Tests	Class	Substance Identified
				Balance ID	Before Analysis	Tare									Net	After Analysis			
1	2	1		1.80g	1.25g	0.55g	0.36										DC +		
<p>1 MASSING ENVELOPE 2 1/2 WHITE TABLETS MARKED AS SHOWN   DIRECT IN CHCIS → CENTRIFUGE → EVP →            USED 1/2 TAB. GC/MS. DRUGS.COM: APRALUMID'S ER</p>																			
2	1			1.72g	1.02g	0.70g	0.29g										DC +		
<p>2 MASSING ENVELOPE 2 1 OVAL TABLET MARKED AS SHOWN:   DC: ACETABINOMEN 500 / PHTHYROCODEINE 5mg            SPLIT TABLET FOR ANALYSIS</p>																			
<p>ALSO CONTAINS AN ORANGE PLASTIC PILL BOTTLE            1 WHITE POWDER RESIDUE (APPARENT PILL RESIDUE) NA.</p>																			

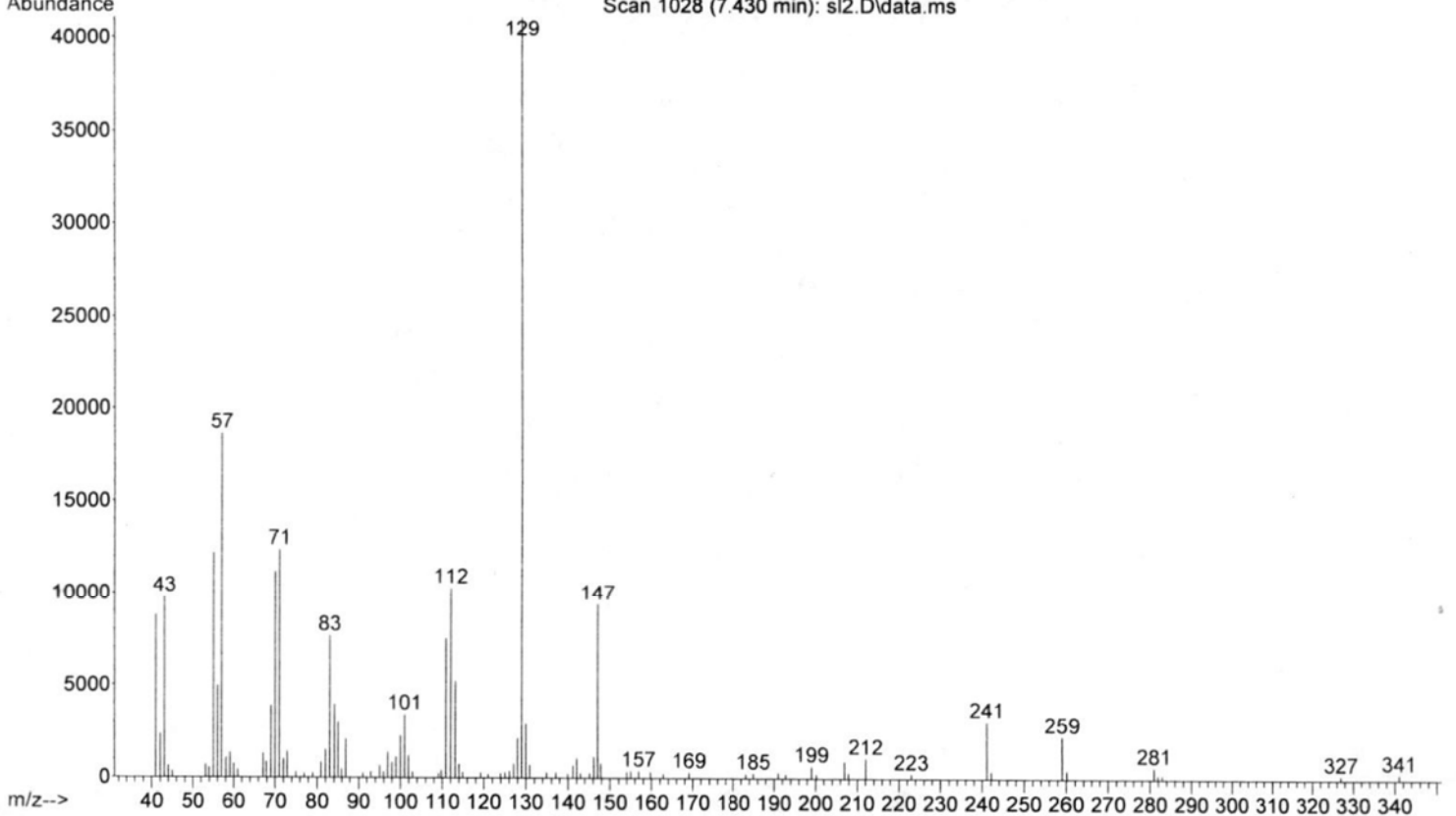
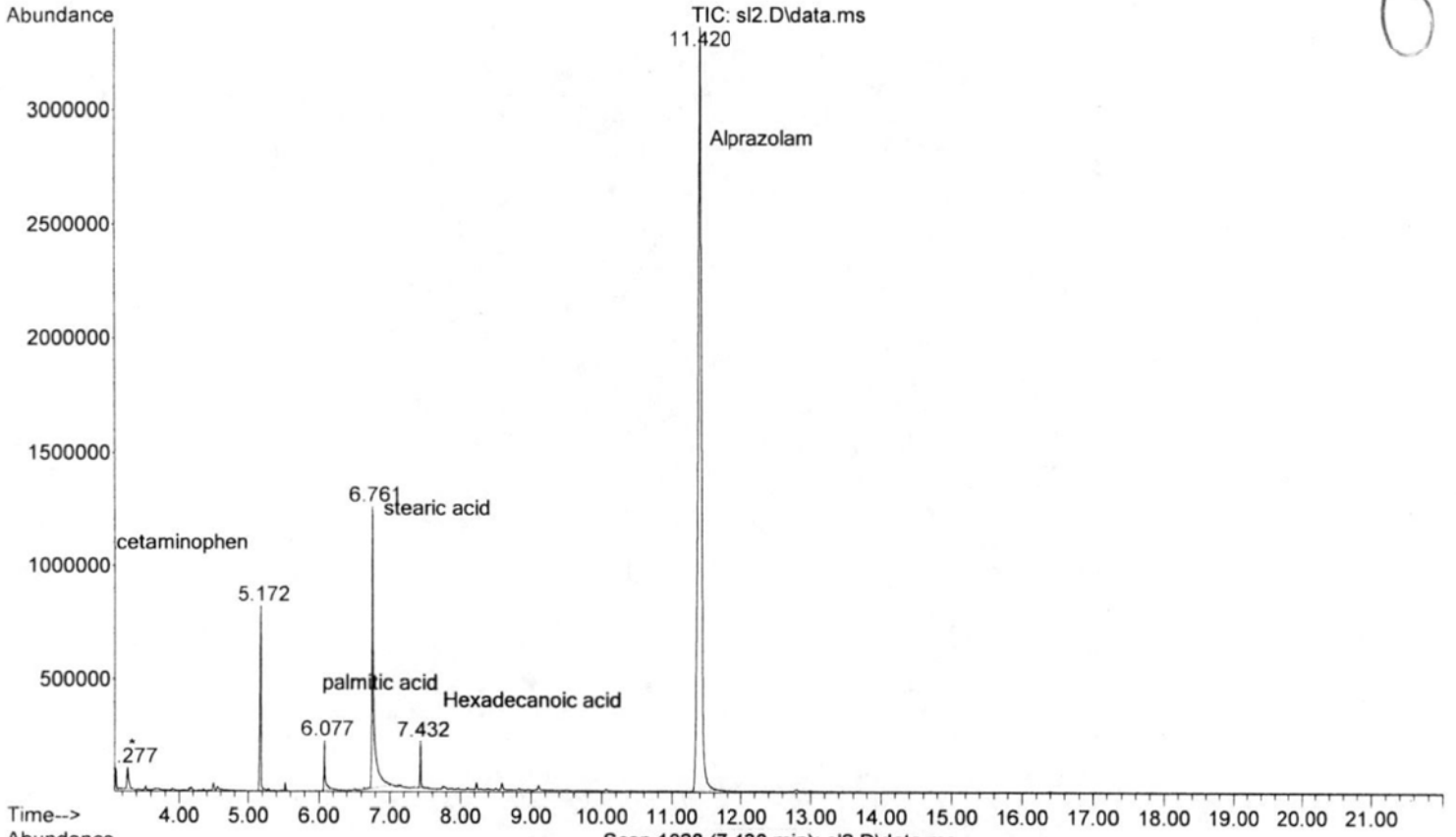
Final Notes

ER = EXTENDED RELEASE

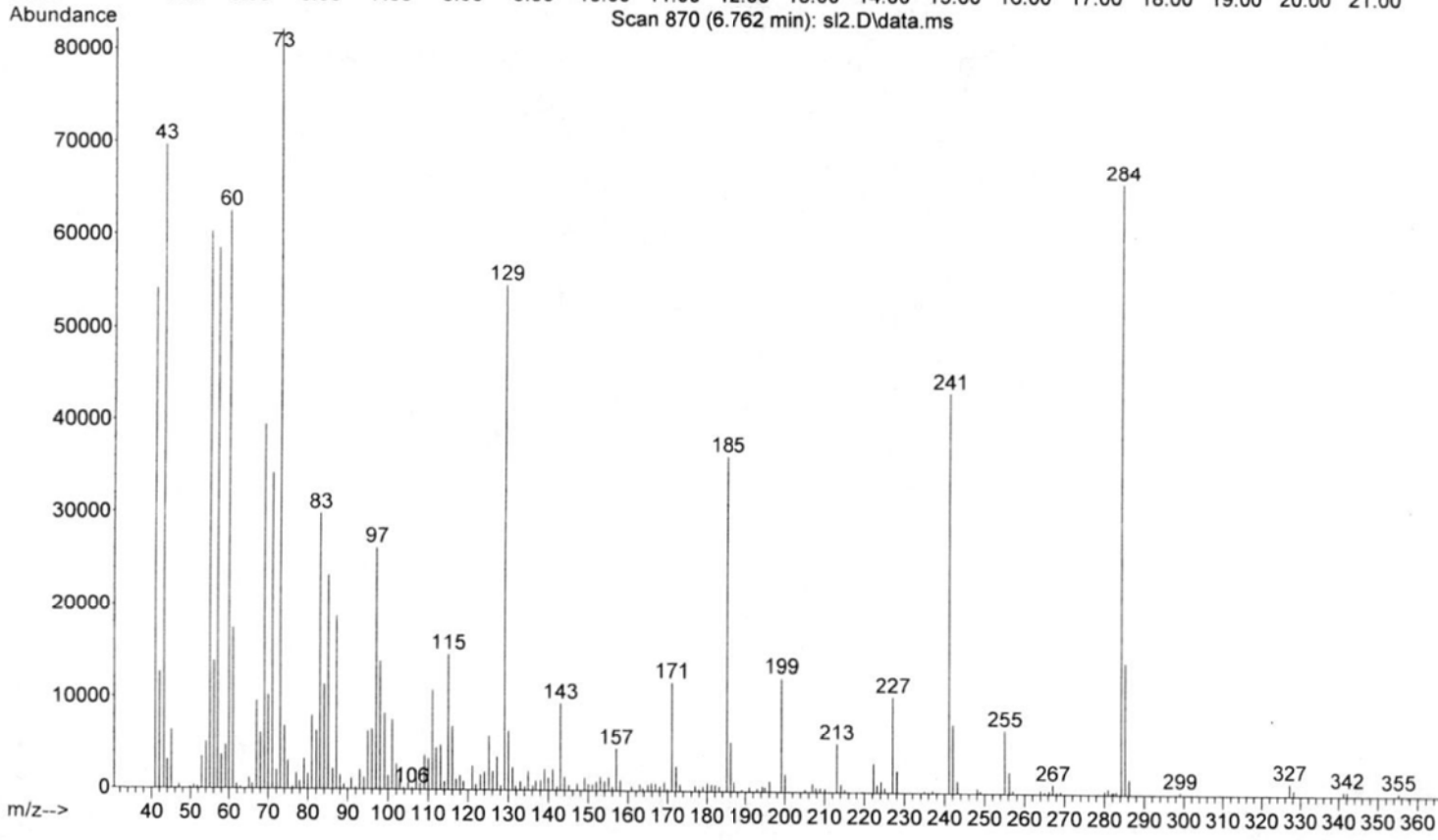
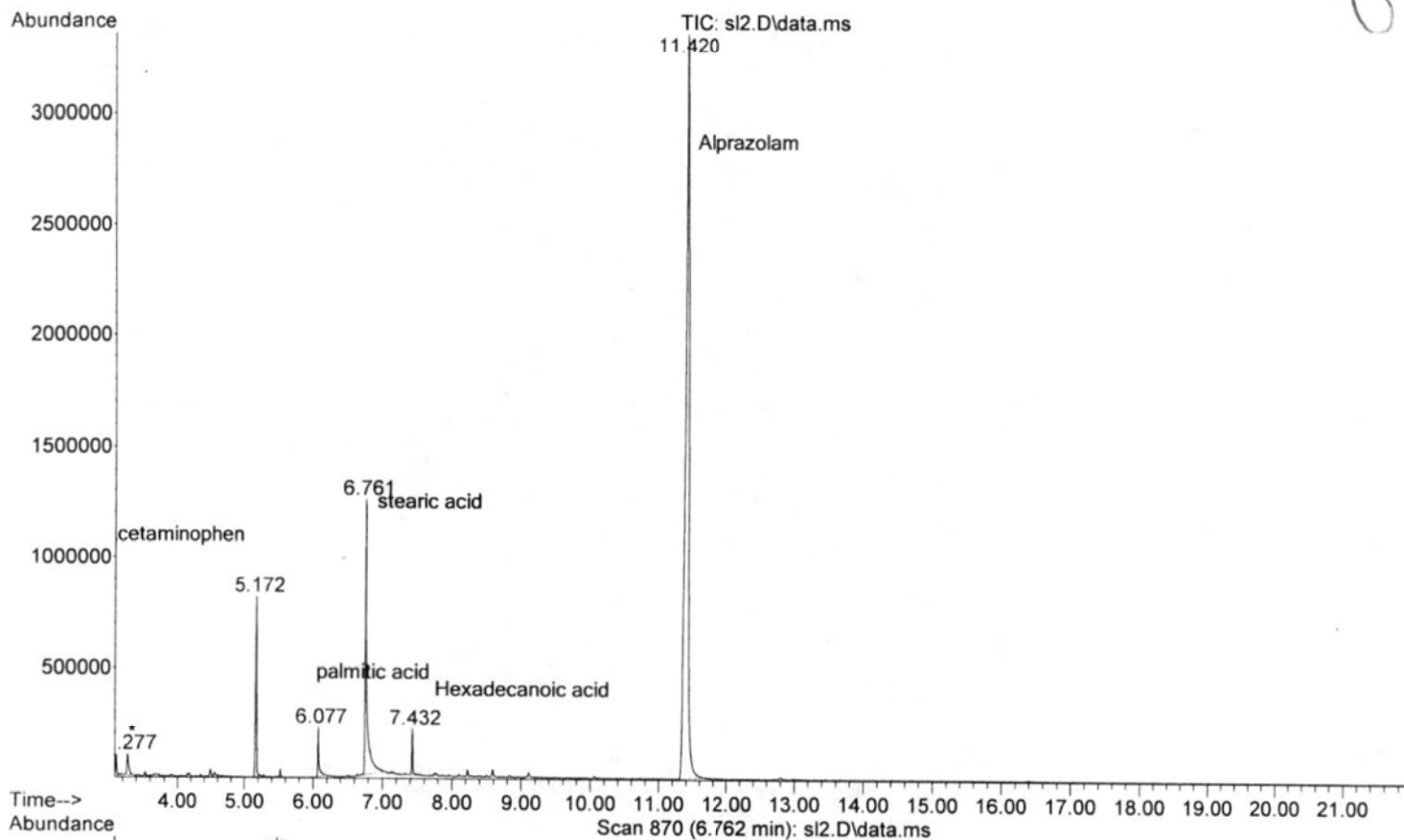
X HO  
BAL208

File : D:\1\DATA\2012\020312\sl2.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 3 Feb 2012 16:42 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: L2H-222396 #1 Direct in CHCl3  
Misc Info : oven 150/2(30/min)300/15 spl  
Vial Number: 77

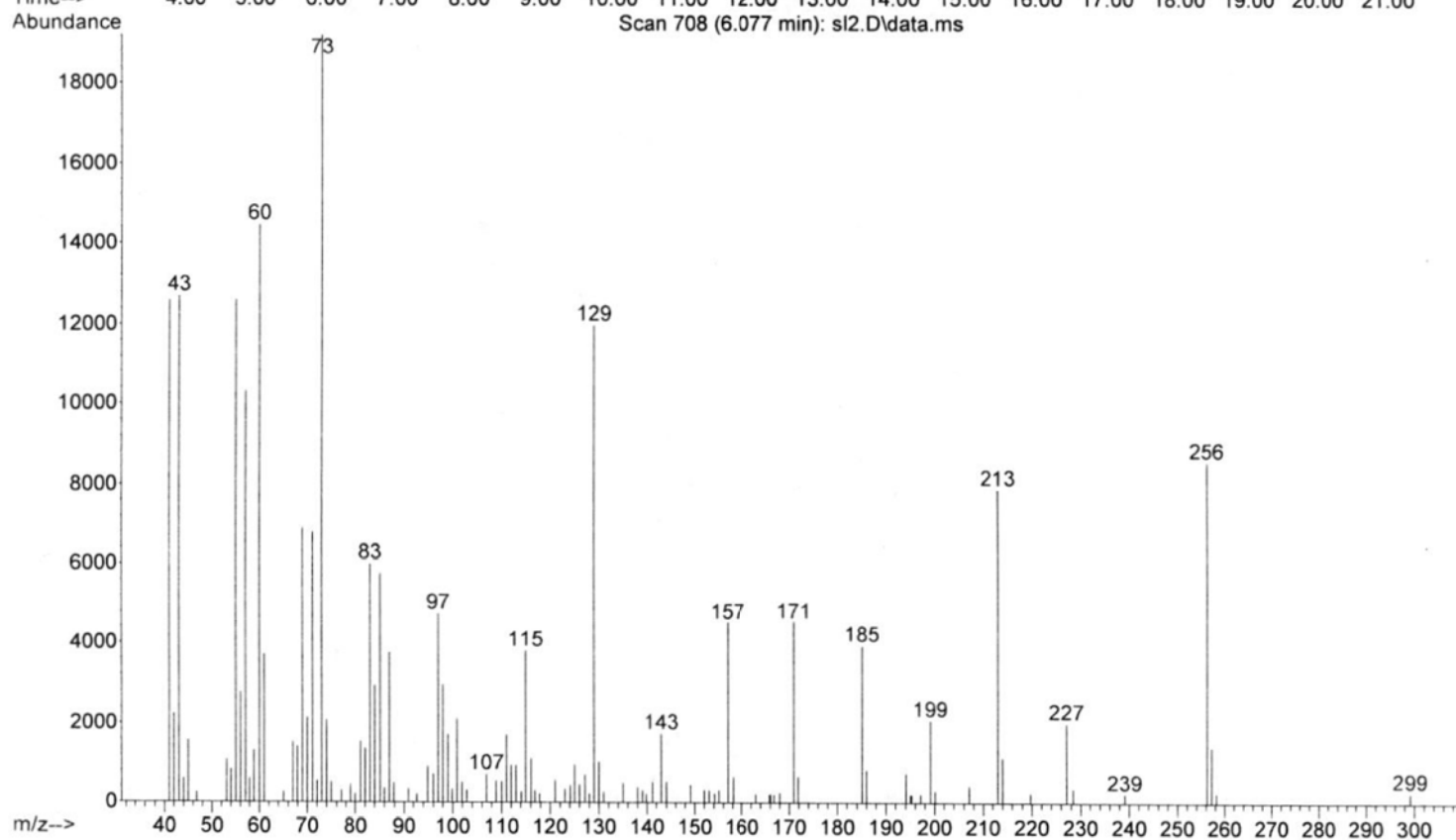
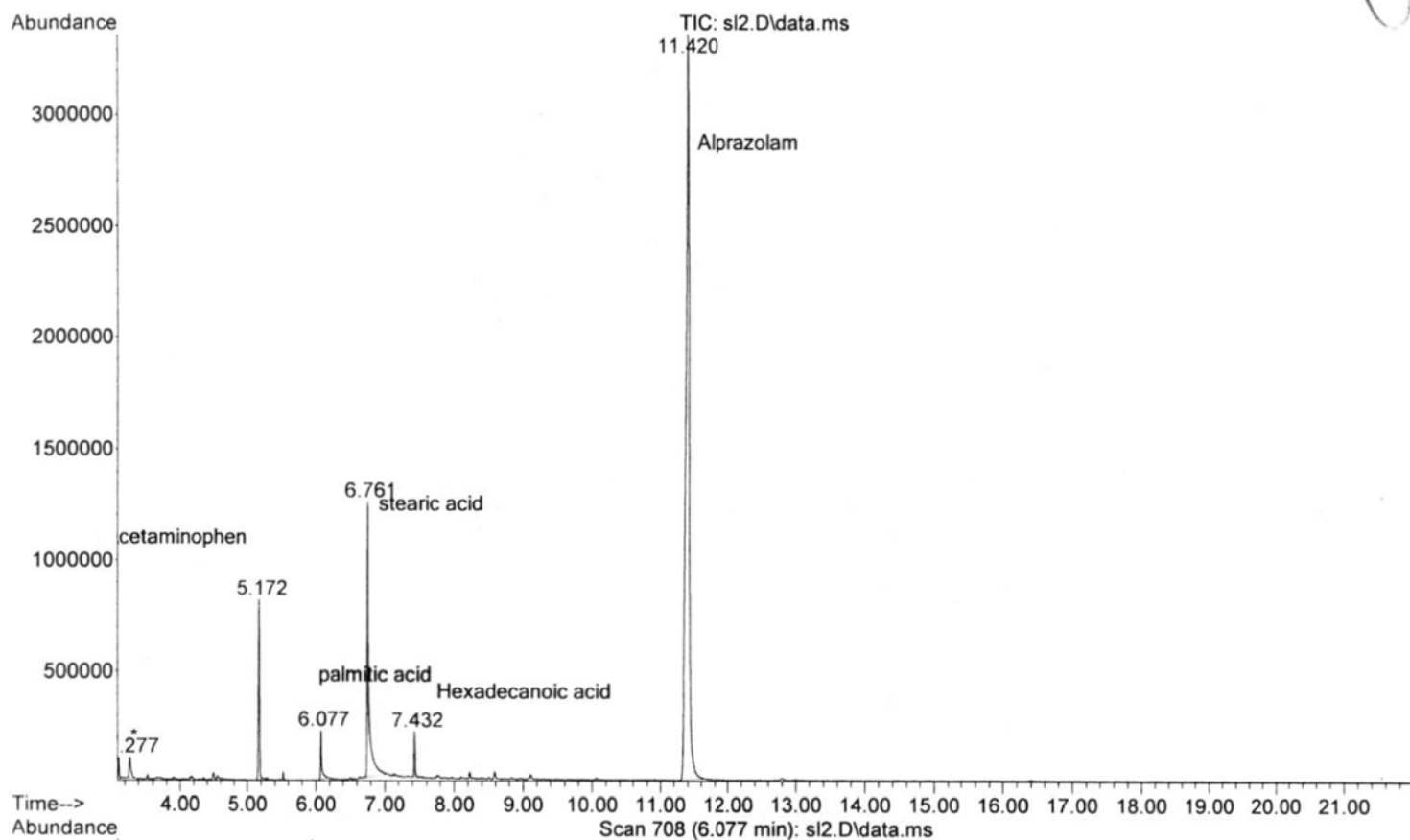
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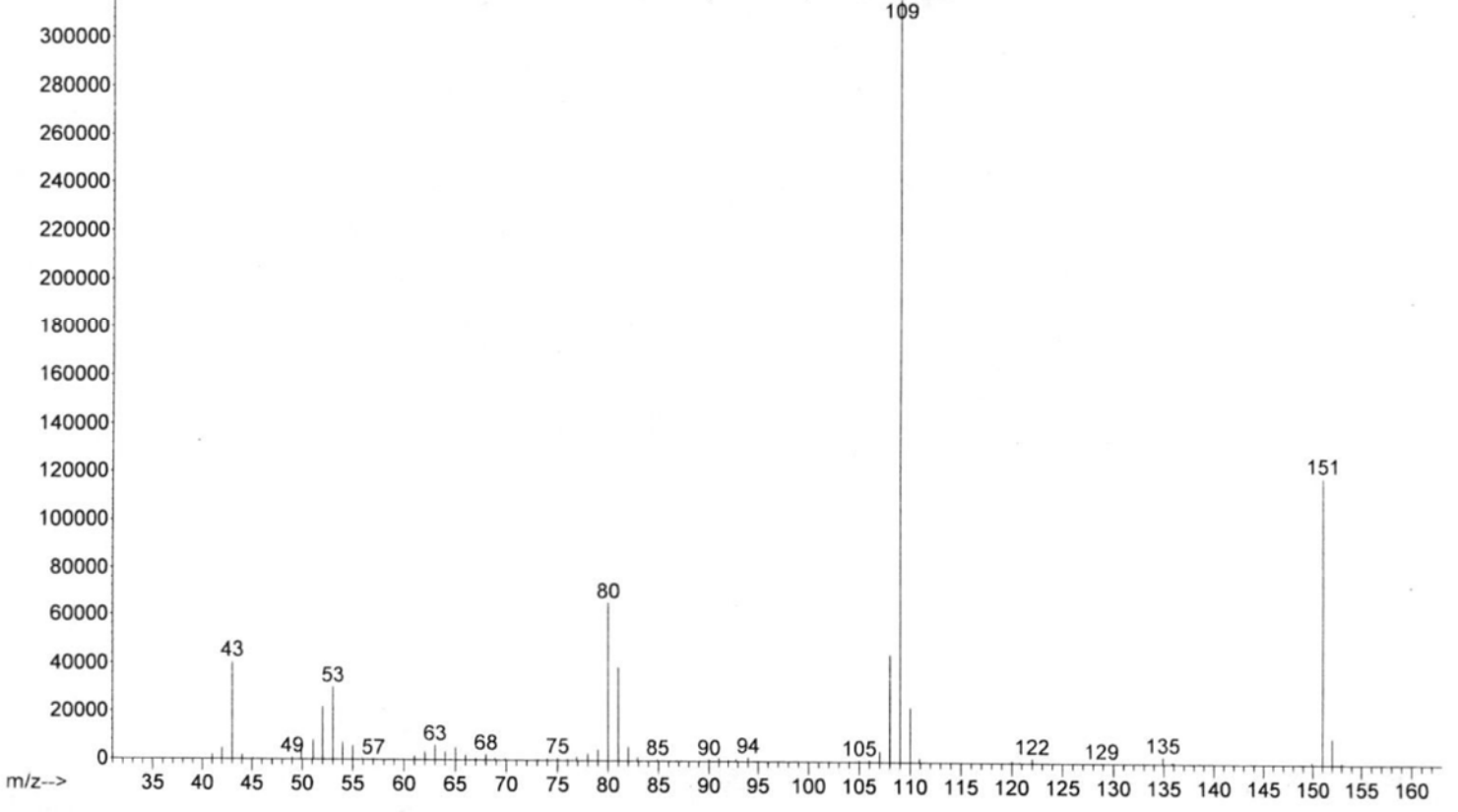
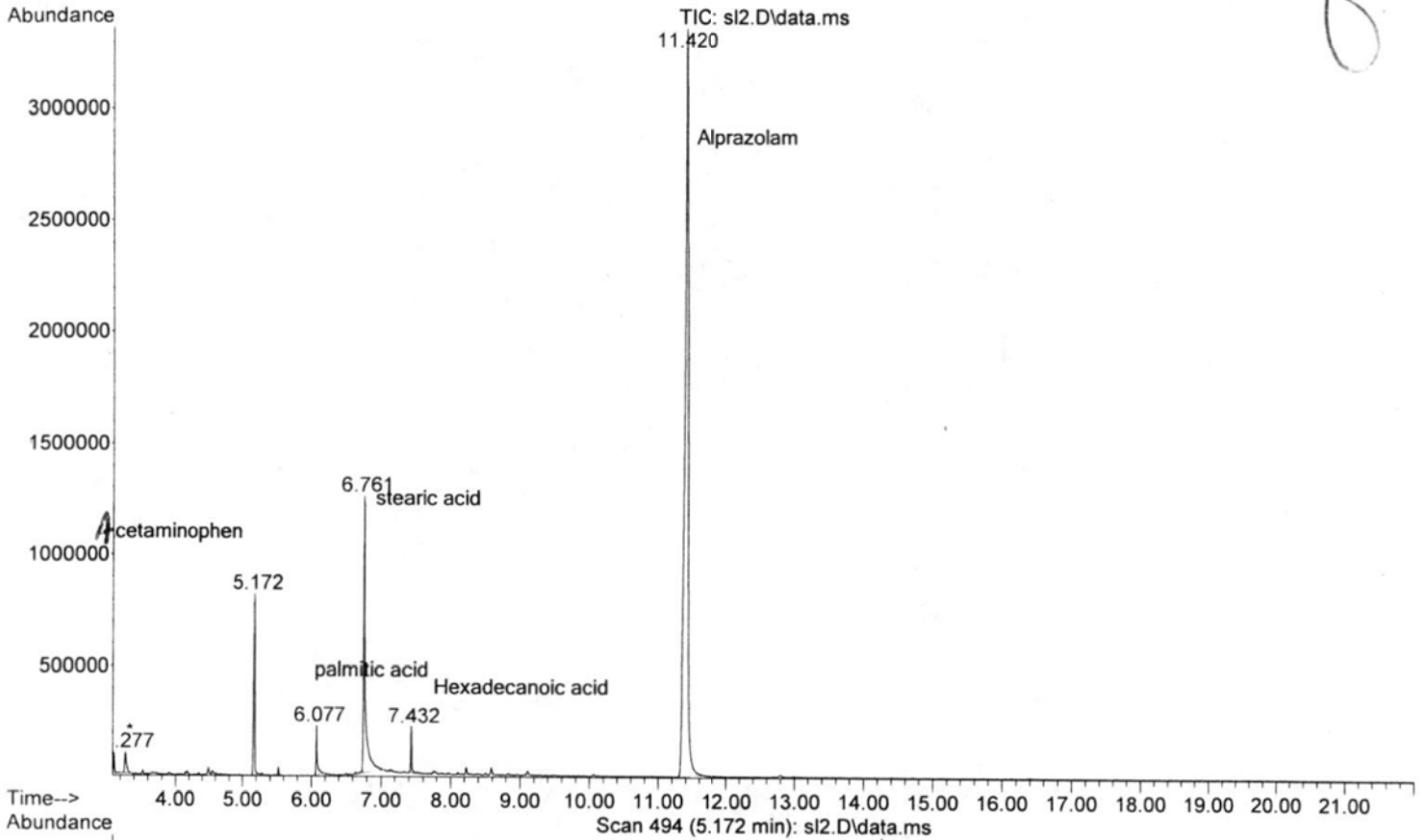
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Operator : MR 40-400, inj 250, det 280  
Acquired : 3 Feb 2012 16:42 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: L2H-222396 #1 Direct in CHCl3  
Misc Info : oven 150/2(30/min)300/15 splt  
Vial Number: 77



File : D:\1\DATA\2012\020312\sl2.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 3 Feb 2012 16:42 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: L2H-222396 #1 Direct in CHCl3  
Misc Info : oven 150/2(30/min)300/15 spl  
Vial Number: 77

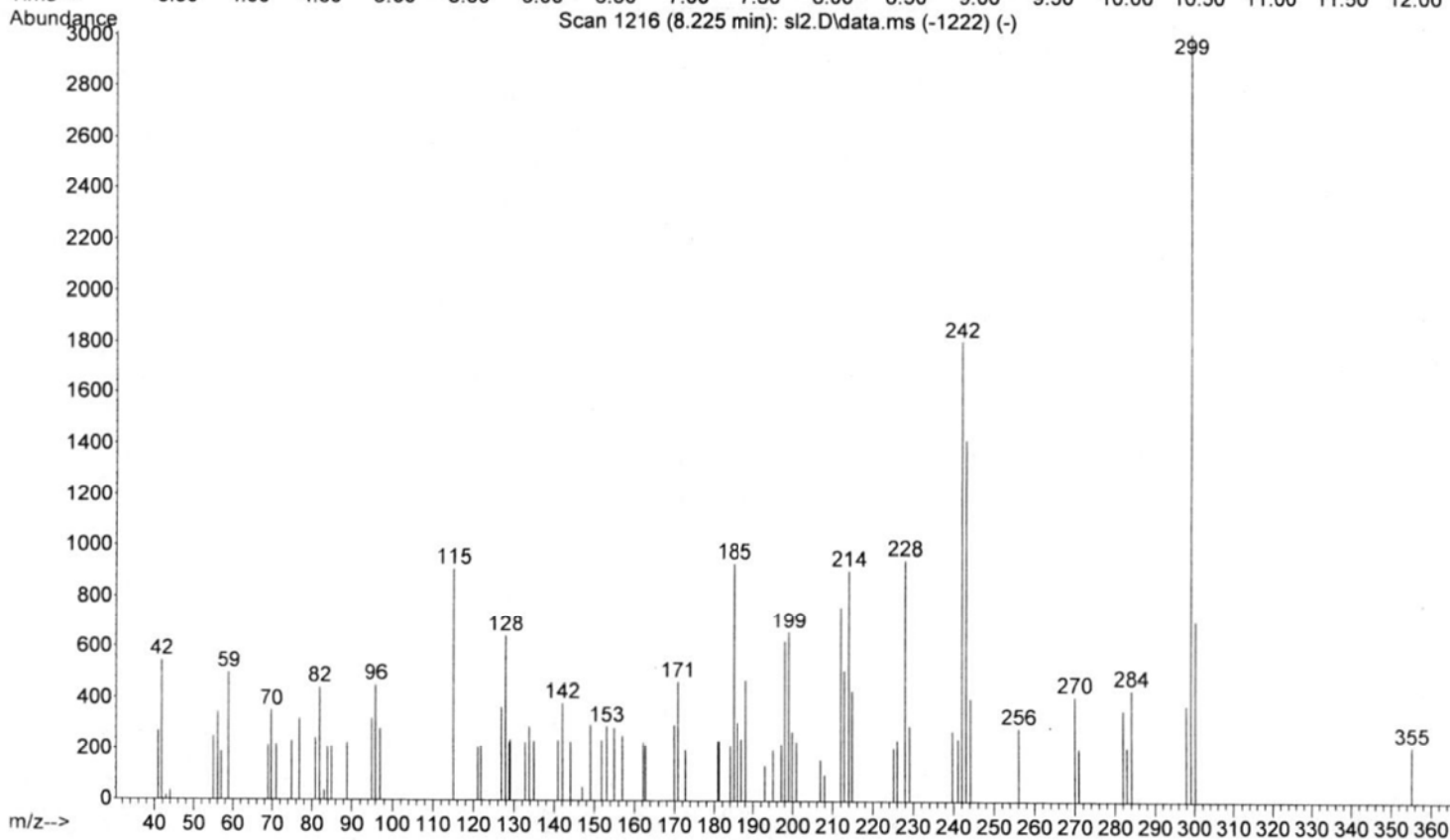
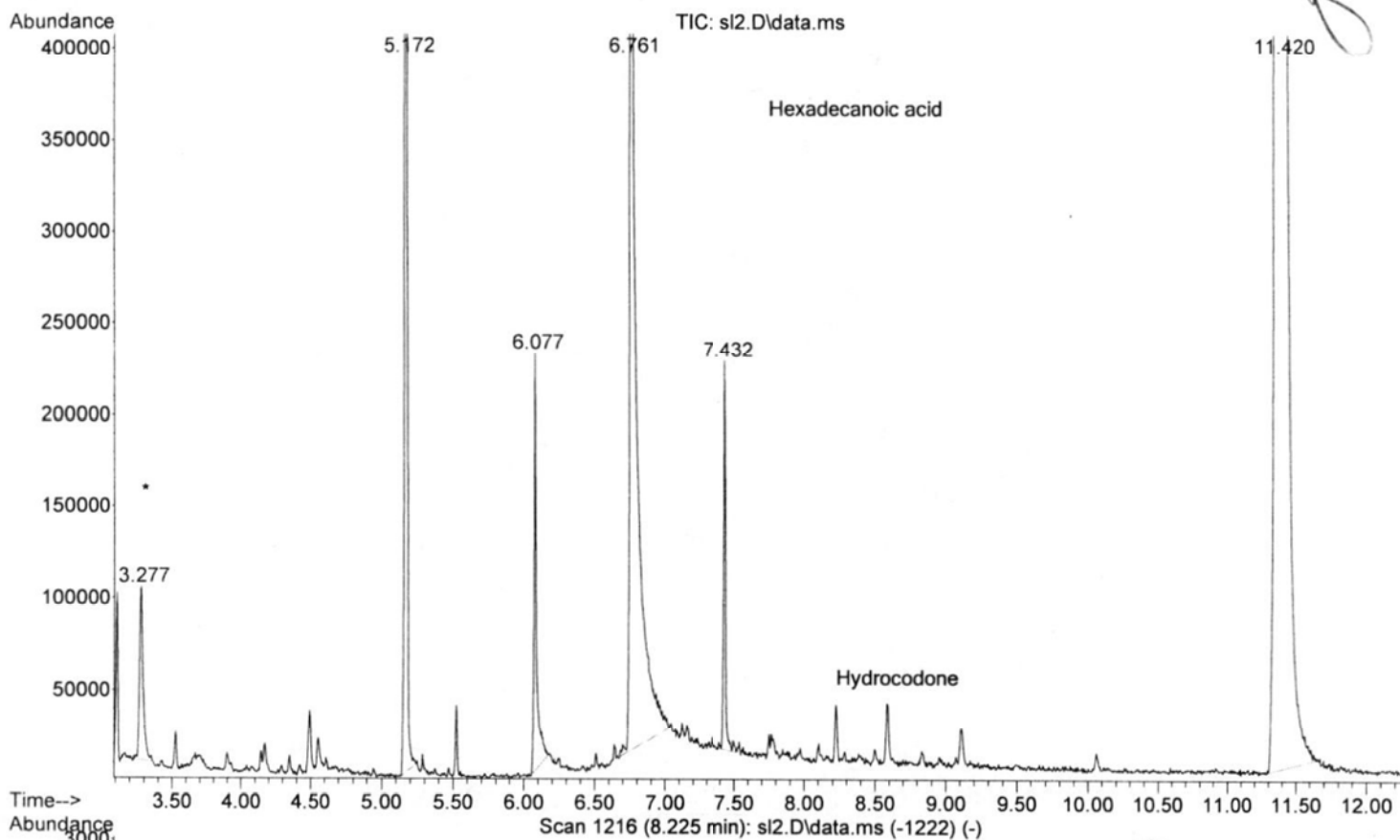


File : D:\1\DATA\2012\020312\sl2.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 3 Feb 2012 16:42 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: L2H-222396 #1 Direct in CHCl3  
Misc Info : oven 150/2(30/min)300/15 spl  
Vial Number: 77

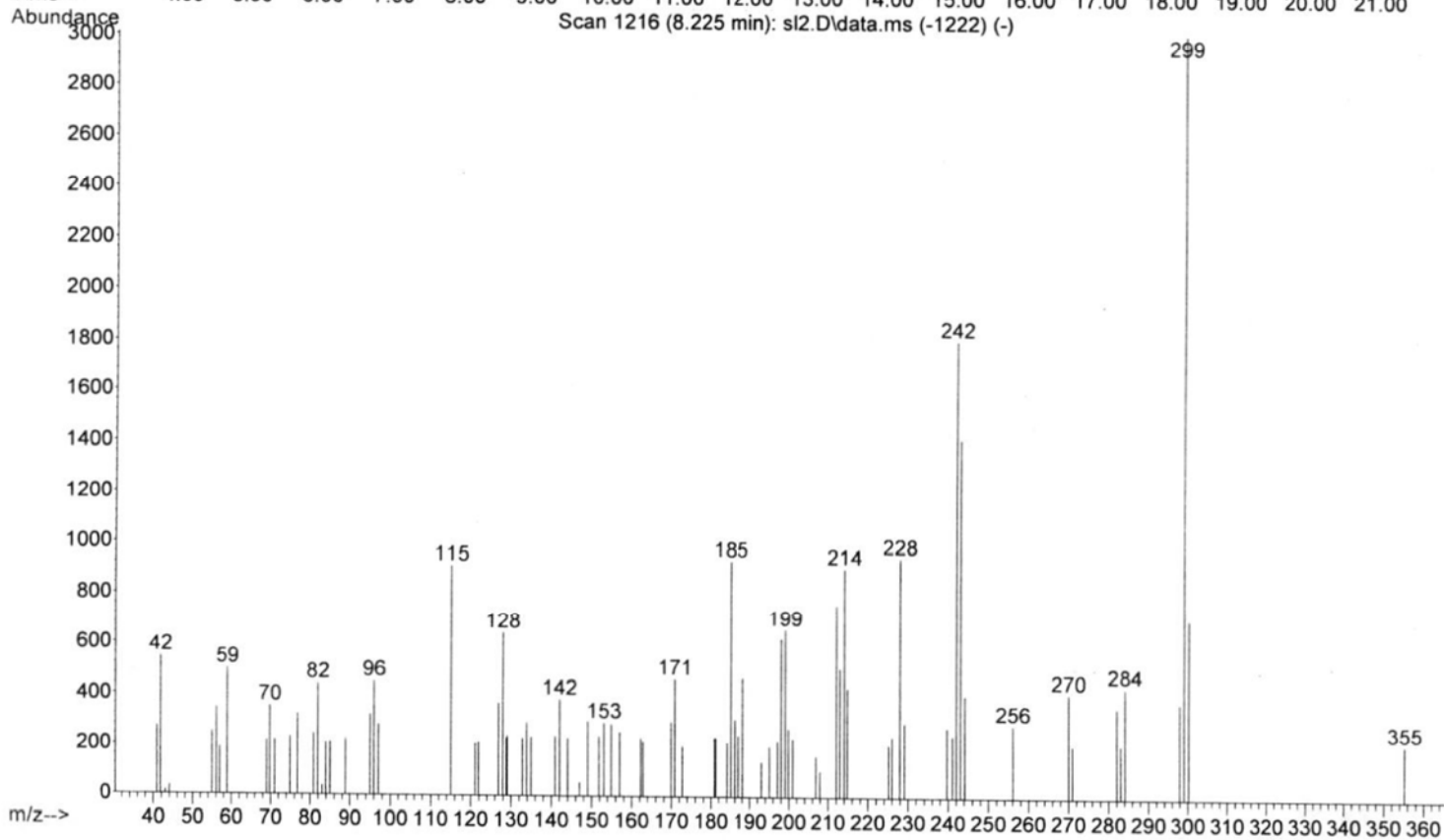
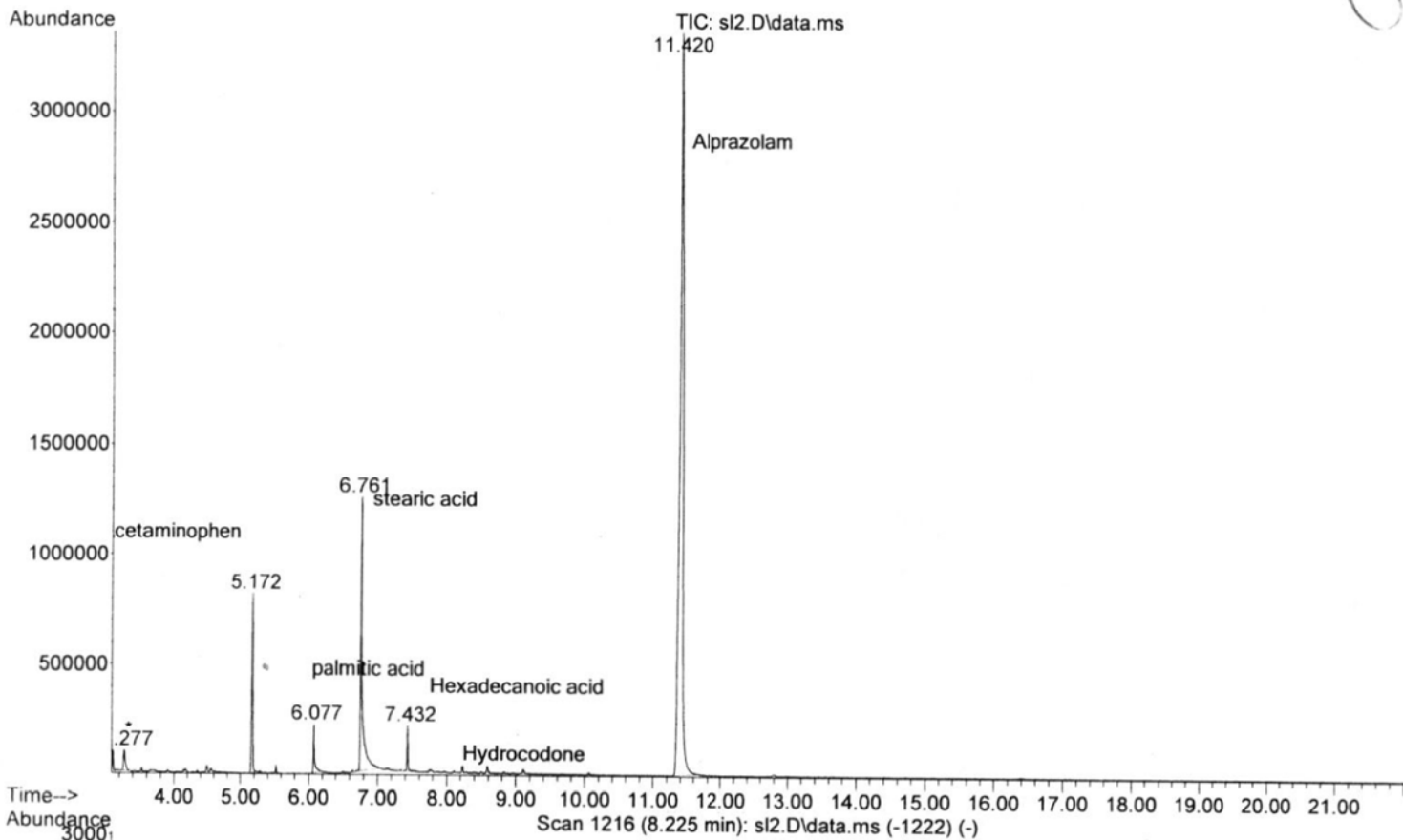




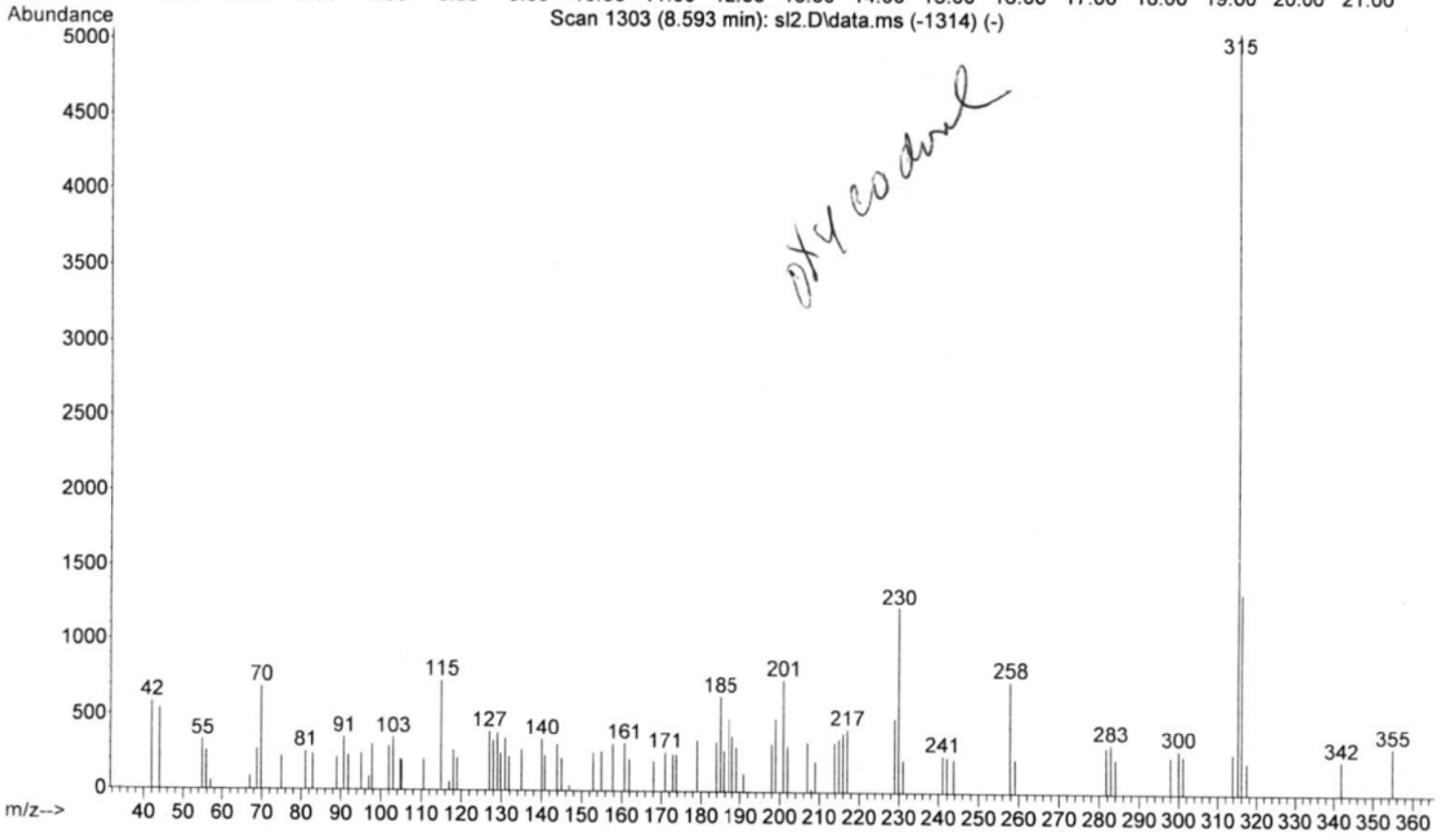
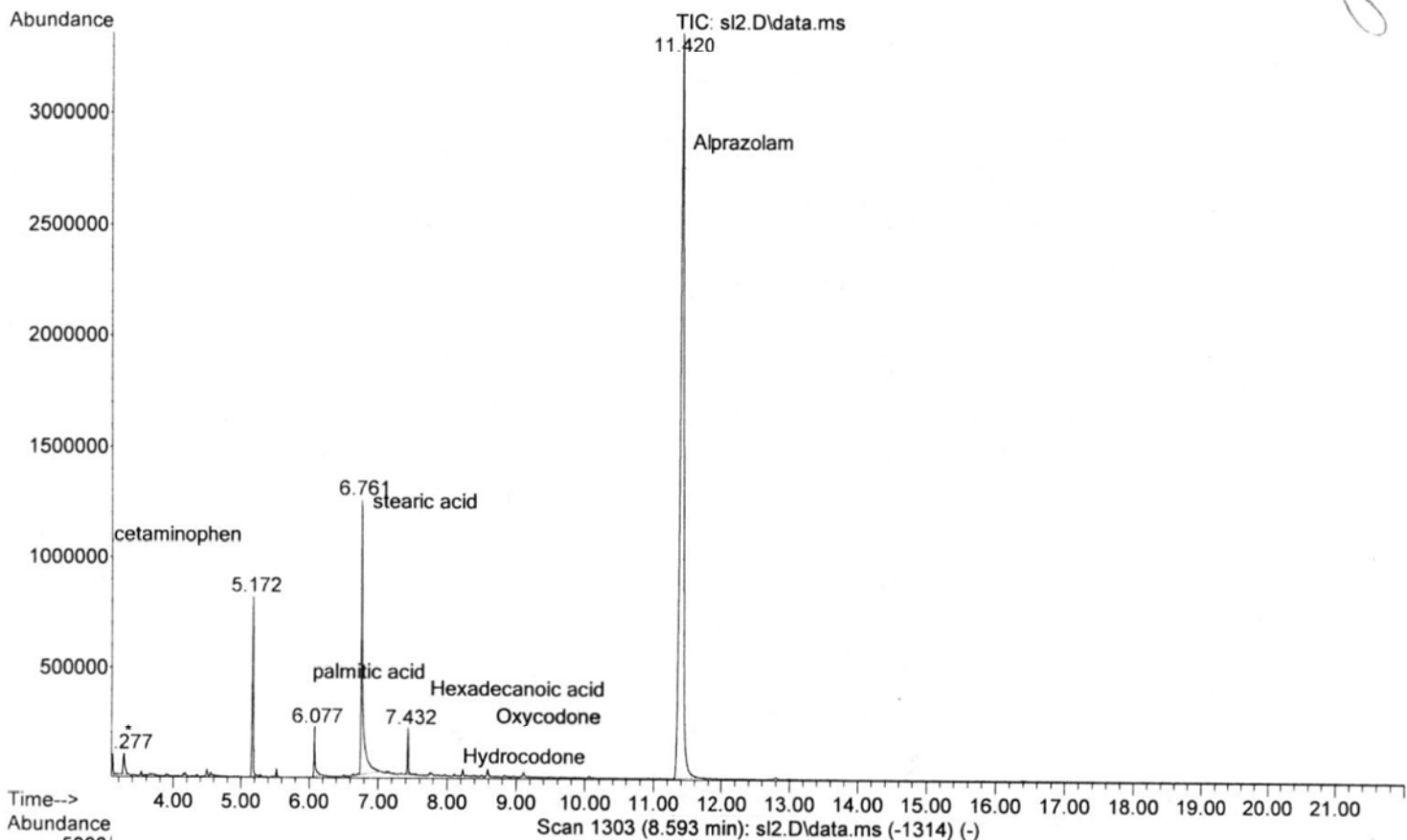
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Operator : MR 40-400, inj 250, det 280  
Acquired : 3 Feb 2012 16:42 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: L2H-222396 #1 Direct in CHCl3  
Misc Info : oven 150/2(30/min)300/15 spl  
Vial Number: 77



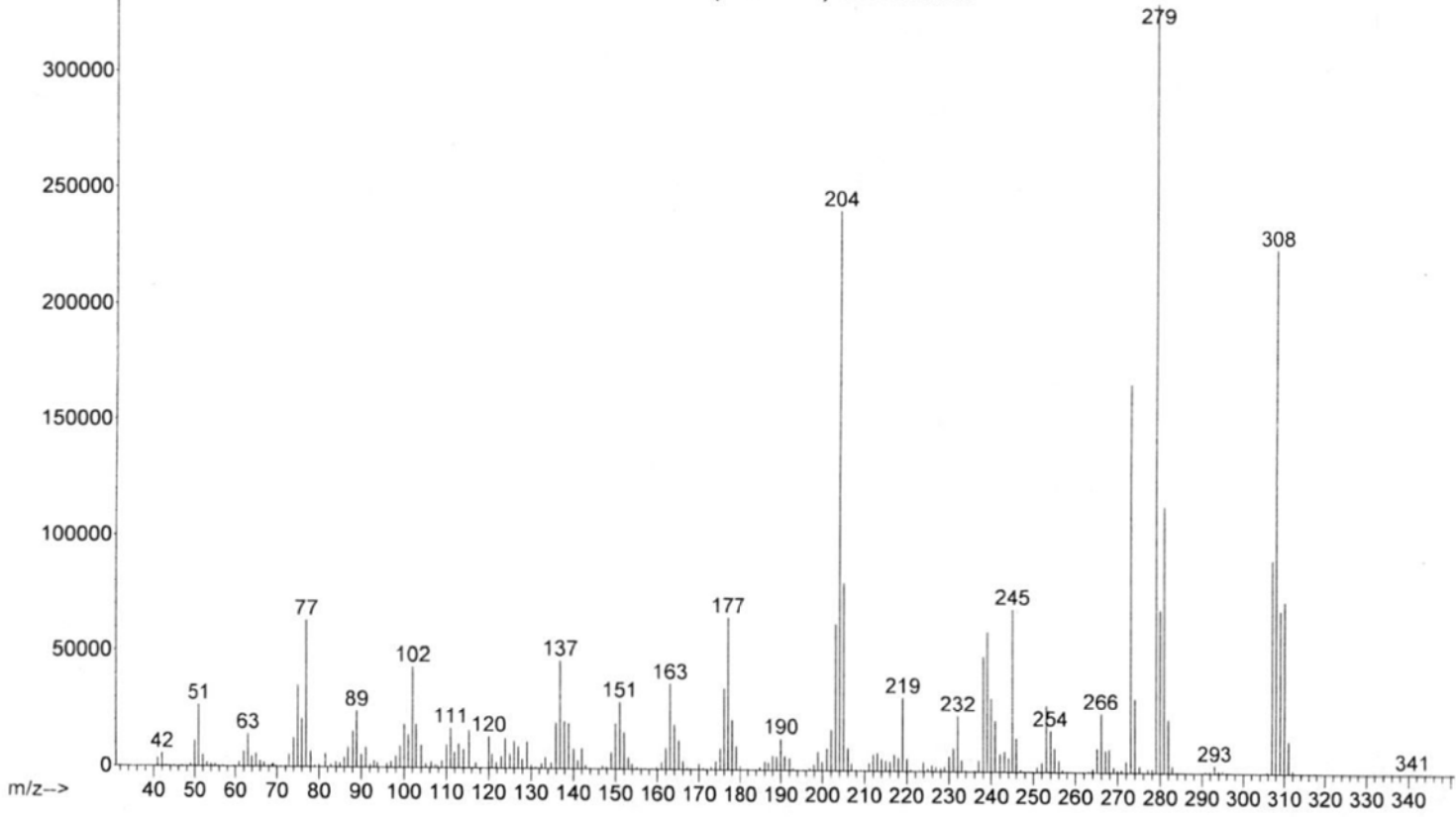
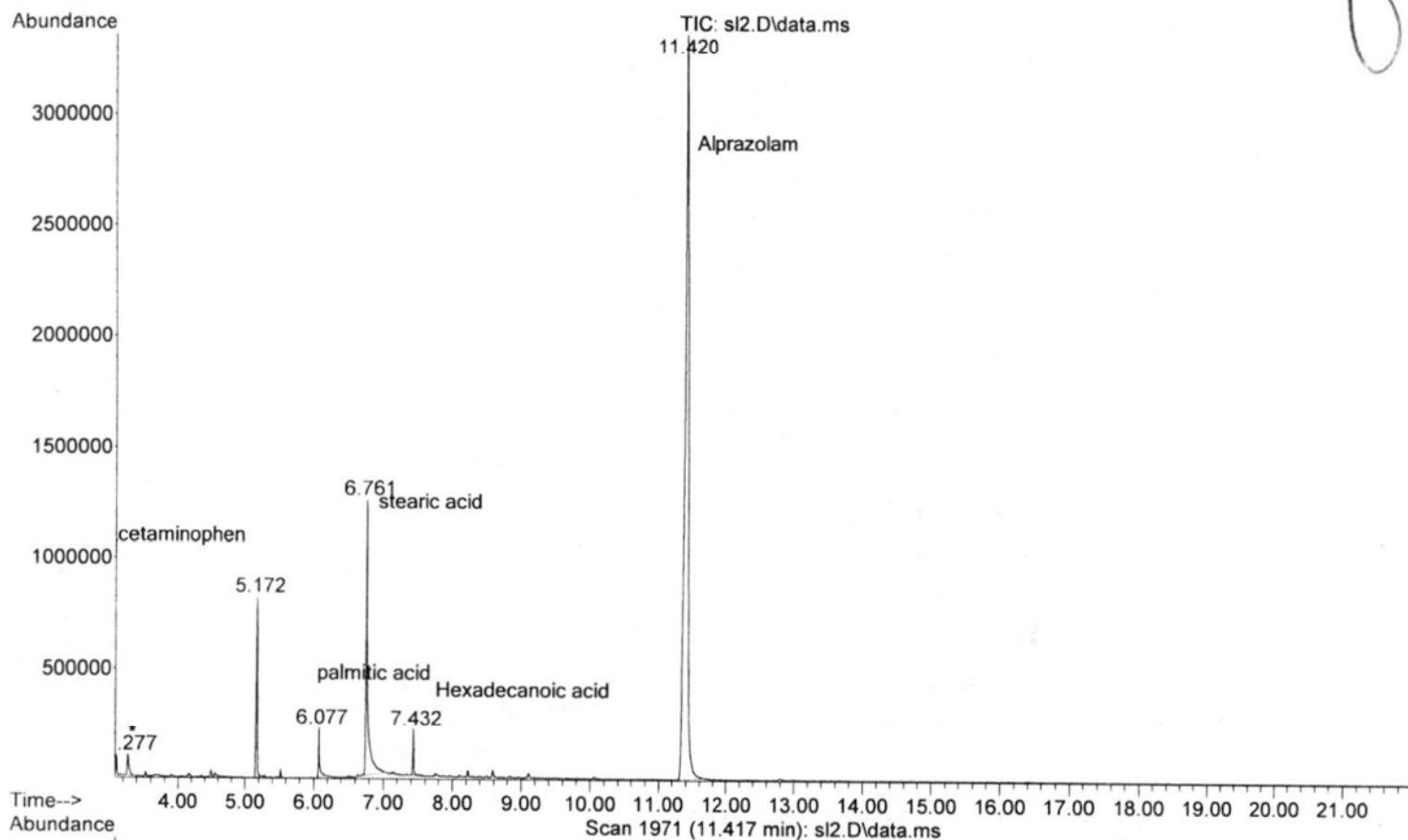
File : D:\1\DATA\2012\020312\sl2.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 3 Feb 2012 16:42 using AcqMethod DPSPMISC-2.M  
Instrument : HOGCMS206  
Sample Name: L2H-222396 #1 Direct in CHCl3  
Misc Info : oven 150/2(30/min)300/15 splt  
Vial Number: 77



File: D:\1\DATA\2012\020312\sl2.D  
Operator: MR 40-400, inj 250, det 280  
Acquired: 3 Feb 2012 16:42 using AcqMethod DPSMISC-2.M  
Instrument: HOGCMS206  
Sample Name: L2H-222396 #1 Direct in CHCl3  
Misc Info: oven 150/2(30/min)300/15 spl  
Vial Number: 77

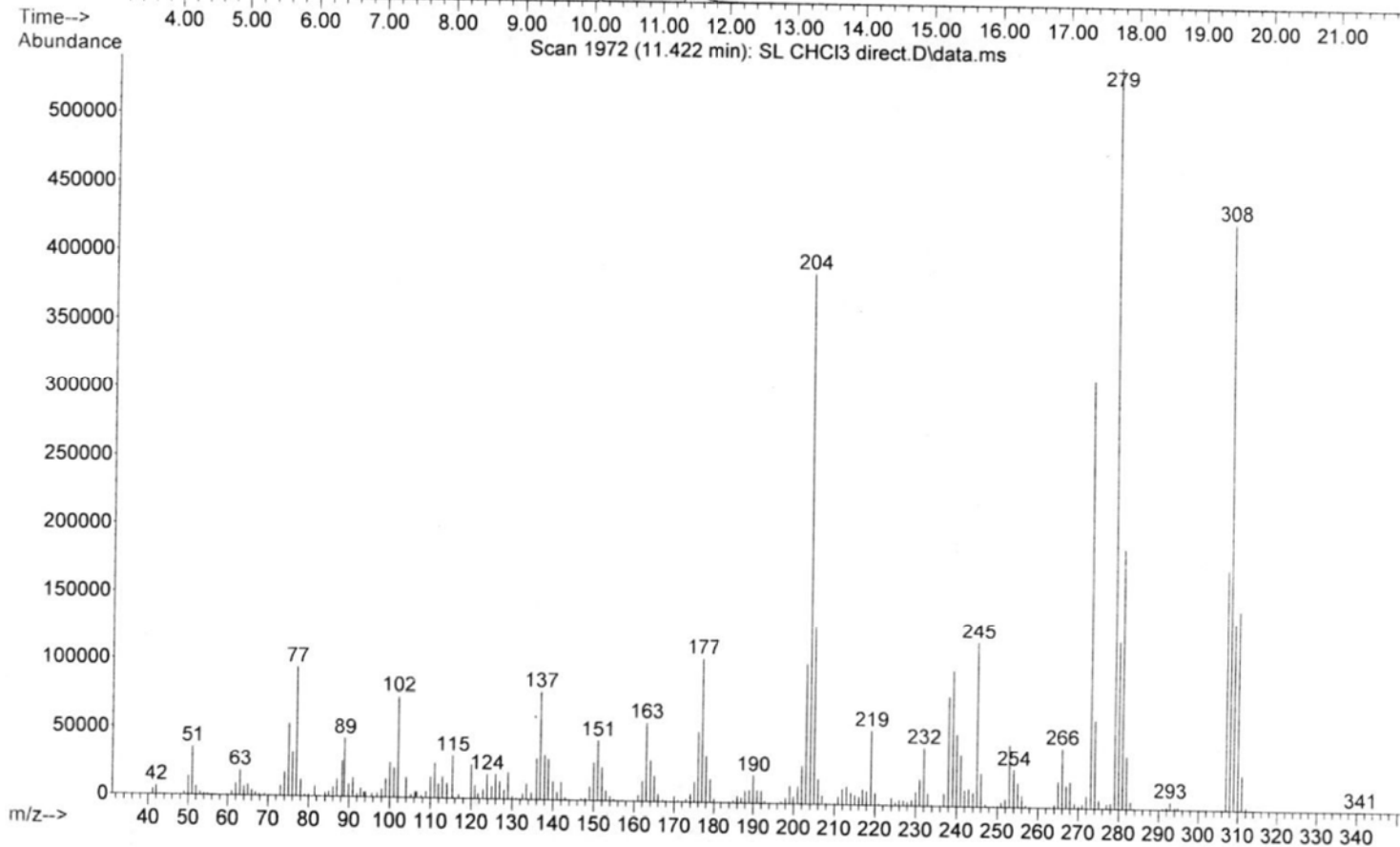
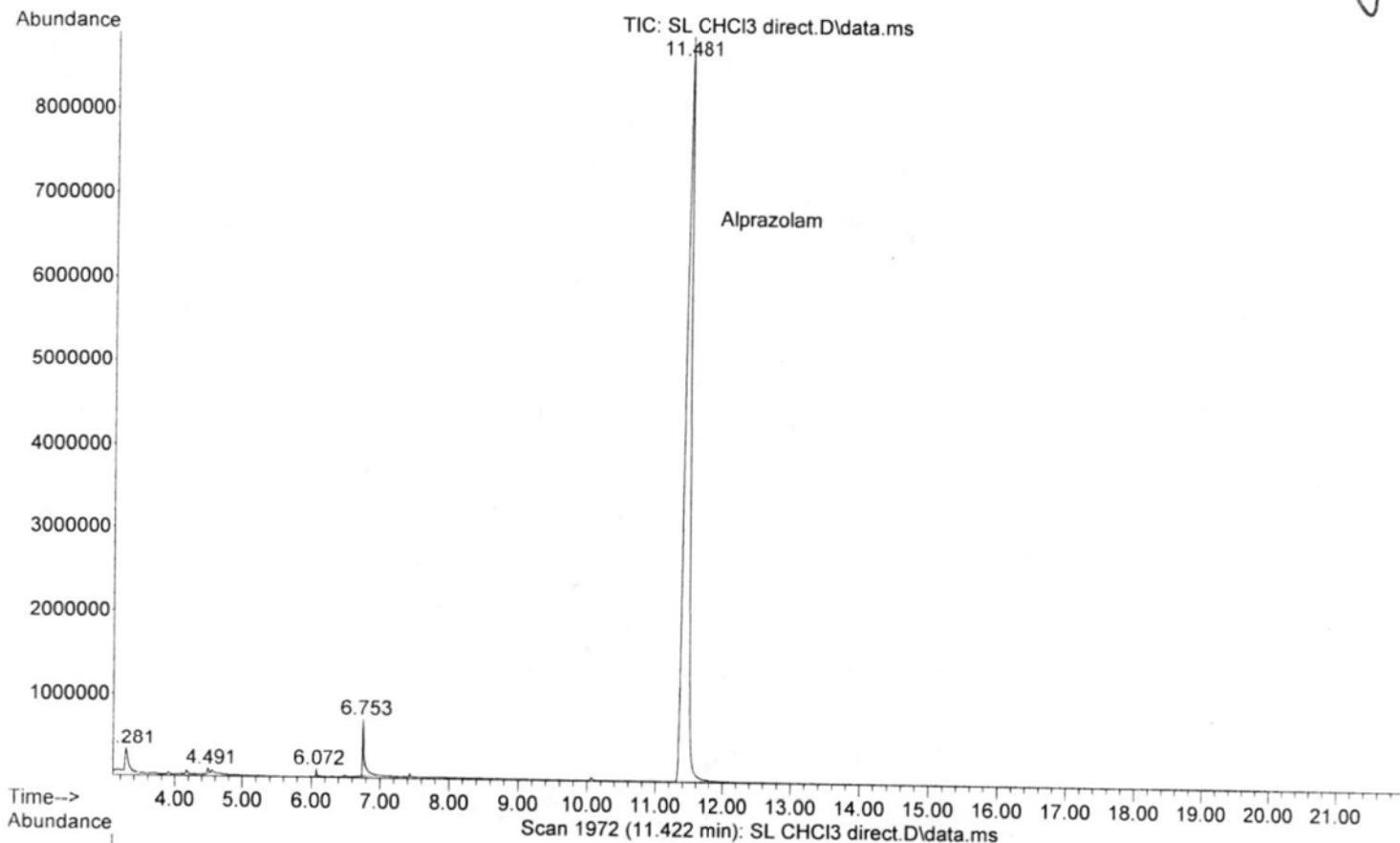


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Acquired : 3 Feb 2012 16:42 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: L2H-222396 #1 Direct in CHCl3  
Misc Info : oven 150/2(30/min)300/15 spl  
Vial Number: 77

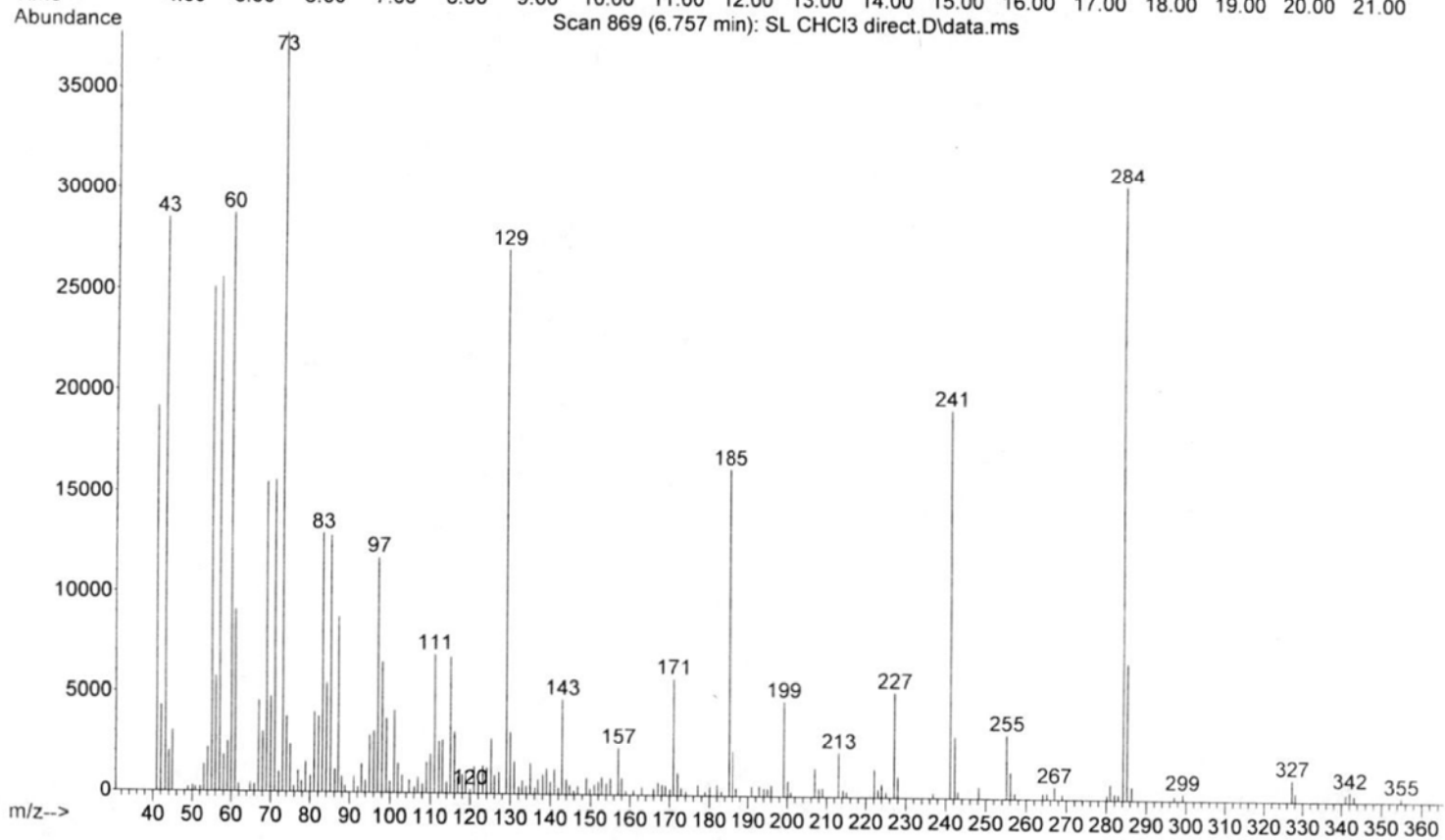
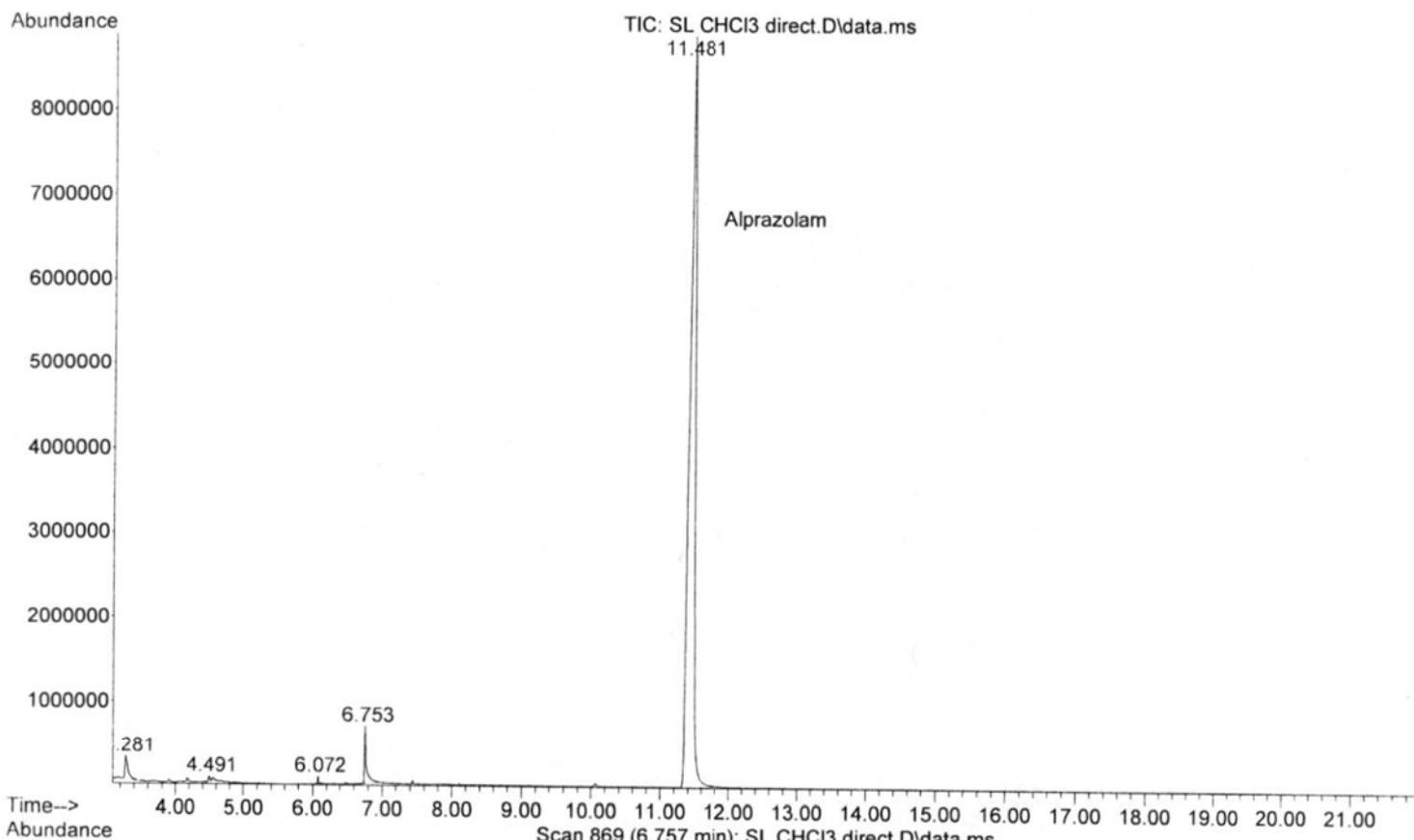


# Exhibit 1.6

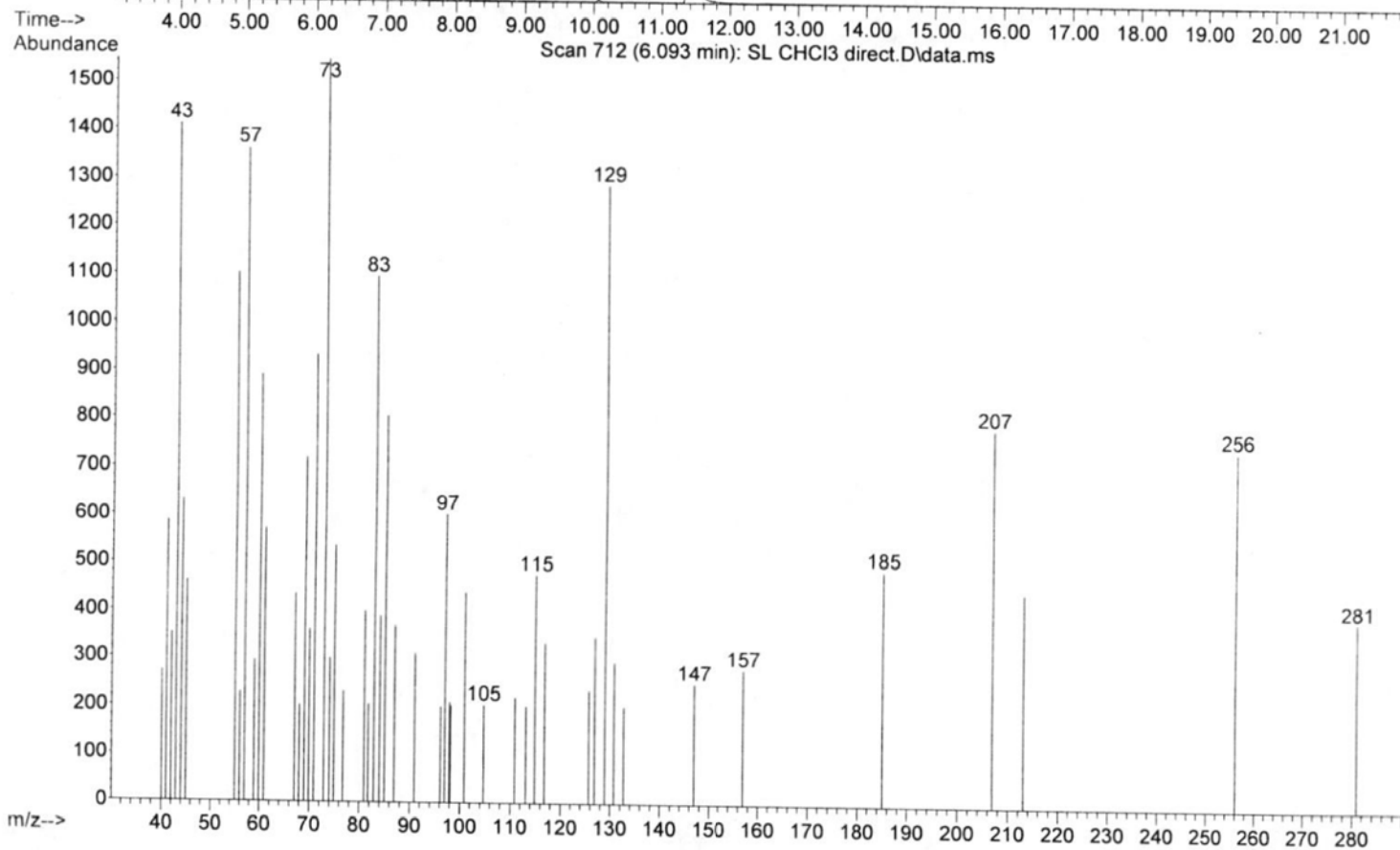
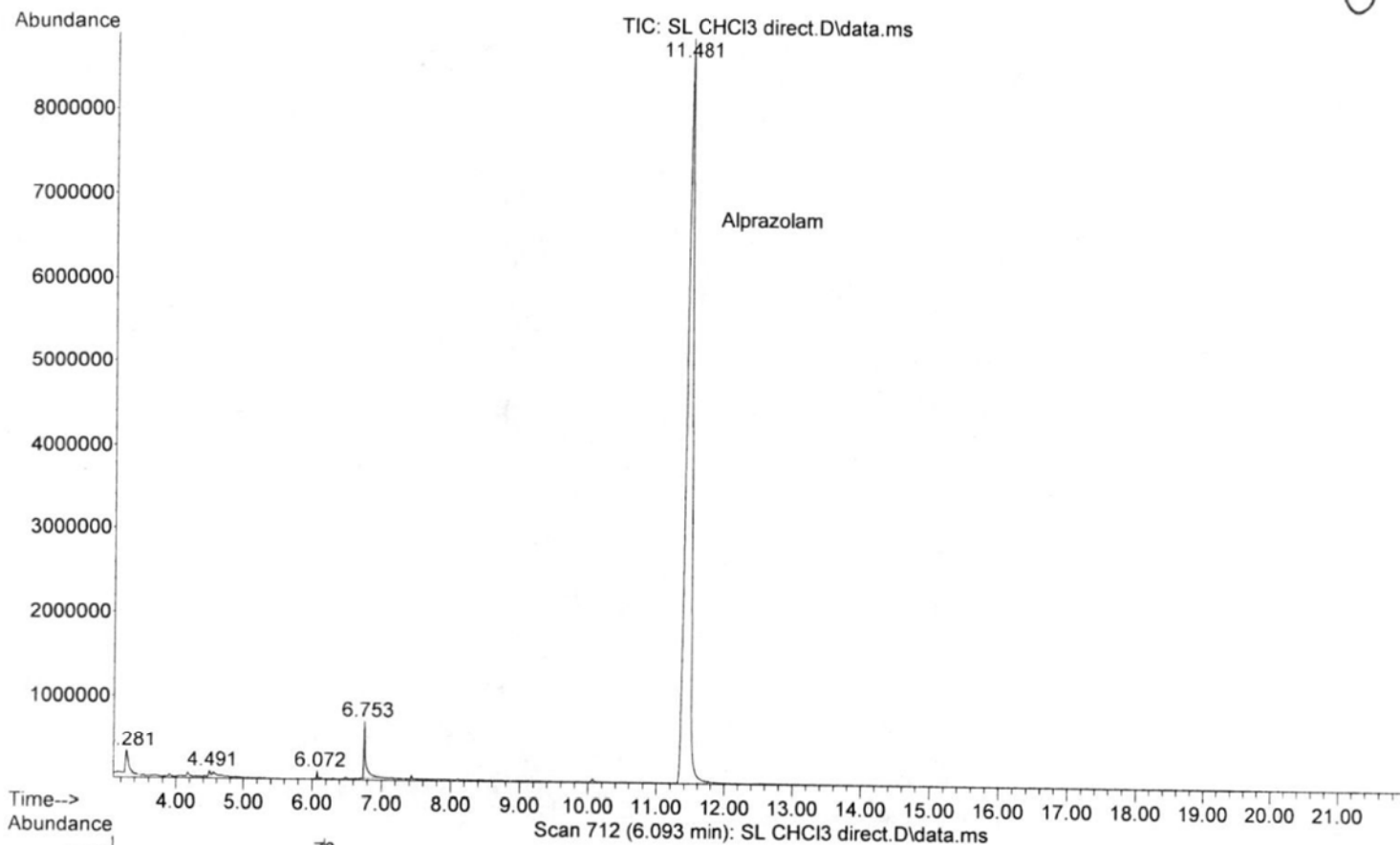
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Vial Number: 97



File :D:\1\DATA\2012\020812\SL CHCl3 direct.D  
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Vial Number: 97

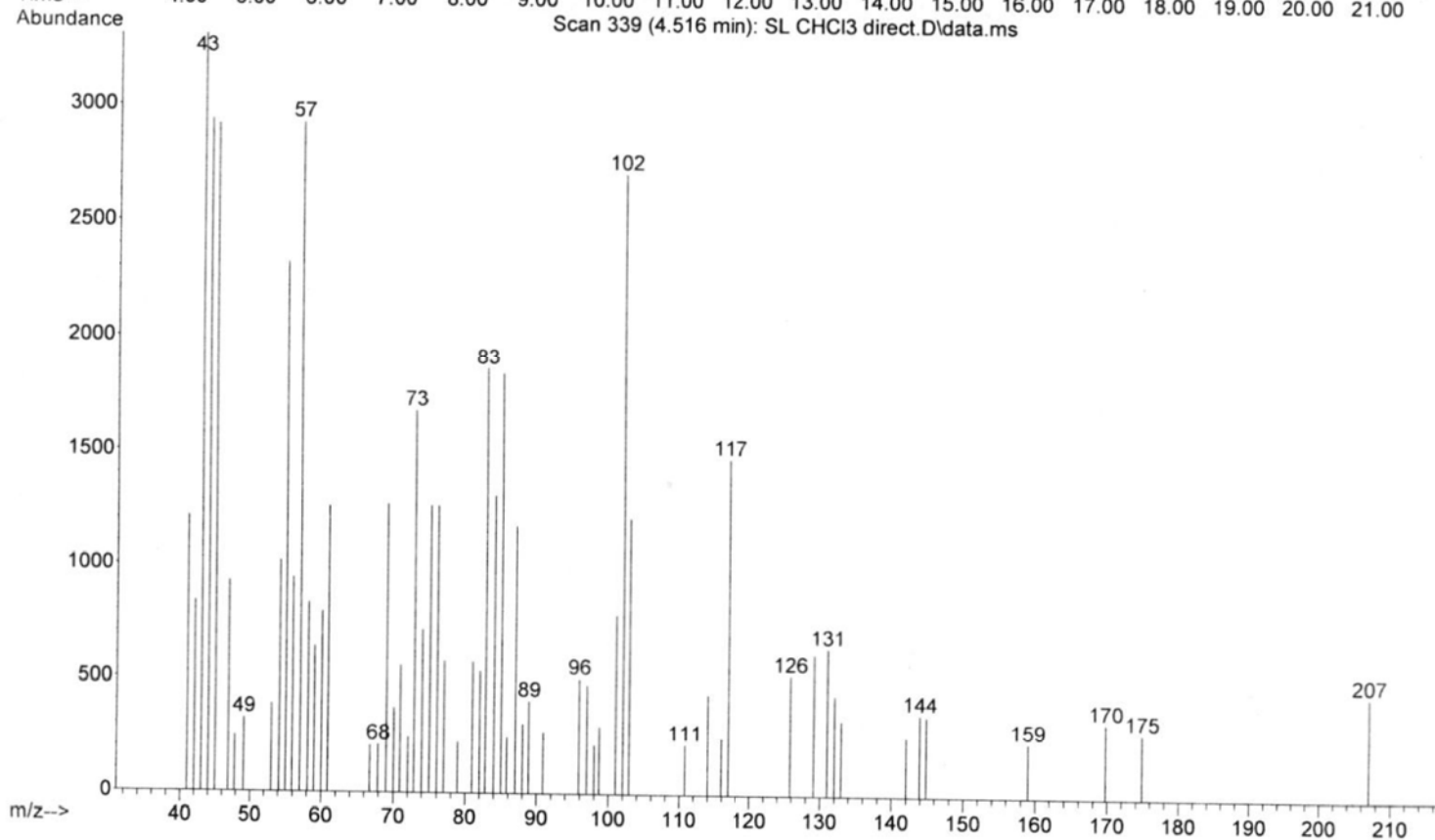
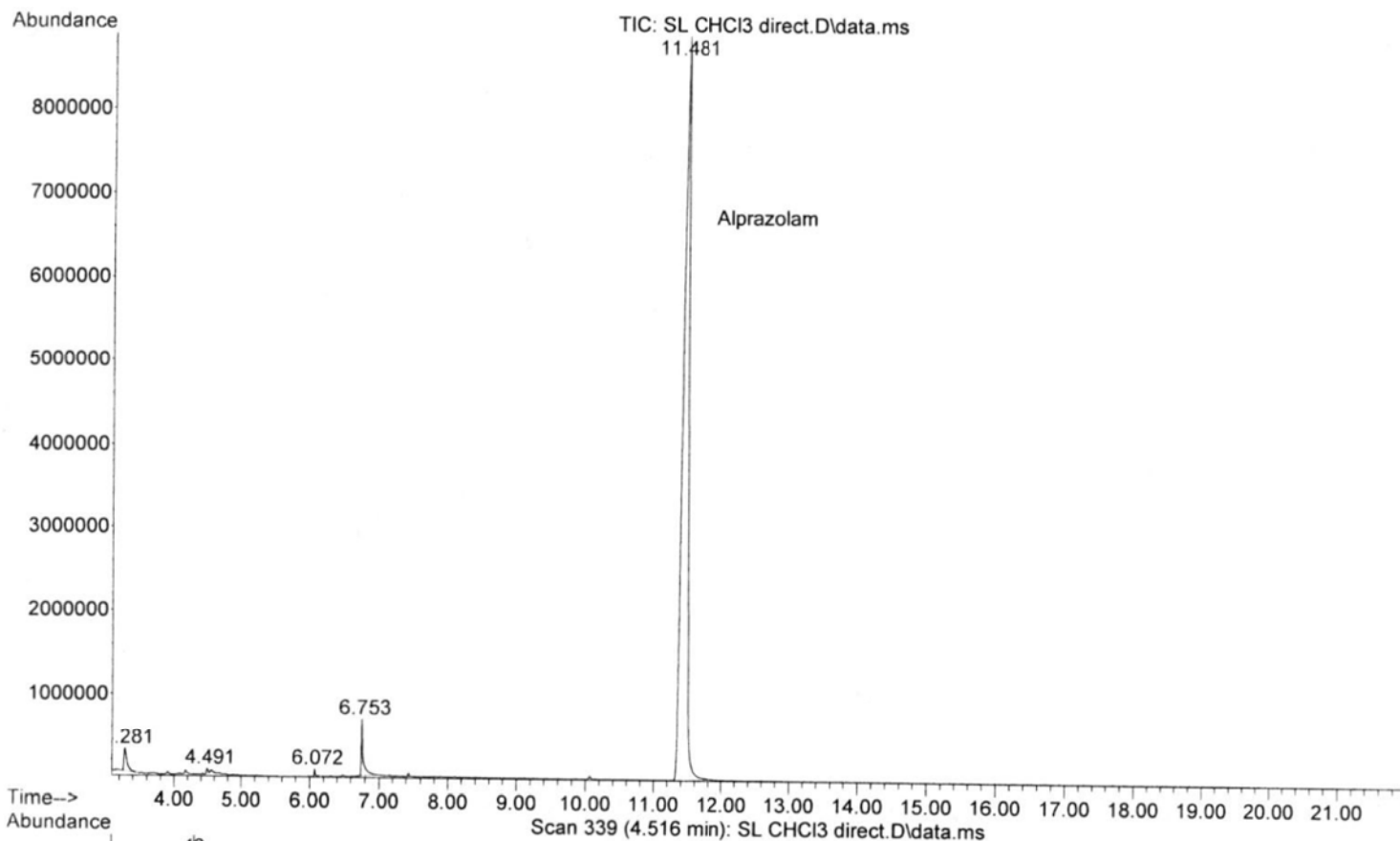


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Sample Name: SL CHCl3 direct  
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Vial Number: 97

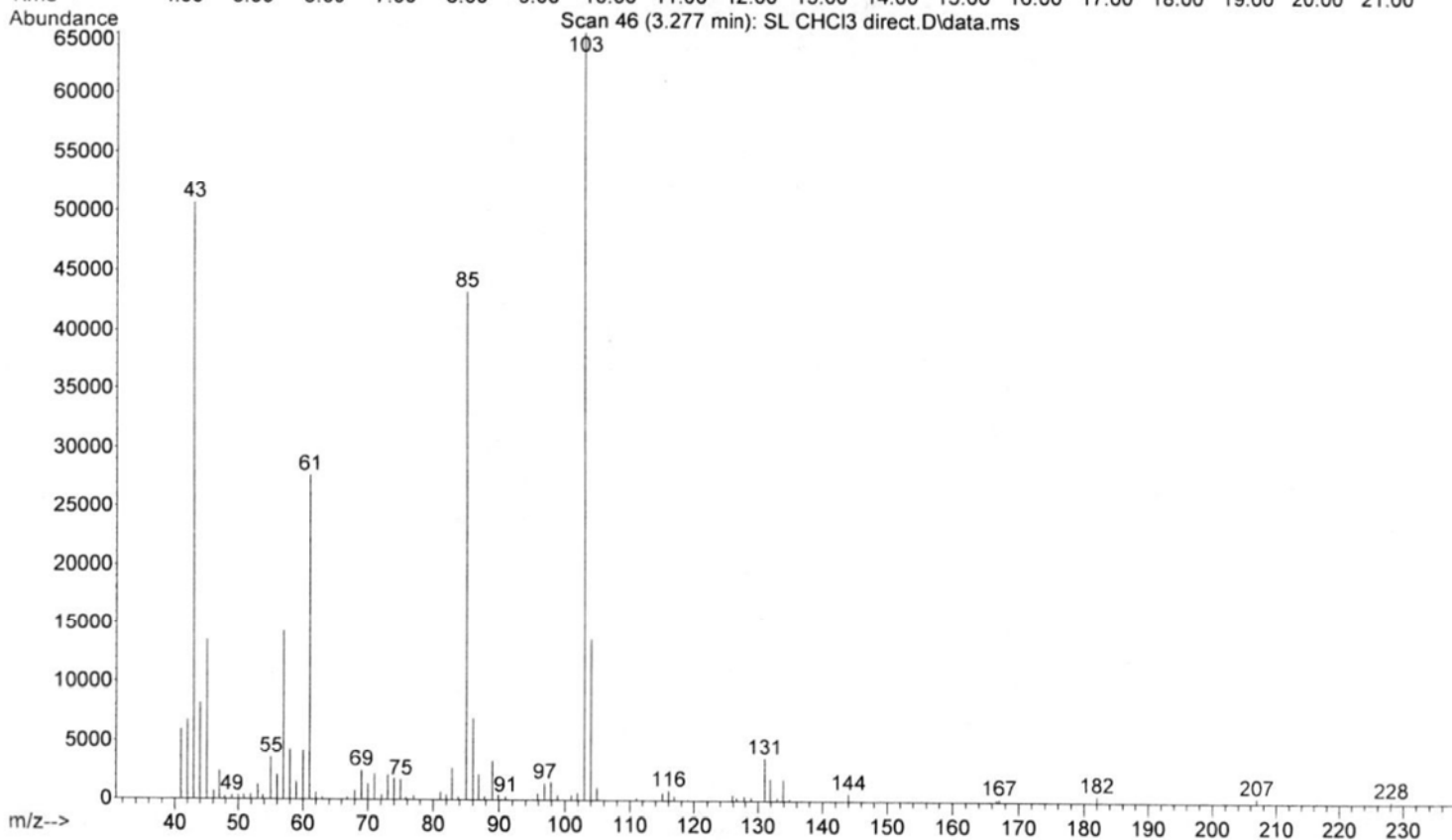
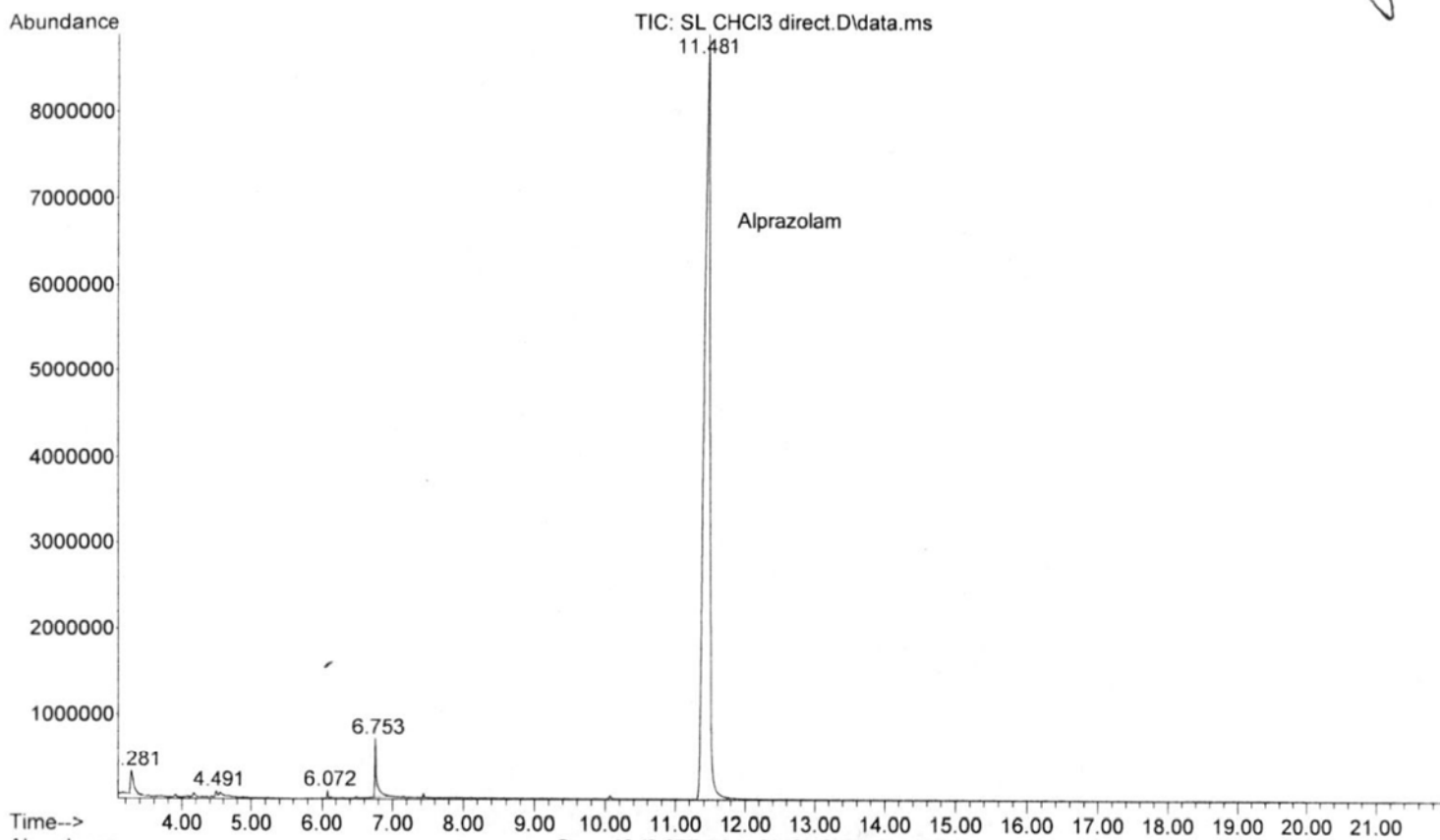




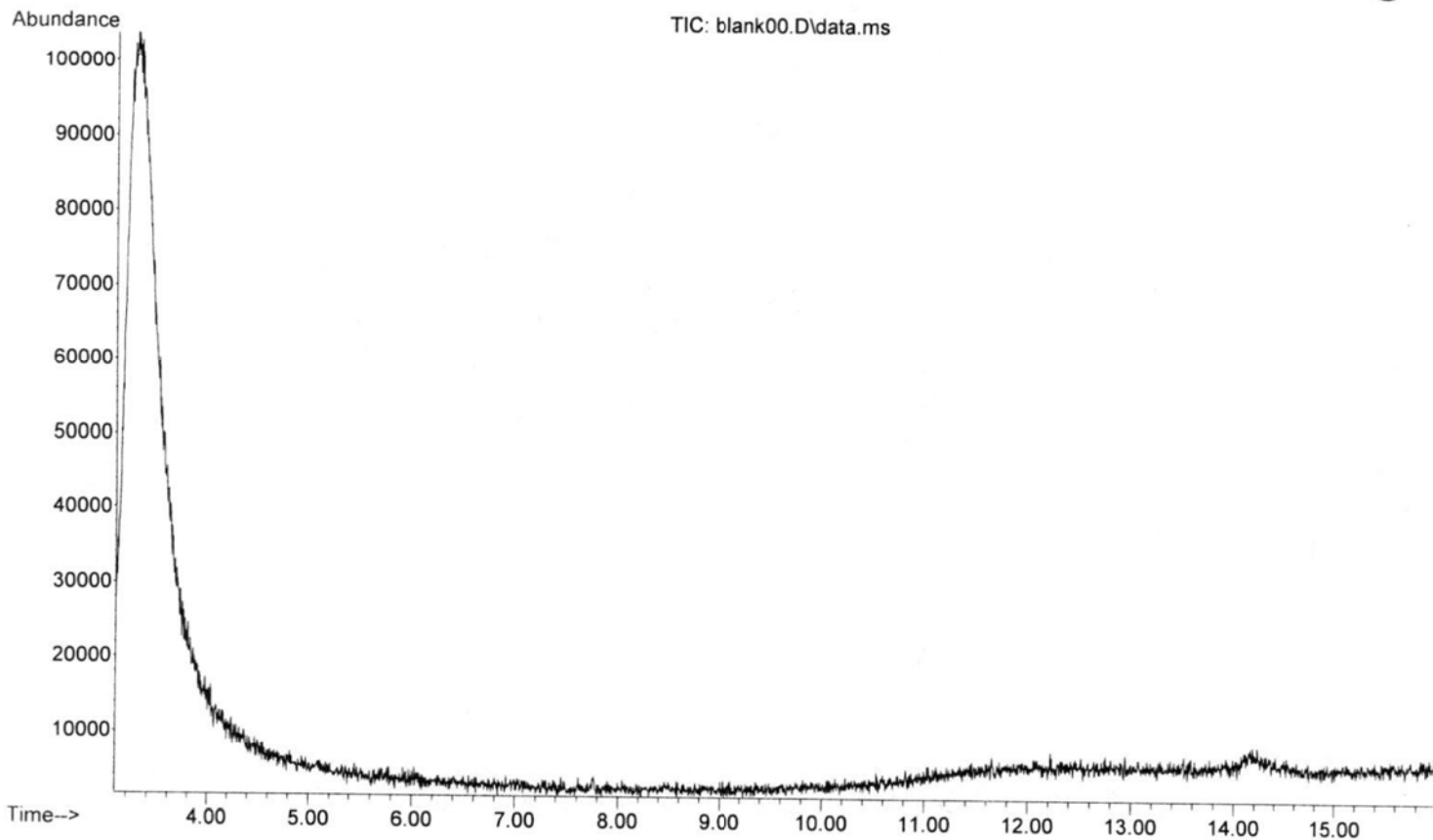
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Vial Number: 97



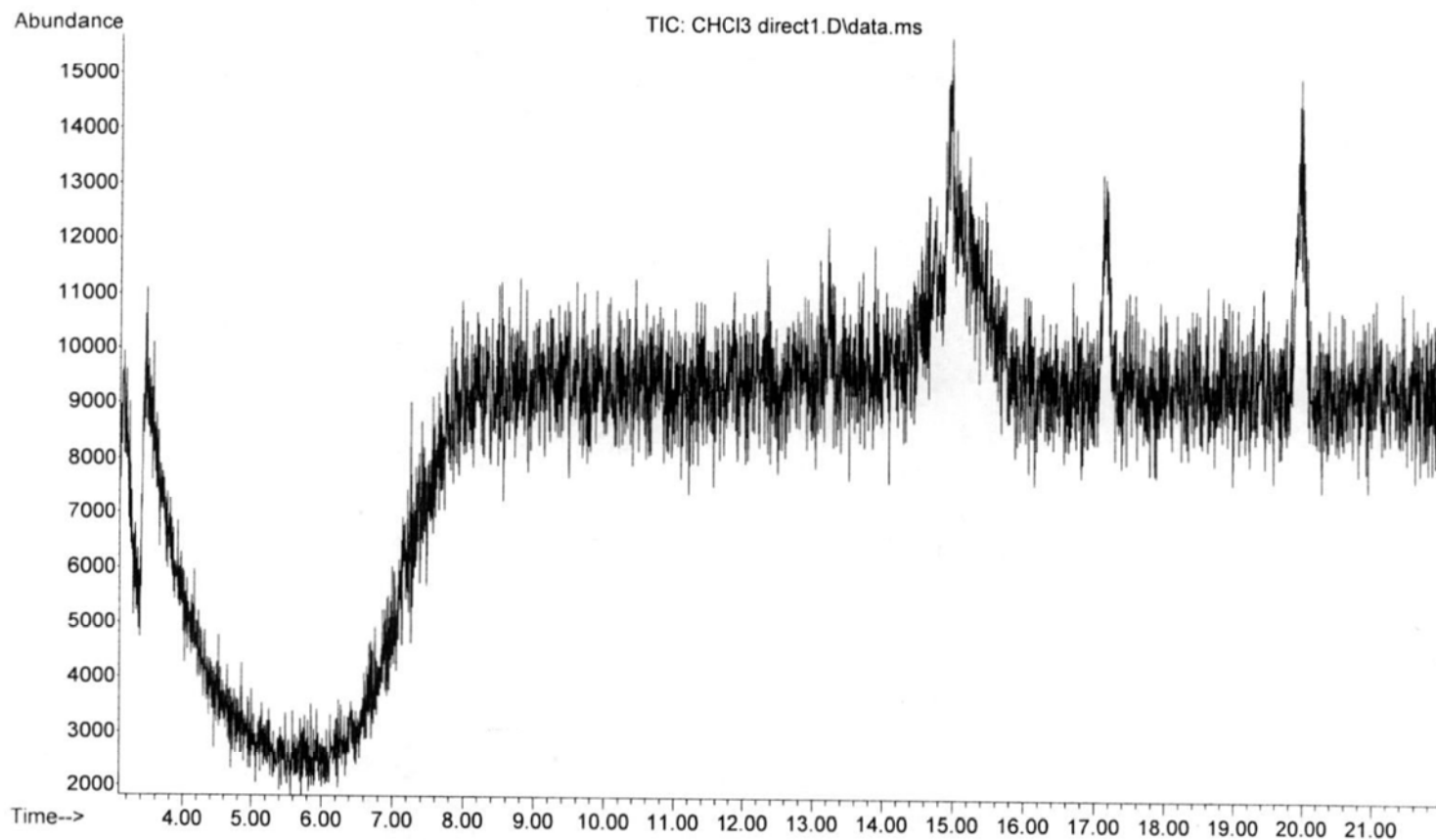
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Vial Number: 97



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Acquired : 8 Feb 2012 16:56 using AcqMethod DPSCOC.M  
Instrument : HOGCMS206  
Sample Name: blank00  
Misc Info : it:100/2m; rt:20c/m; ft:280c/5m A>CHCl3  
Vial Number: 100

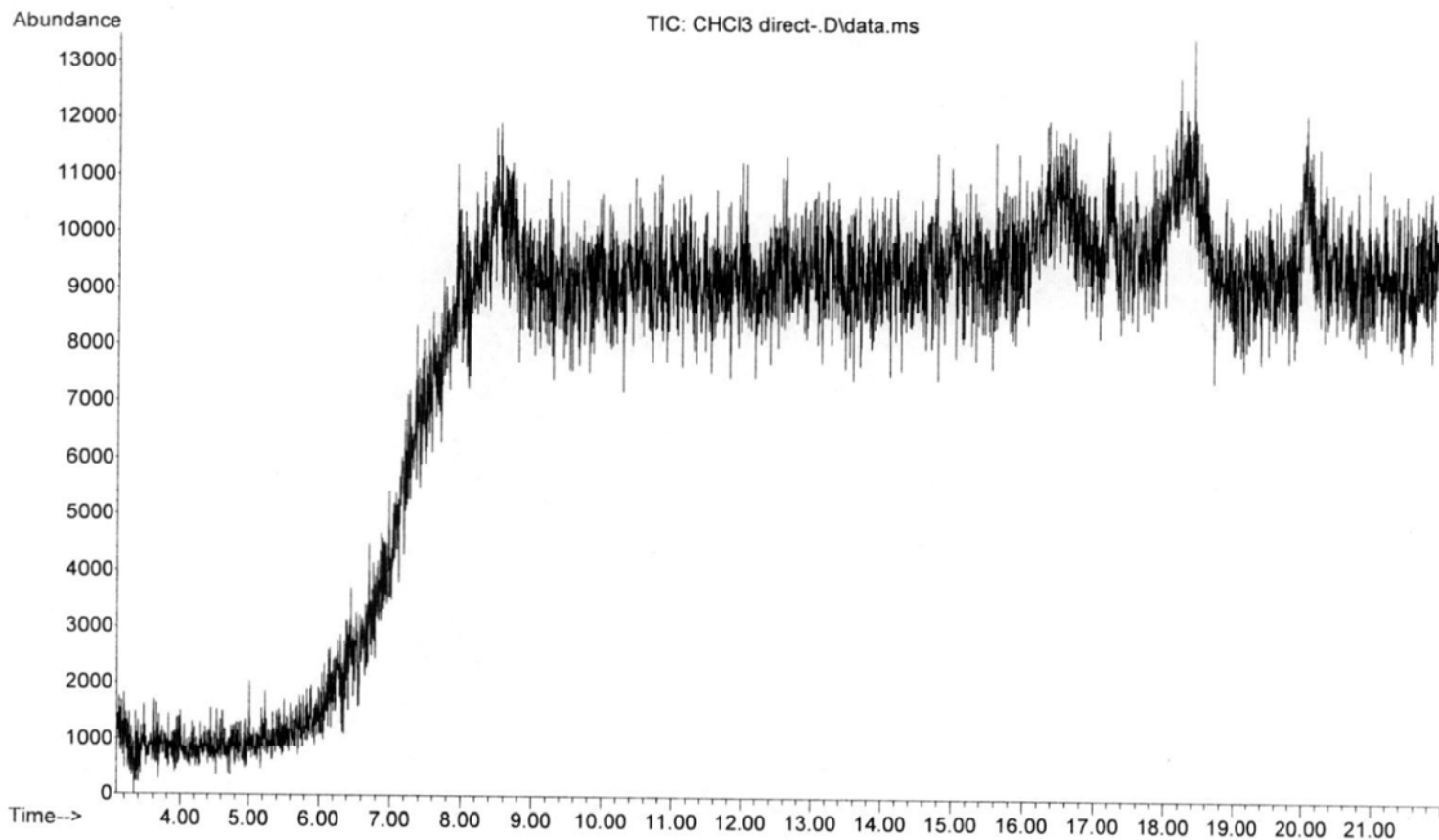


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Vial Number: 99

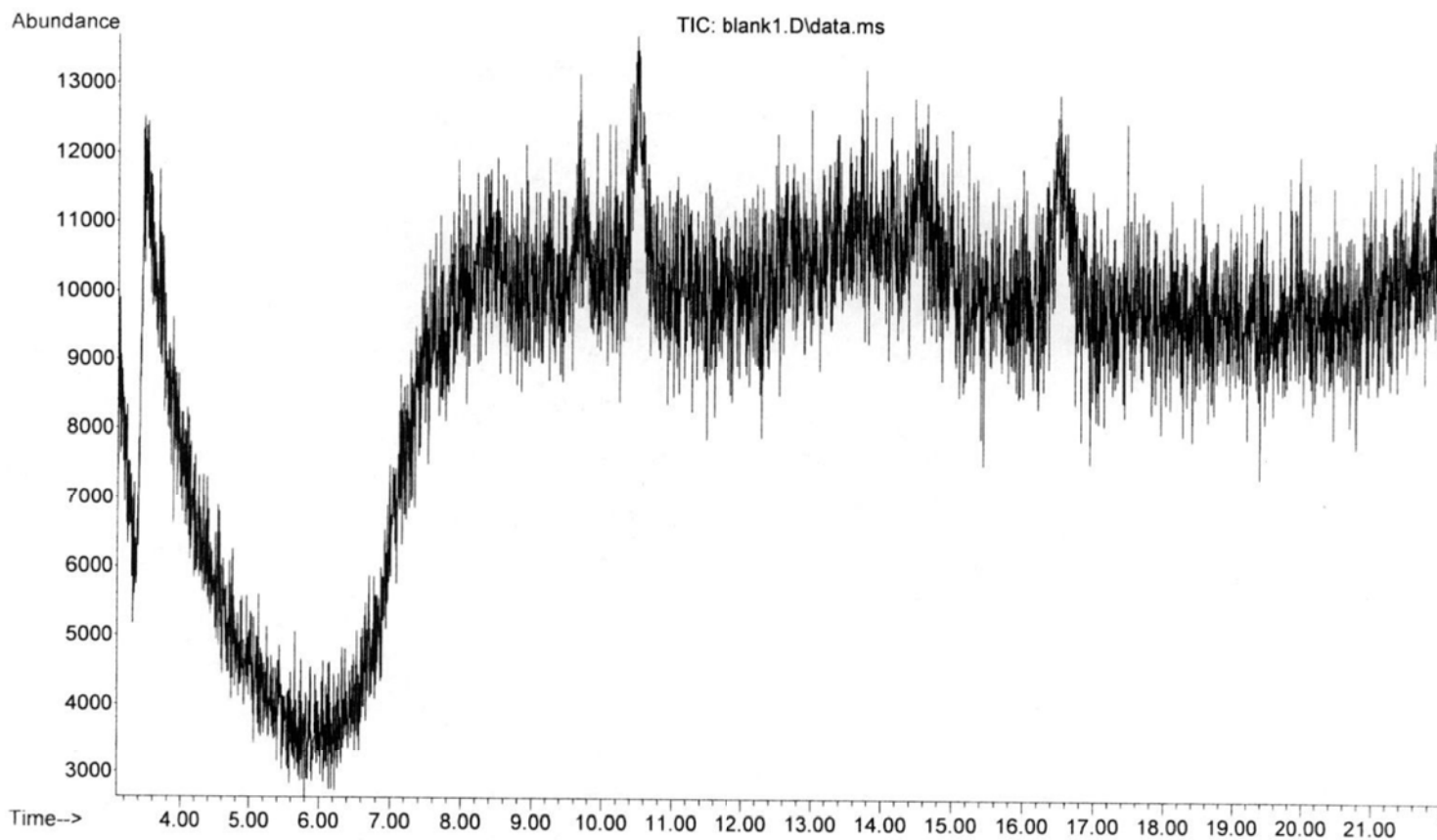


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Vial Number: 99

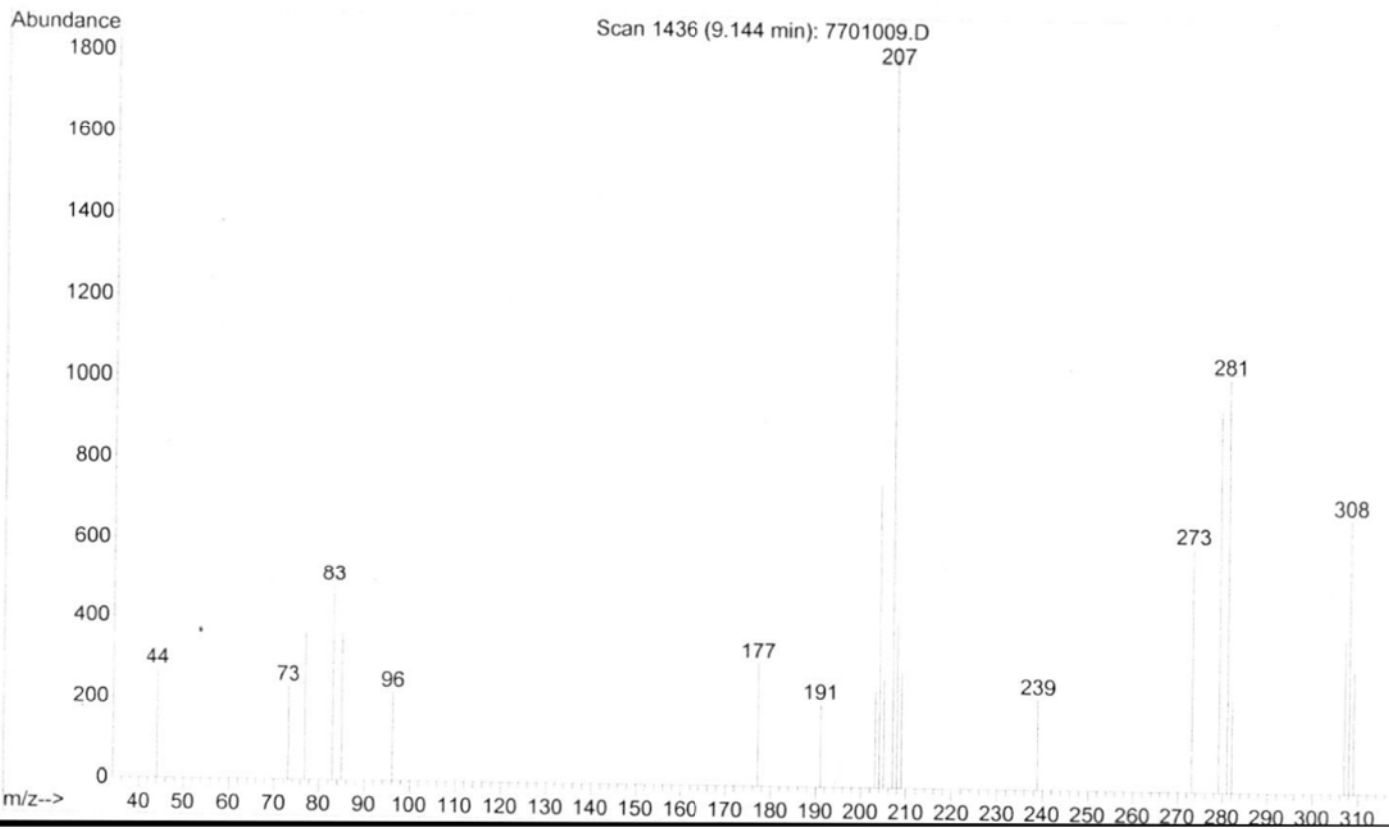
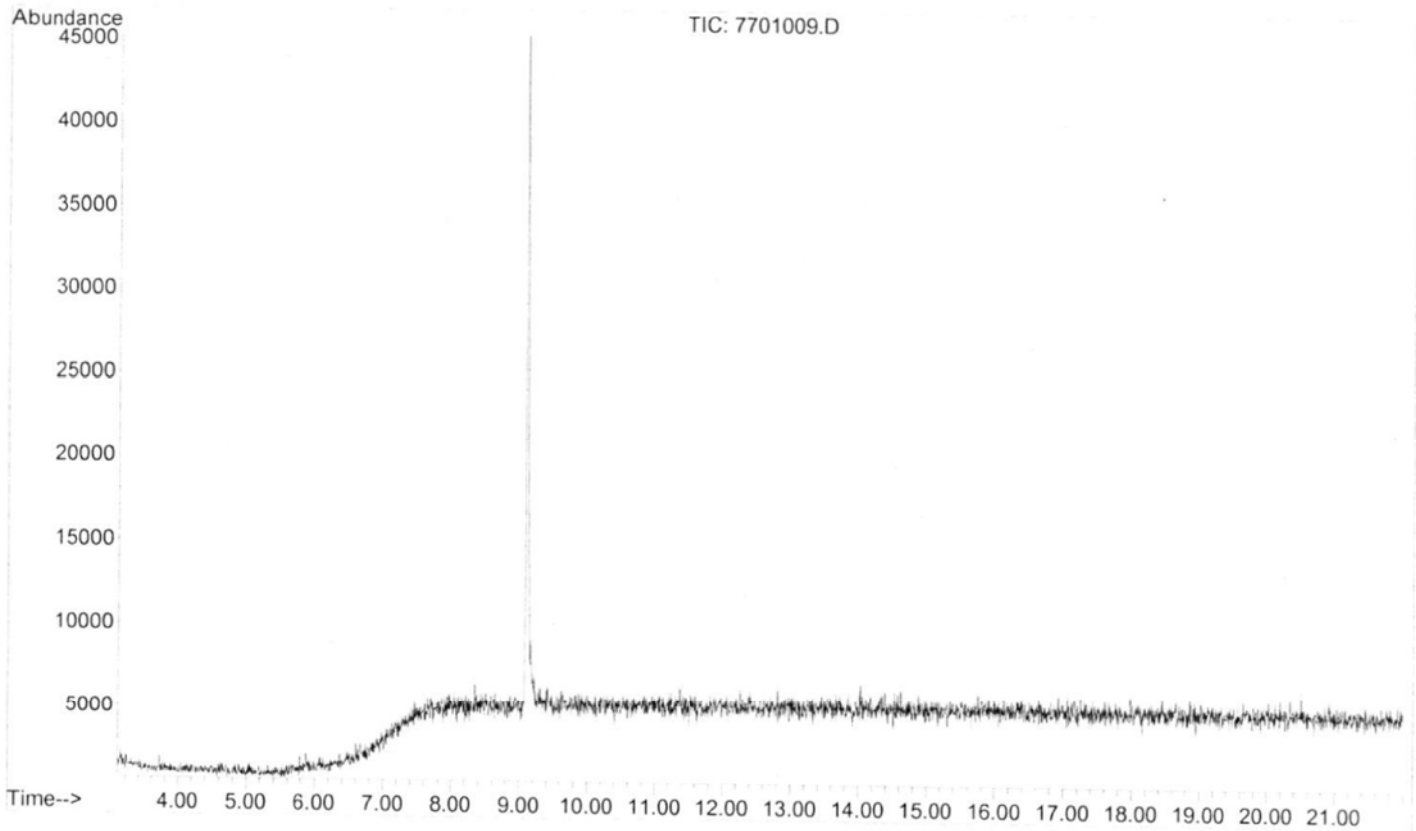
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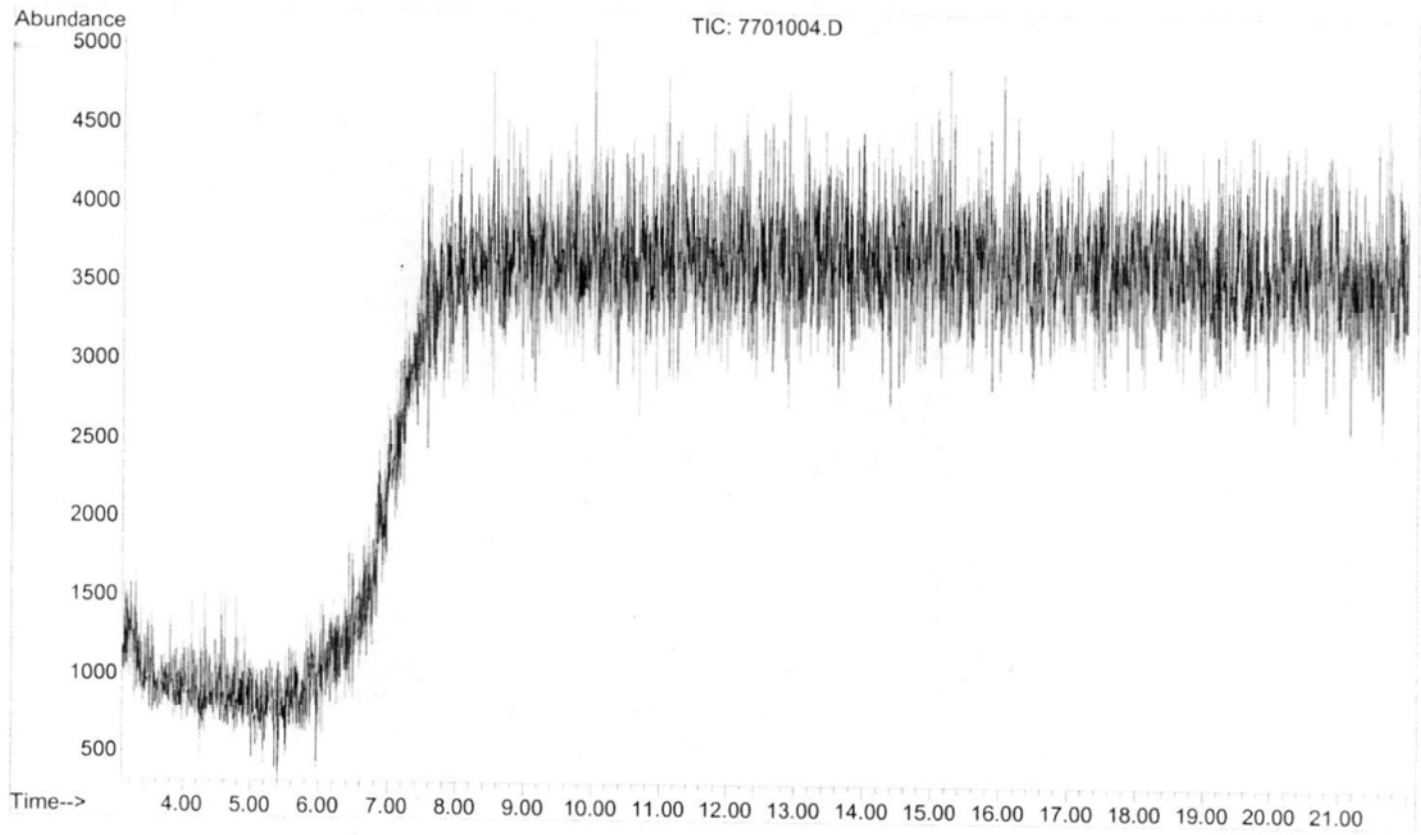
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Sample Name: blank1  
Misc Info : it:150/2m; rt:30c/m; ft:300c/15m A>CHCl3  
Vial Number: 100



File : D:\DATA\HOUSTON\020812\7701009.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 8 Feb 2012 19:57 using AcqMethod MISCSEQ  
Instrument : HOGCMS204  
Sample Name: CHCl3 direct Blank  
Misc Info : oven 150/2(30/min)300/15 spl  
Vial Number: 77



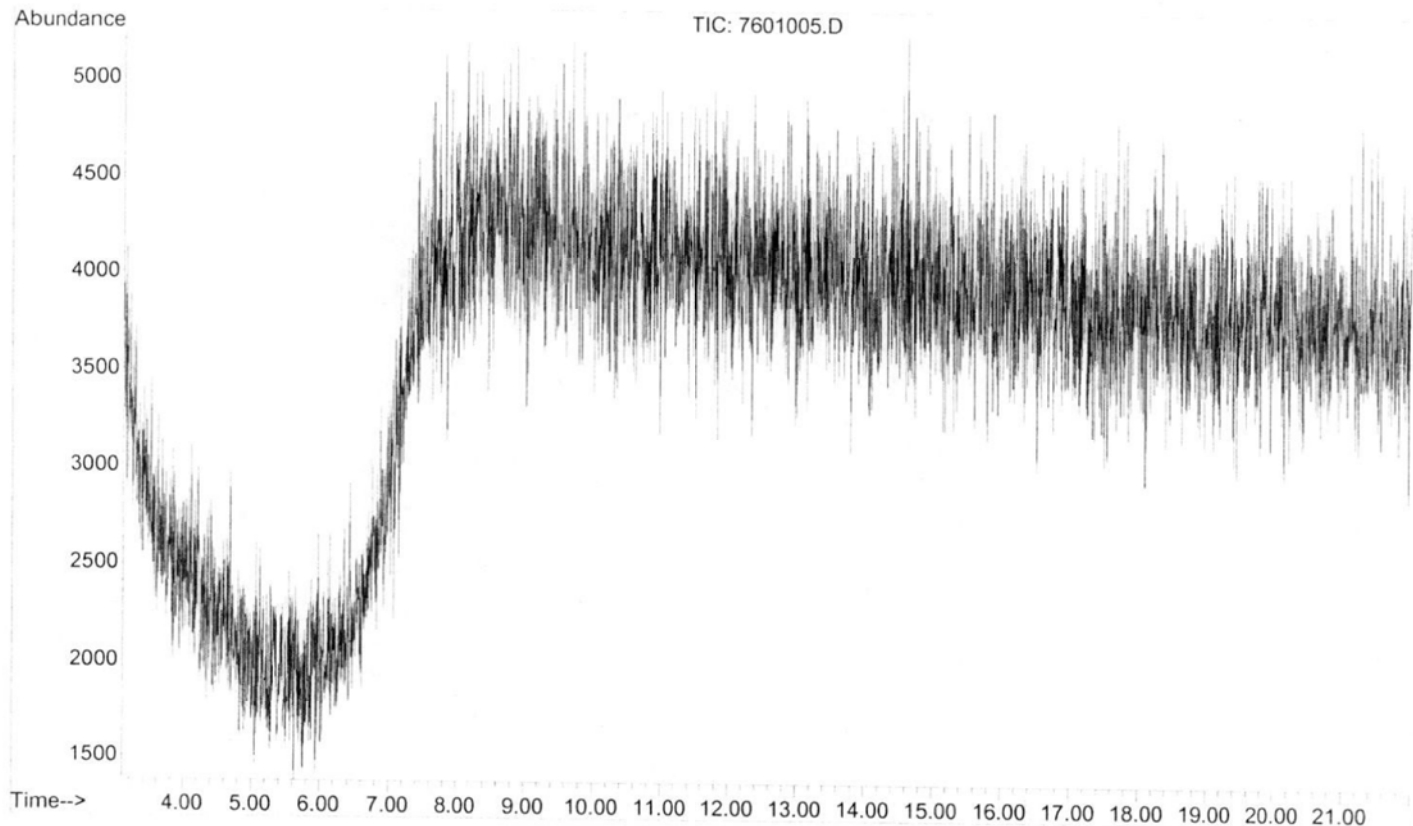
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Sample Name: CHCl3 direct Blank  
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Vial Number: 77



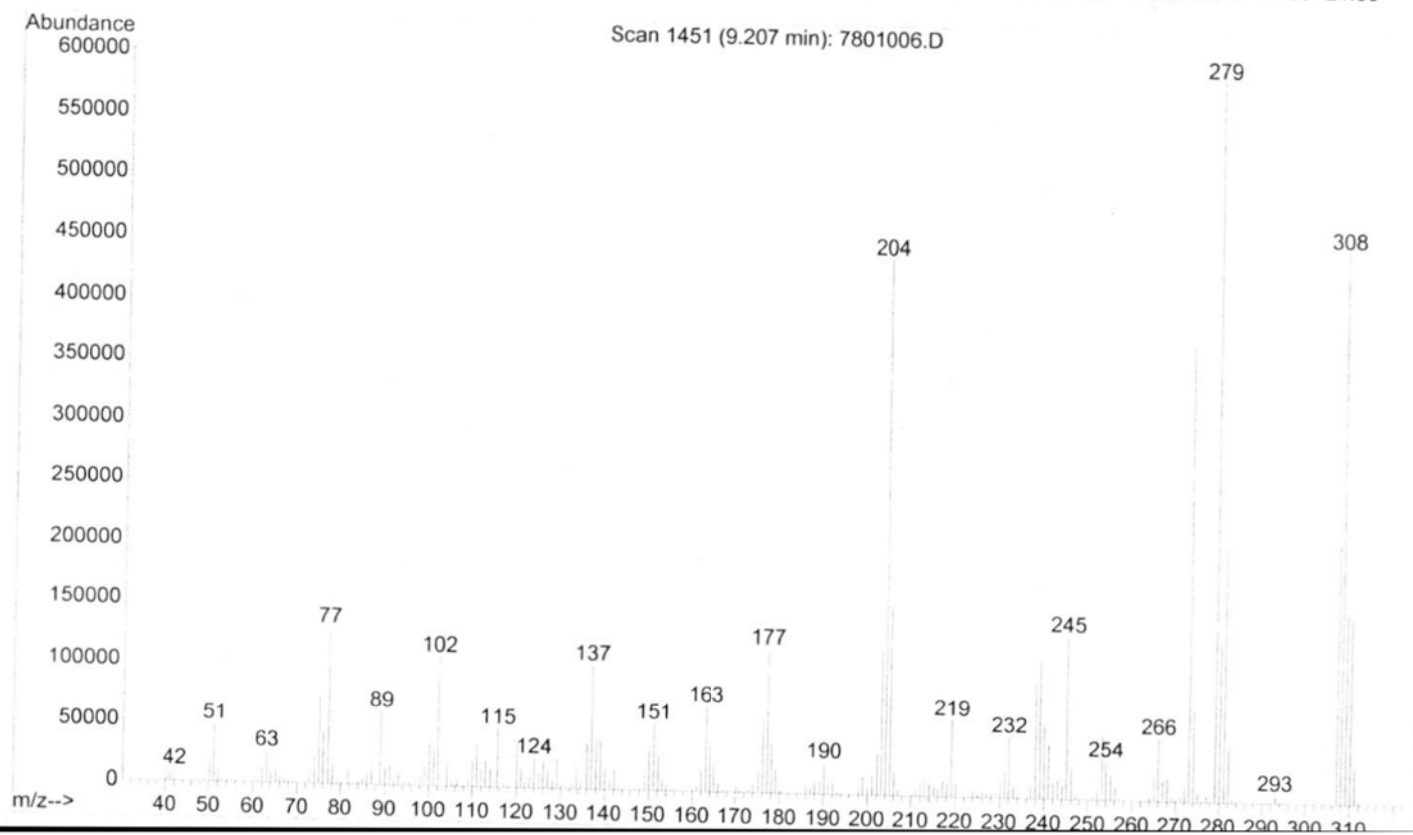
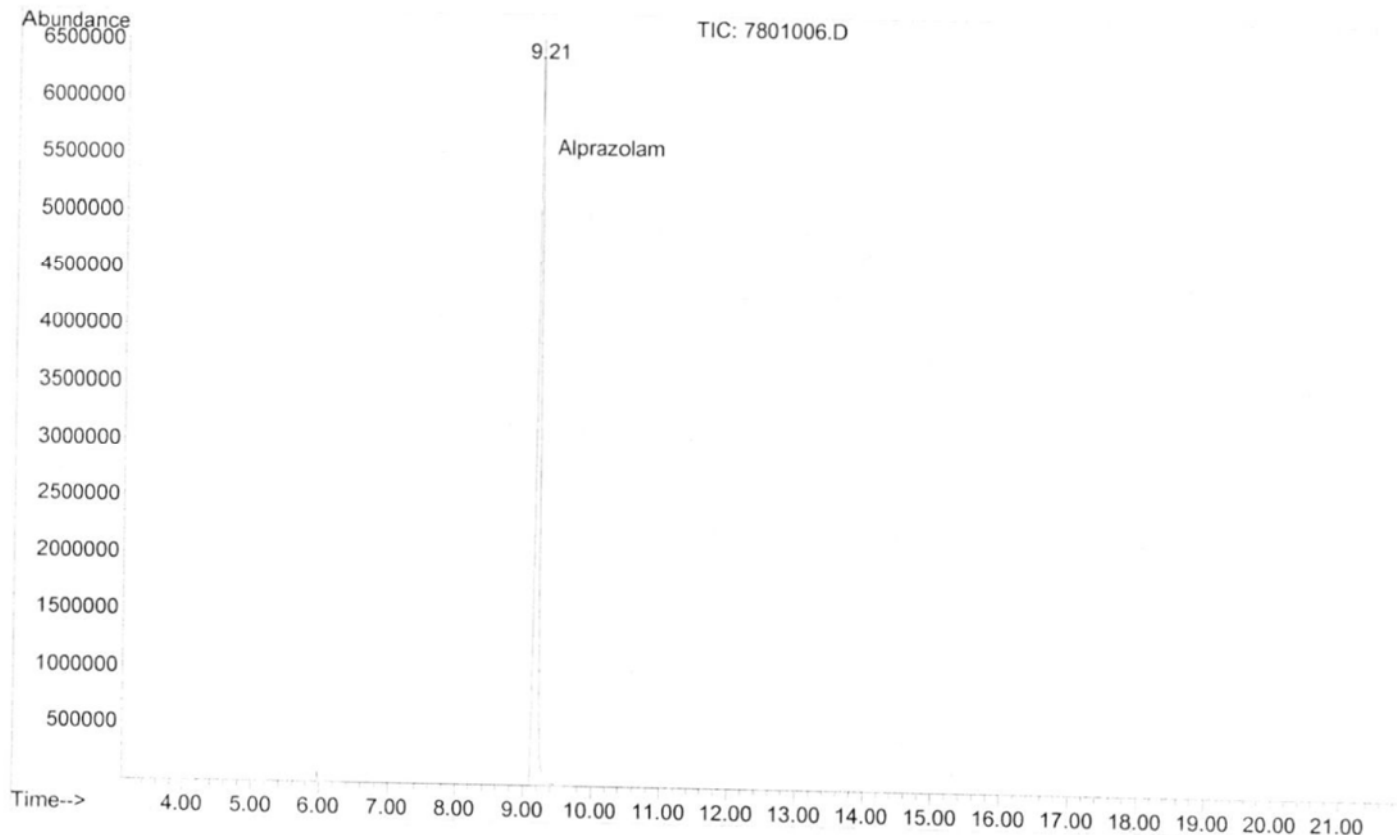


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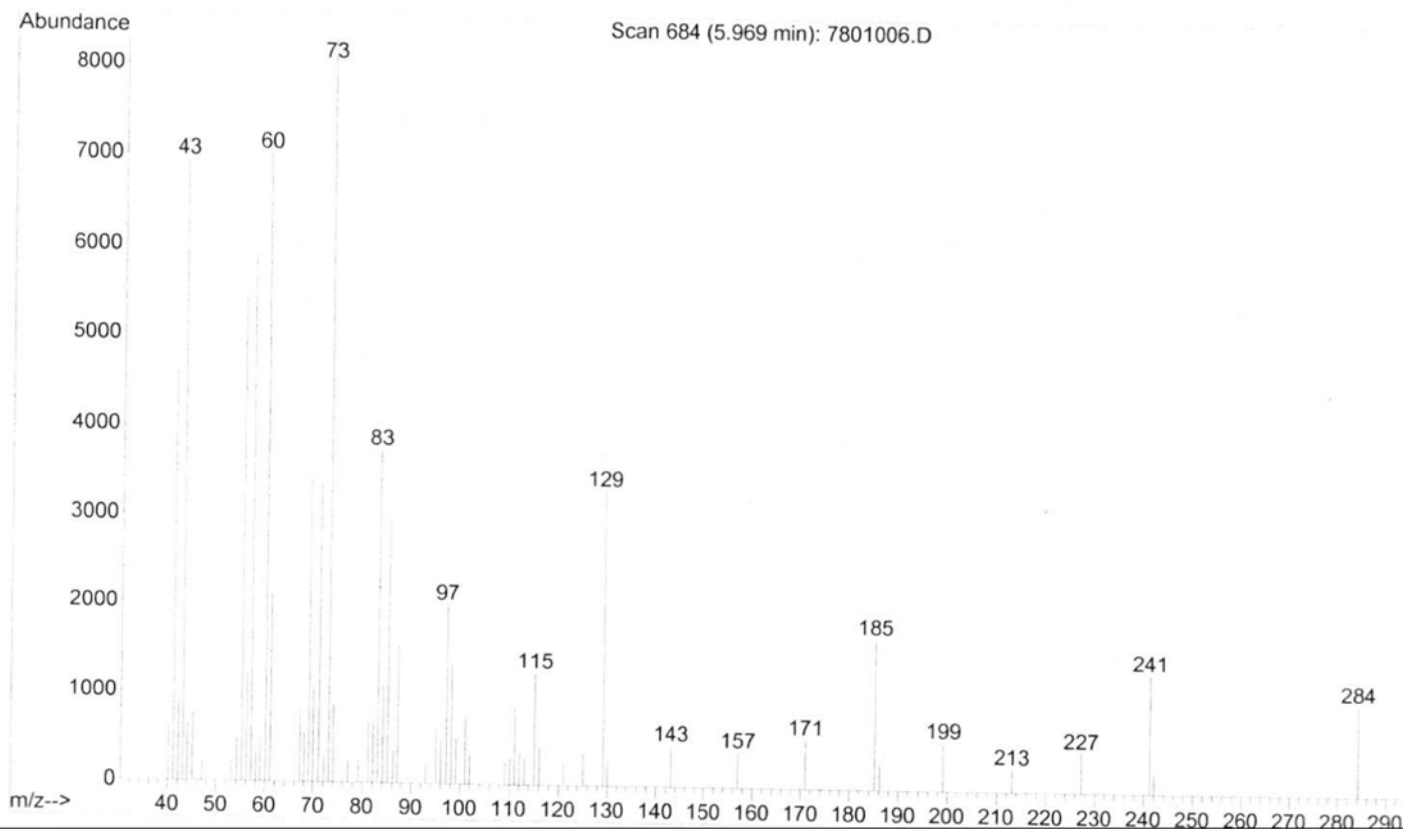
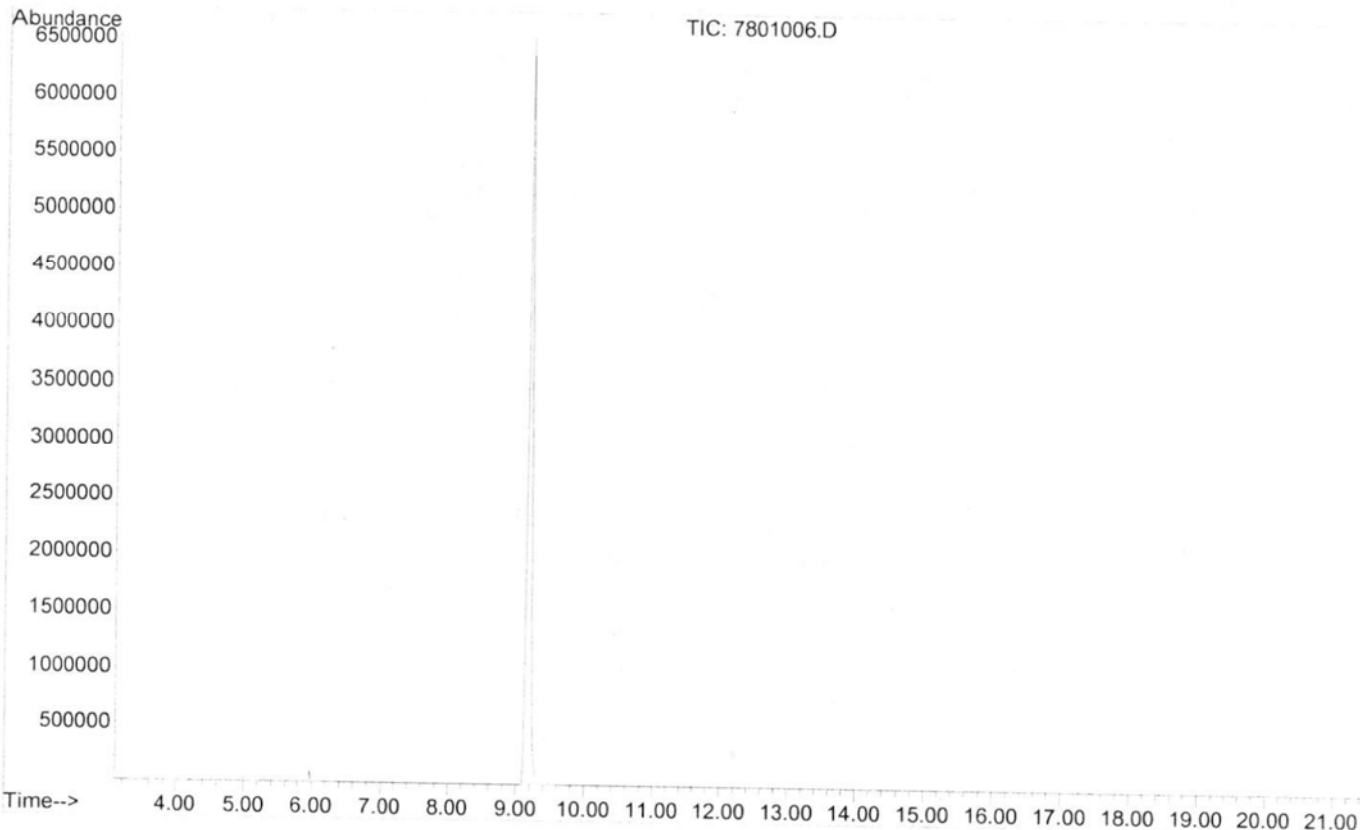
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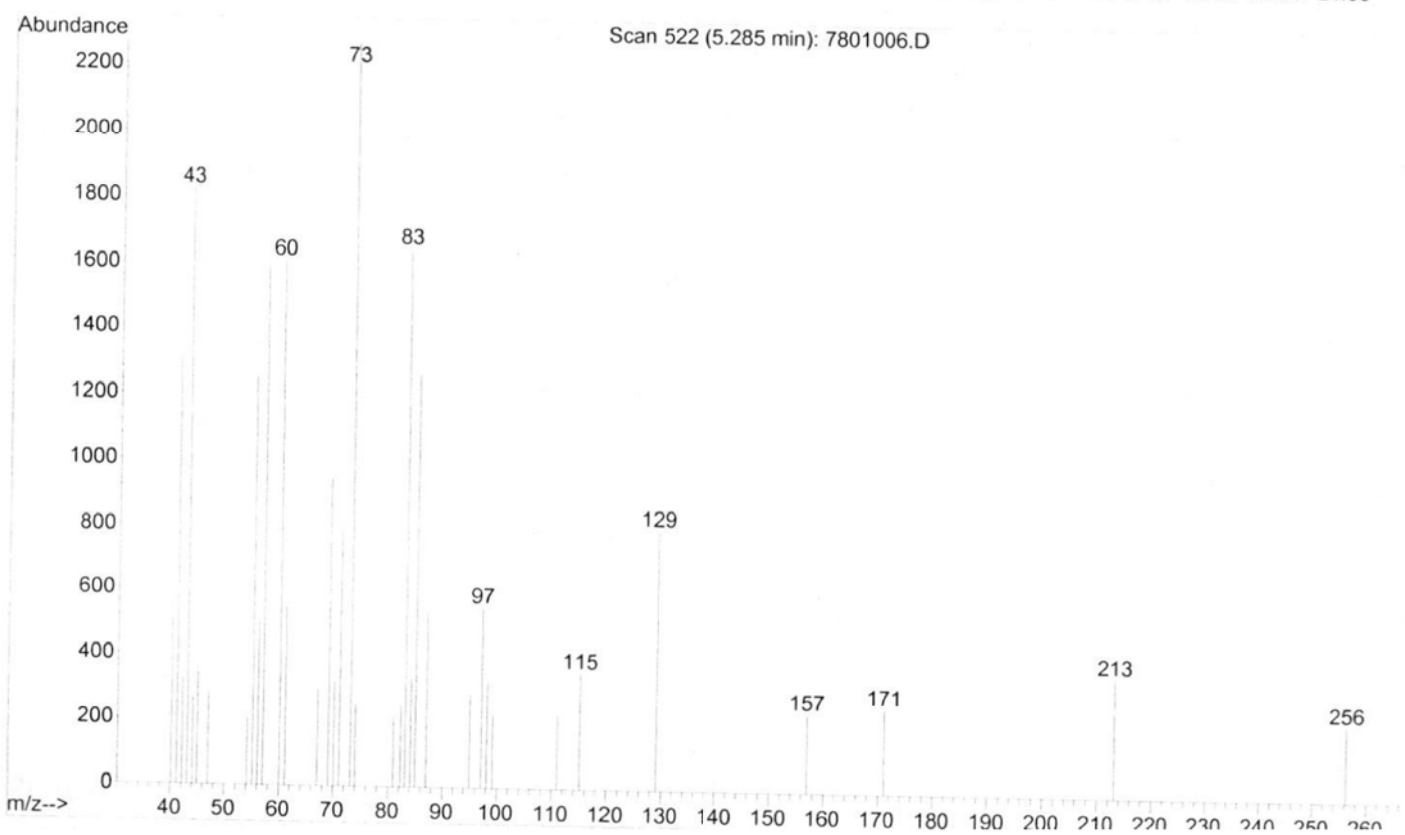
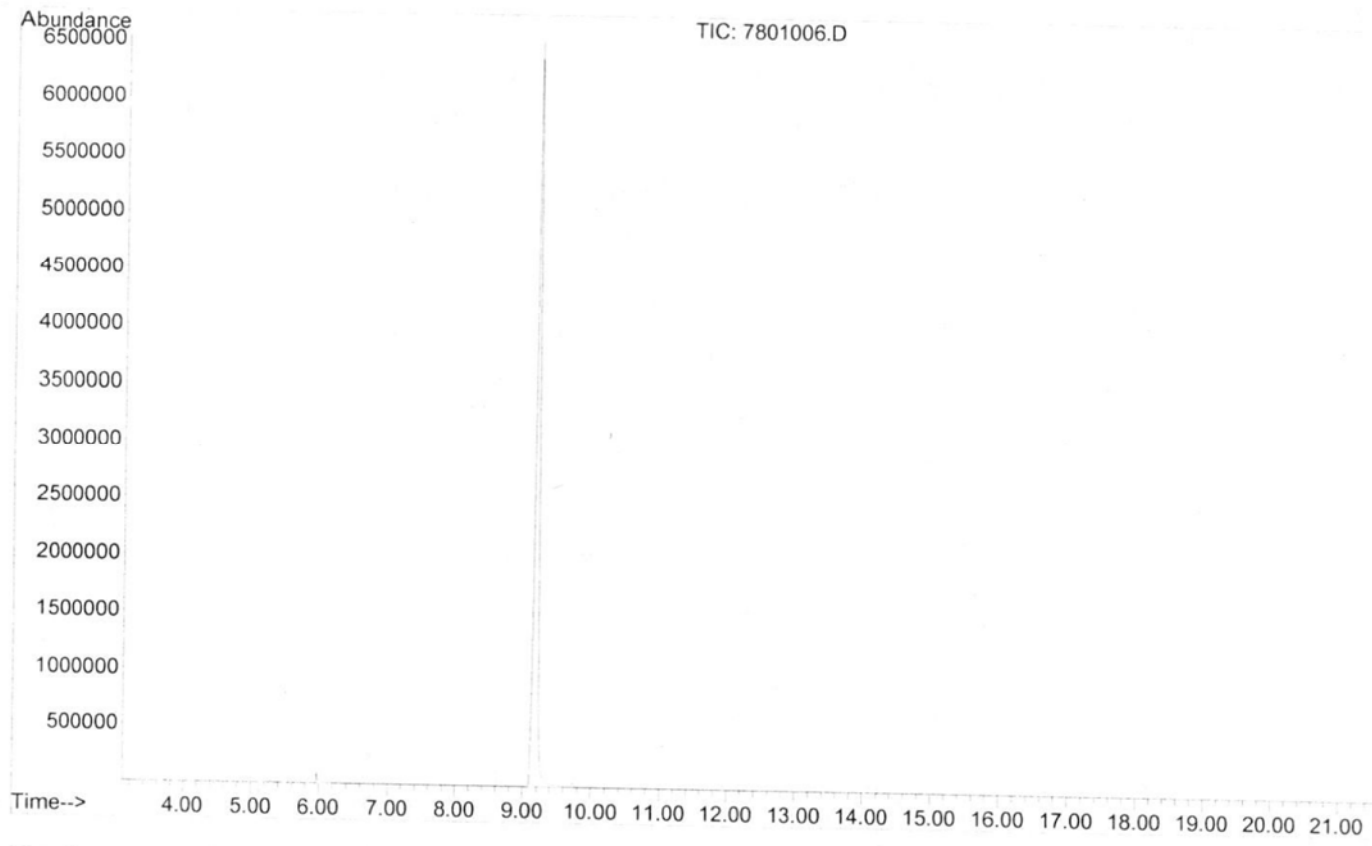
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Operator : MR 40-400, inj 250, det 280  
Acquired : 8 Feb 2012 18:38 using AcqMethod MISCSEQ  
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Sample Name: L2H-222403 #7.2 A>CHCl3  
Misc Info : oven 150/2(30/min)300/15 splt  
Vial Number: 78



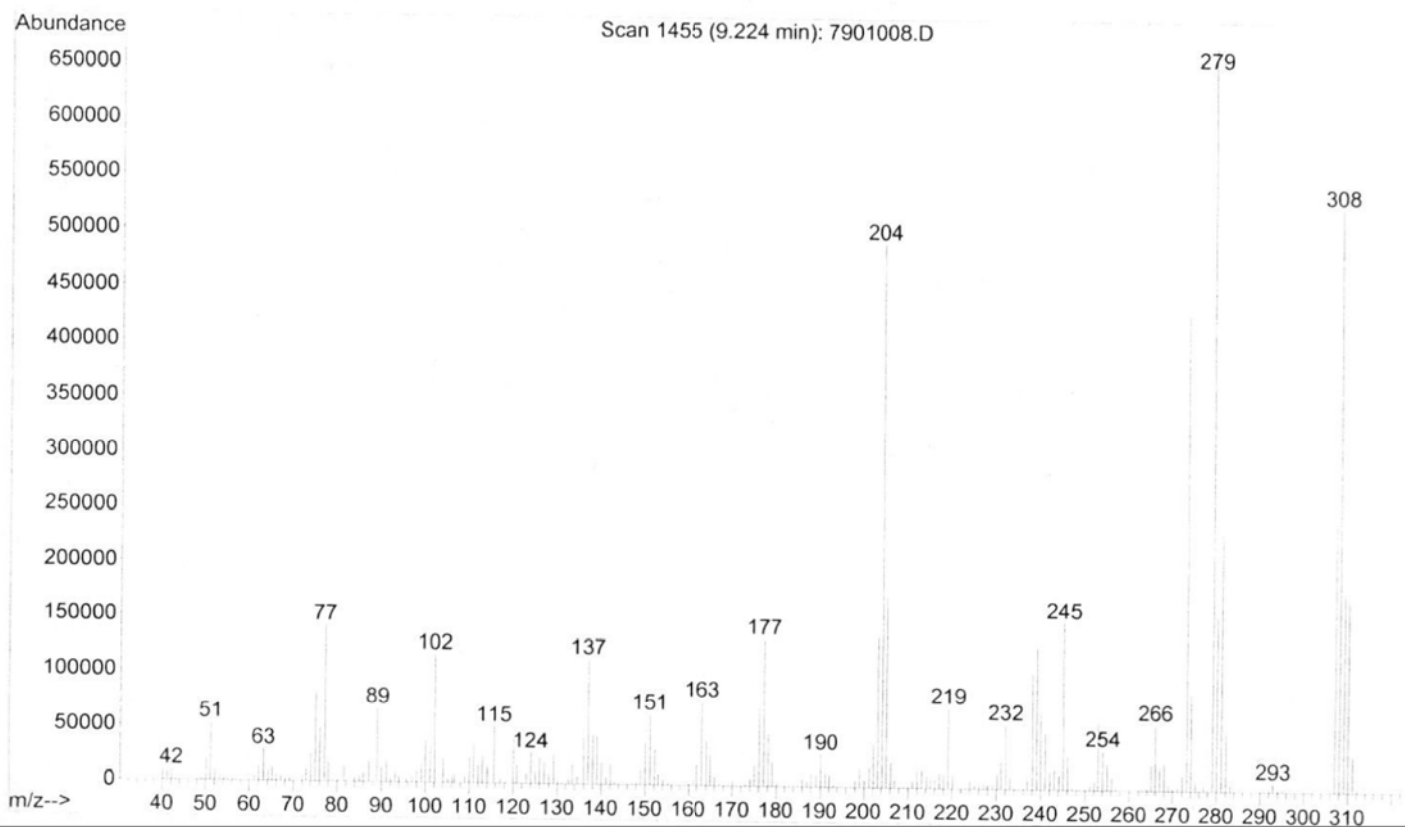
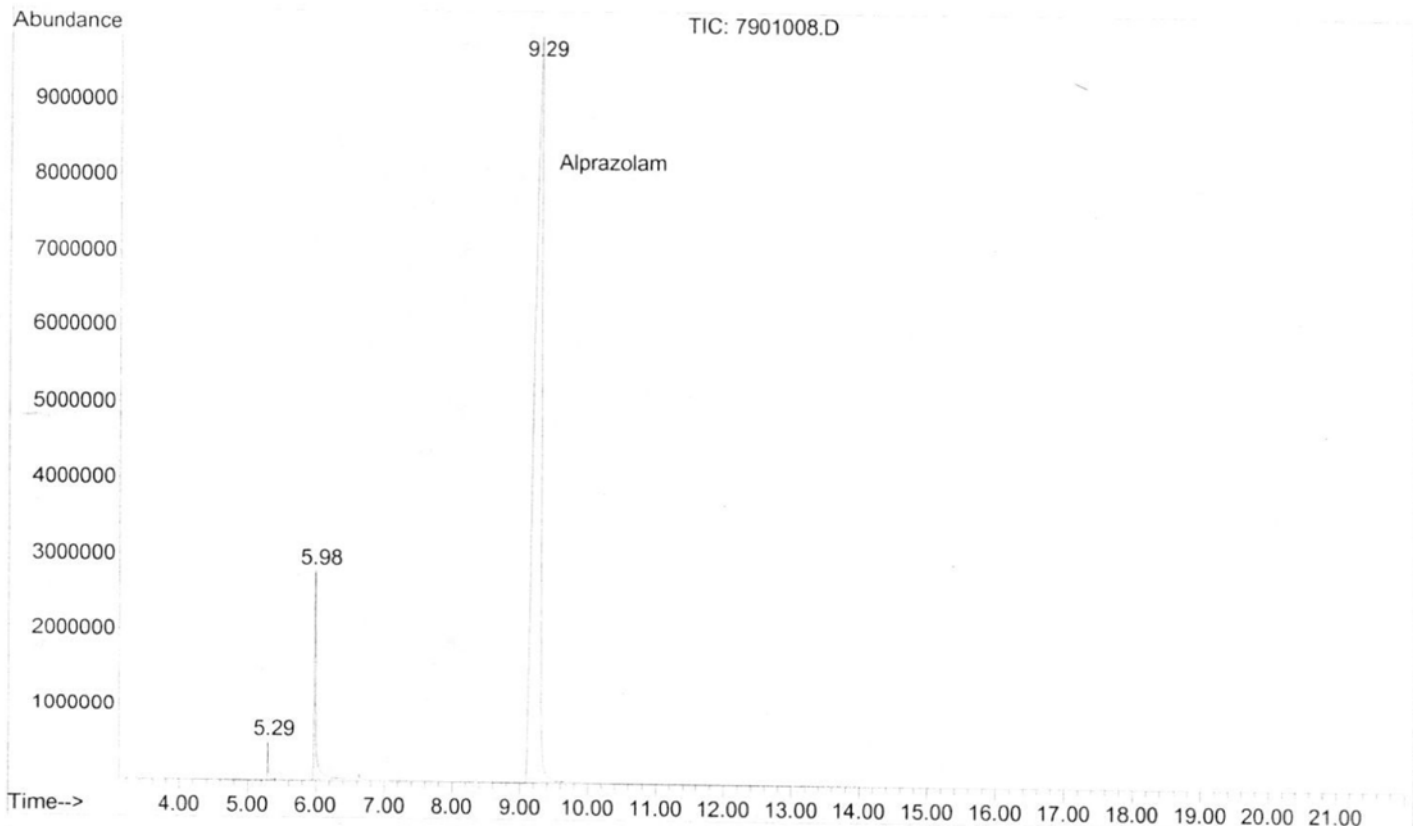
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Vial Number: 78



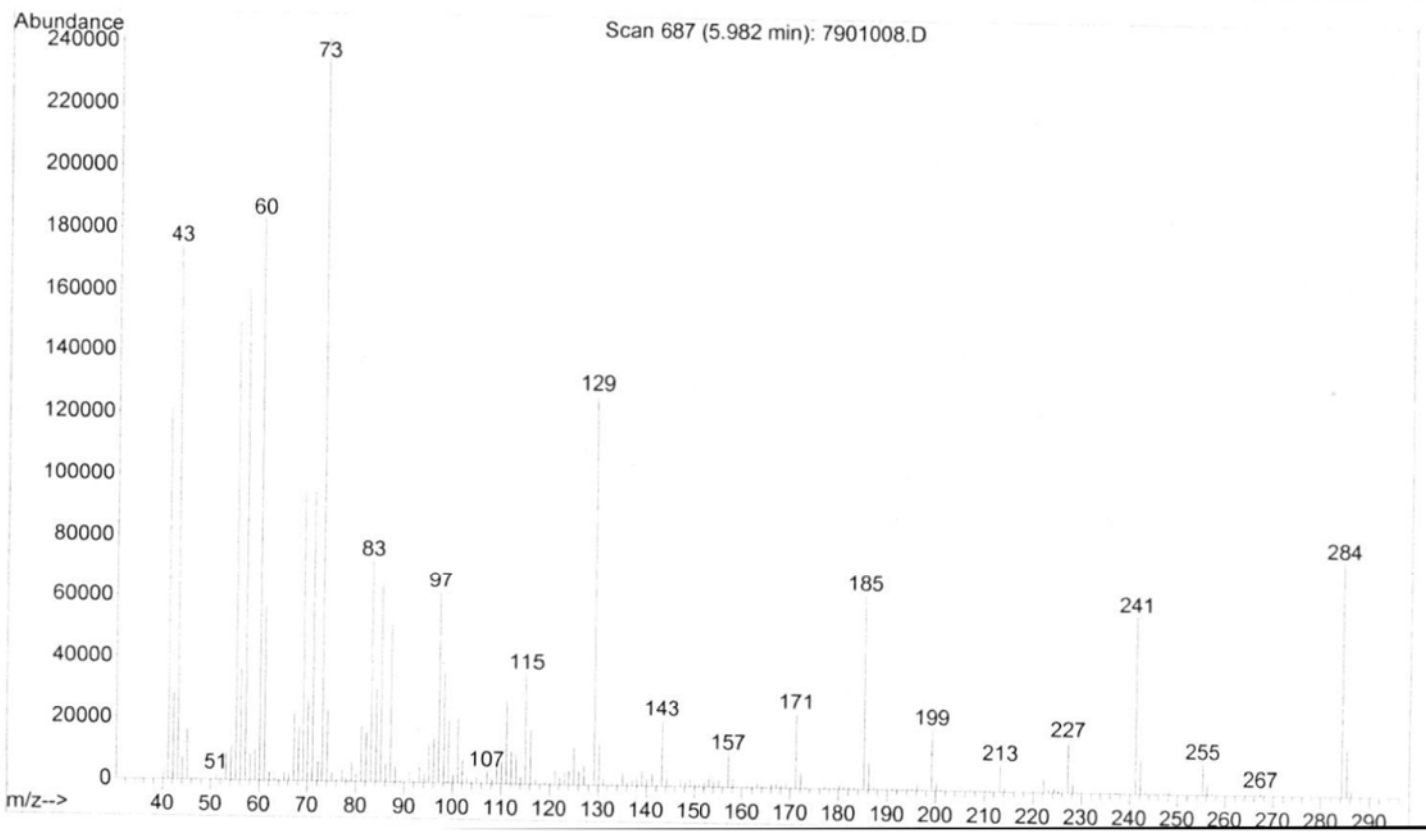
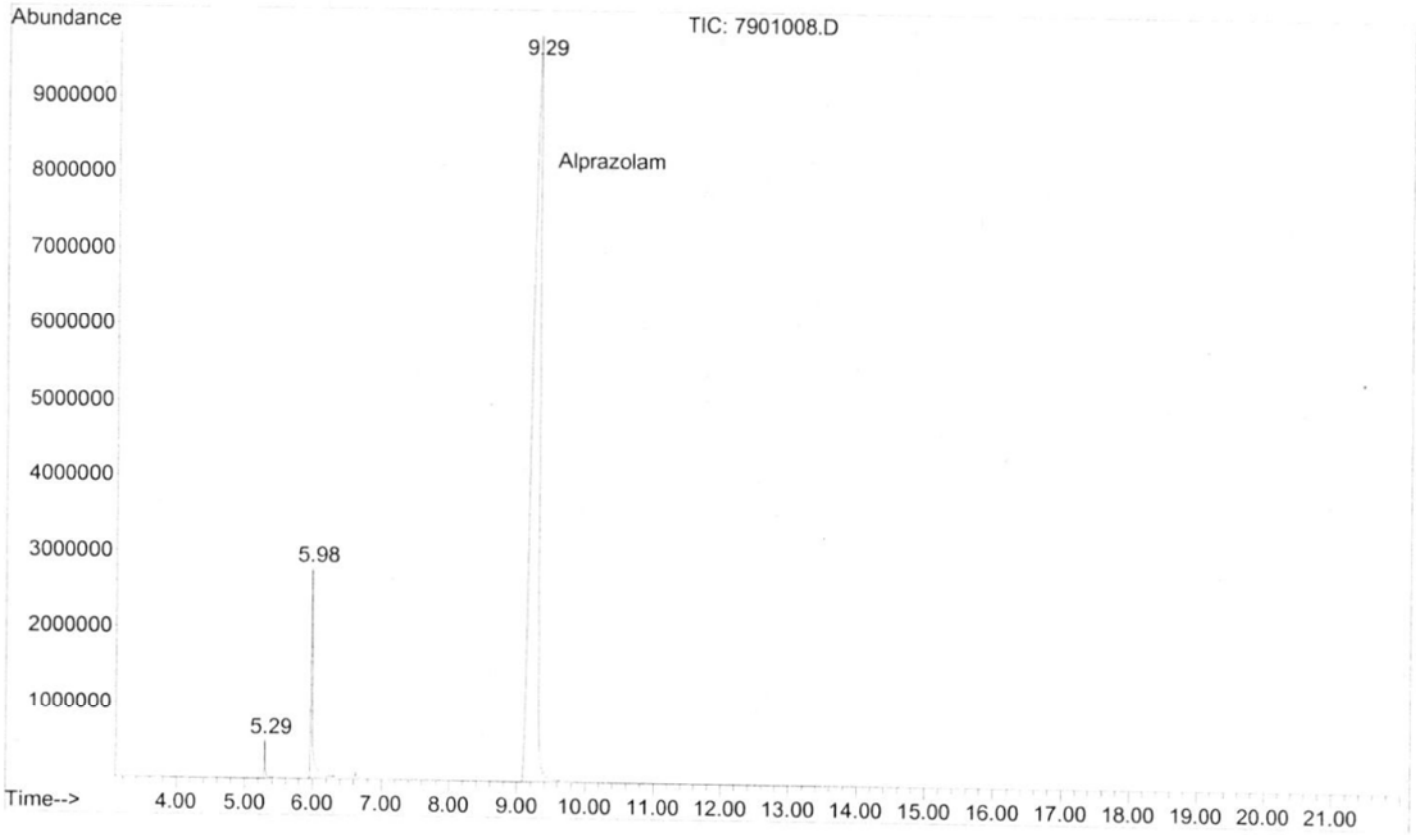
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Sample Name: L2H-222403 #7.2 A>CHCl3  
Misc Info : oven 150/2(30/min)300/15 splt  
Vial Number: 78



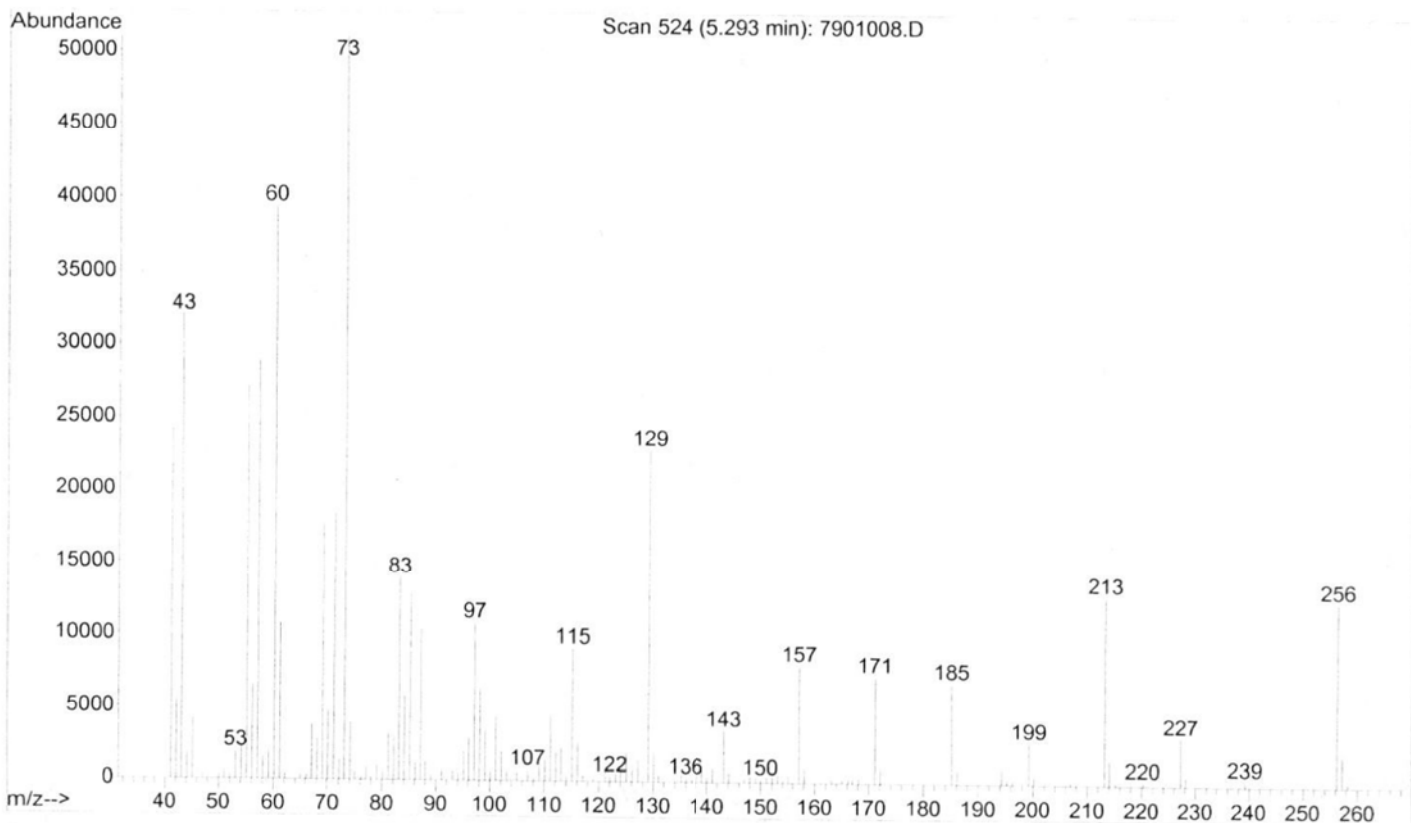
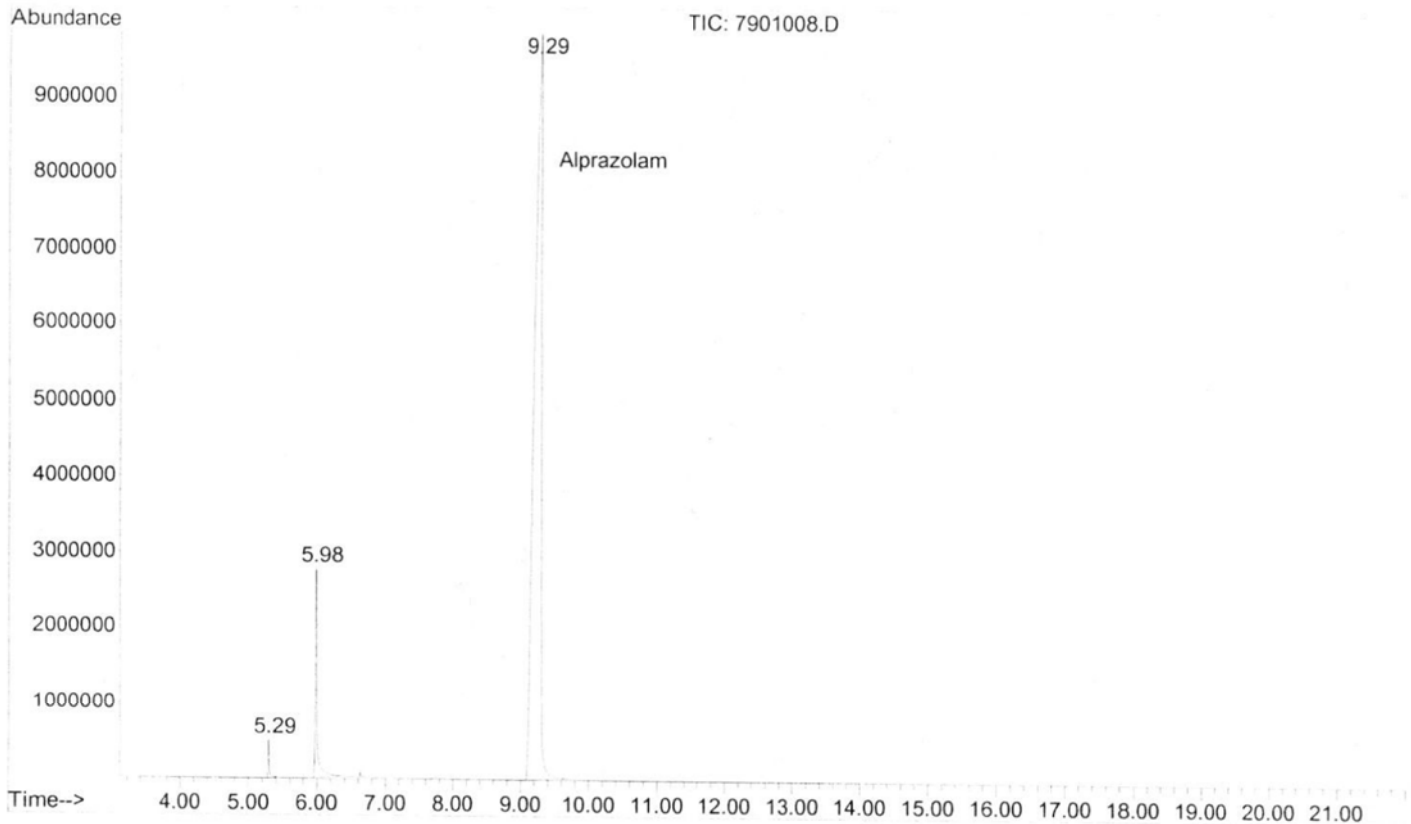
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Misc Info : oven 150/2(30/min)300/15 spl  
Vial Number: 79



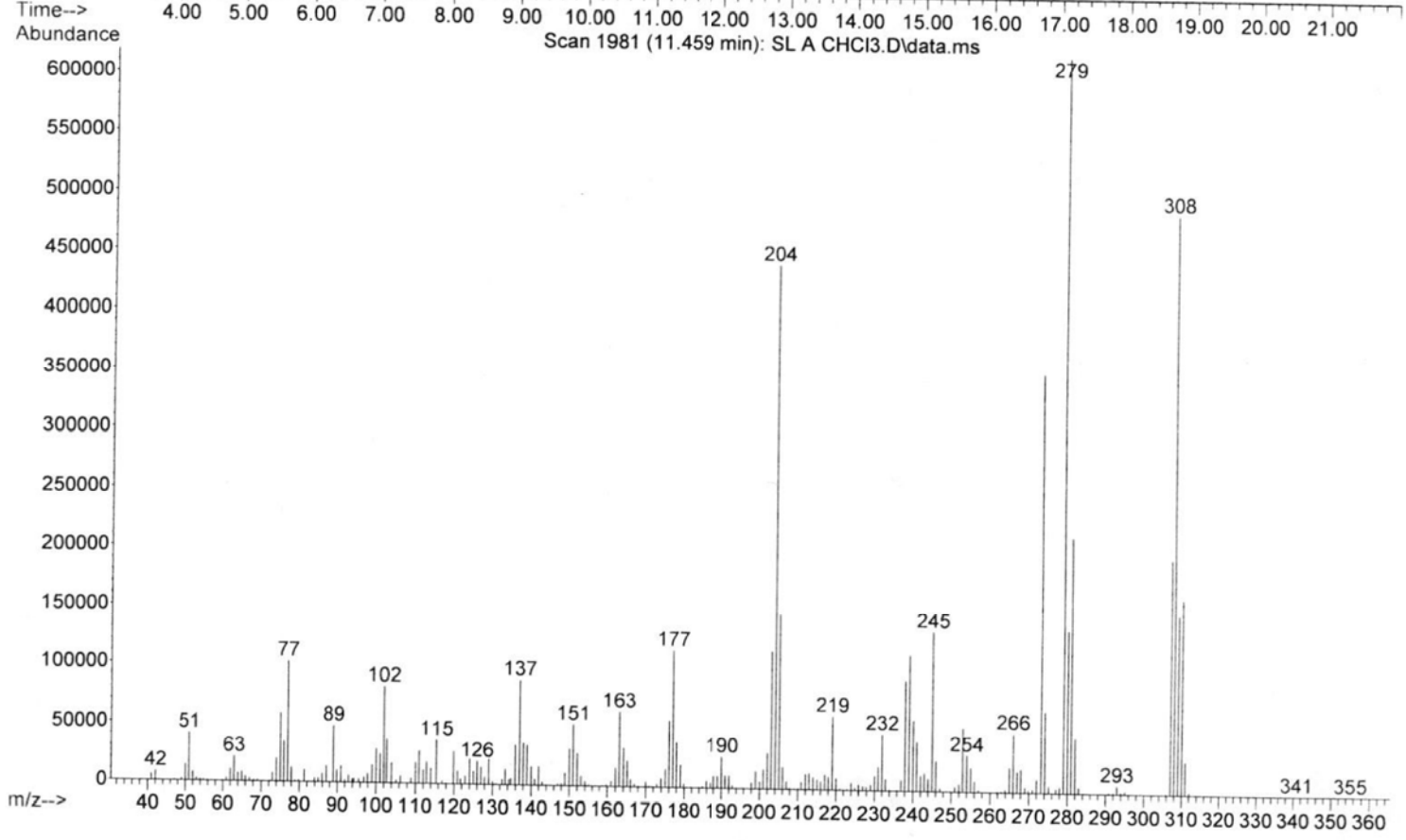
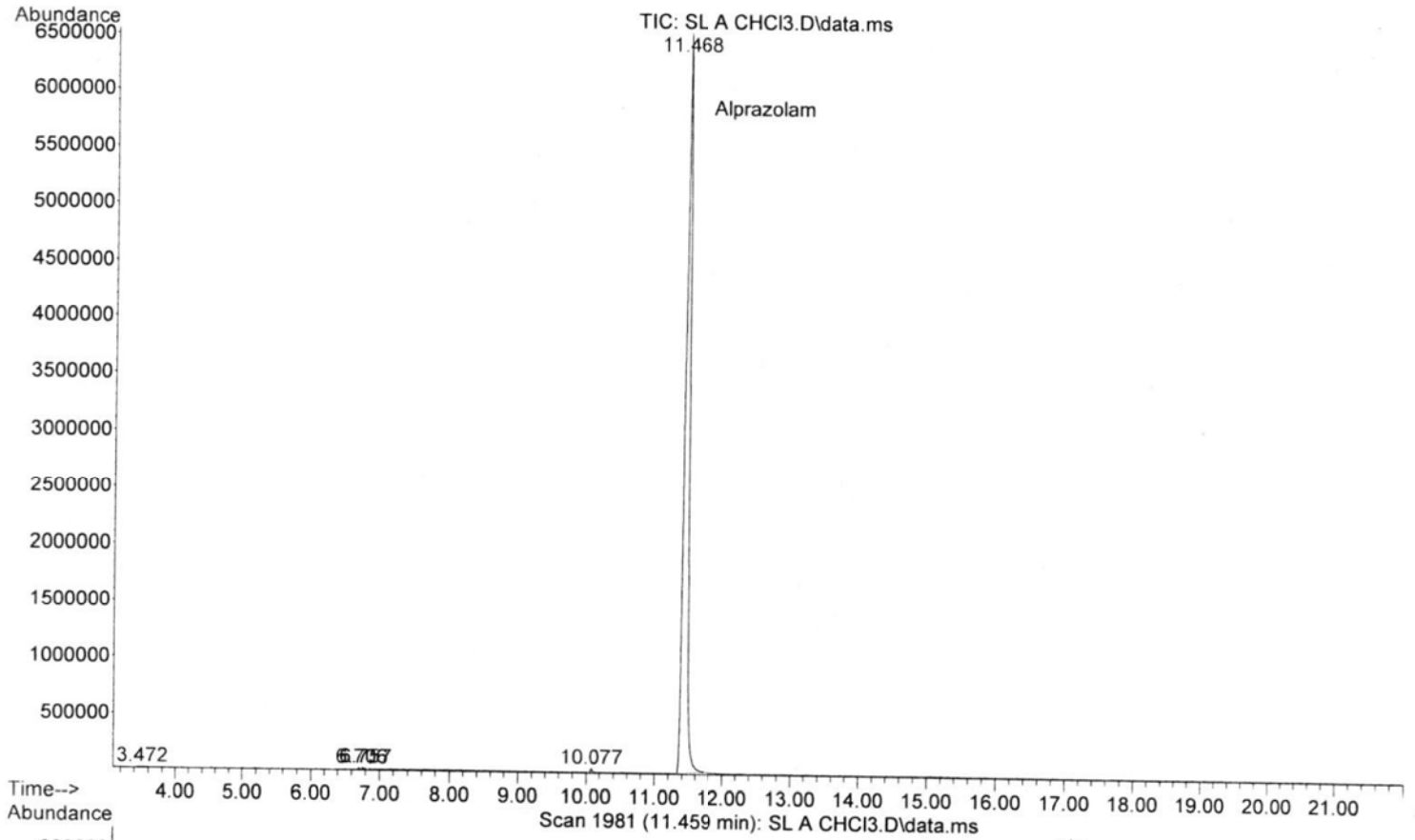
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Instrument : HOGCMS204  
Sample Name: L2H-222403 #7.2 direct in CHCl3  
Misc Info : oven 150/2(30/min)300/15 spl  
Vial Number: 79



File : D:\DATA\HOUSTON\020812\7901008.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 8 Feb 2012 19:30 using AcqMethod MISCSEQ  
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Misc Info : oven 150/2(30/min)300/15 spl  
Vial Number: 79

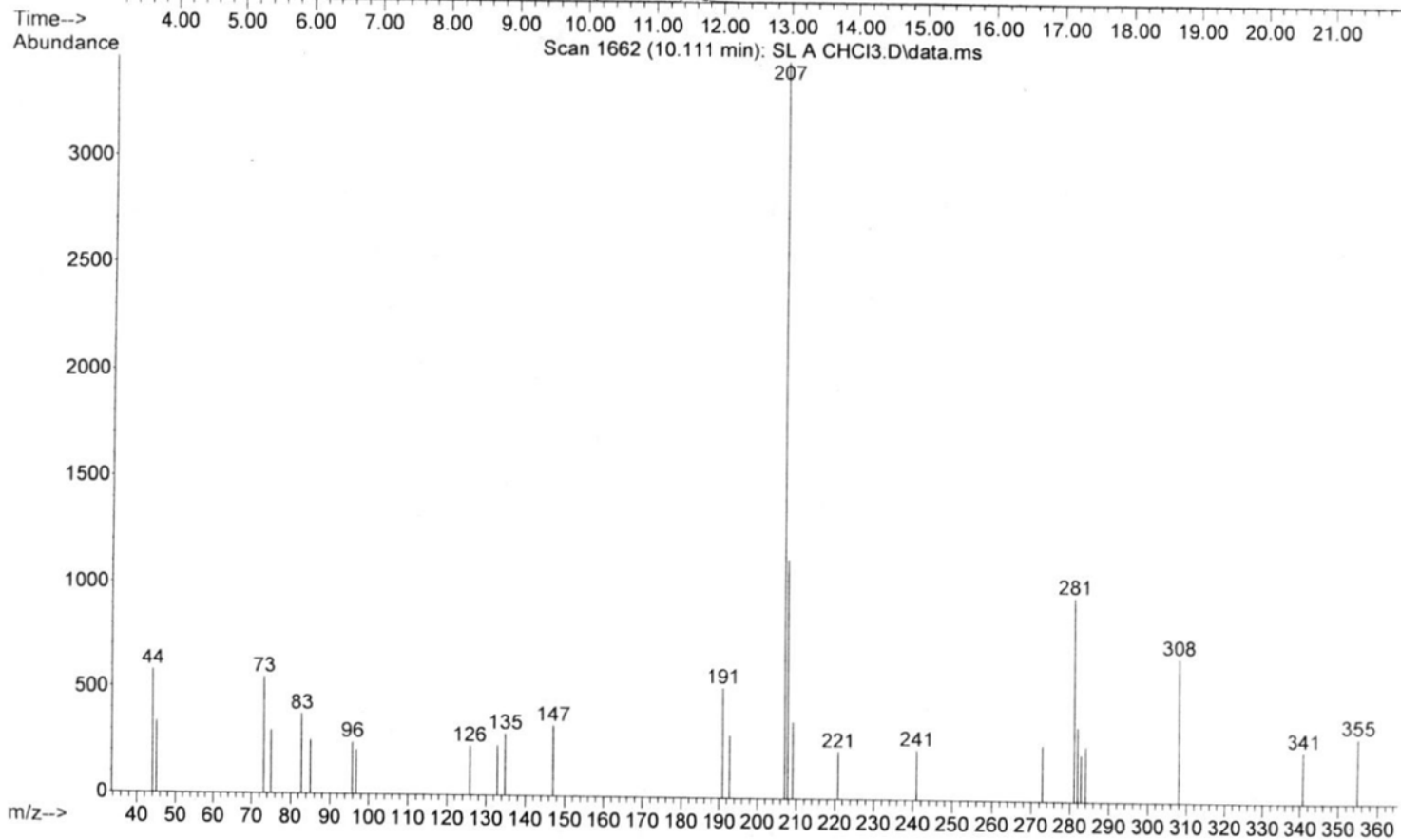
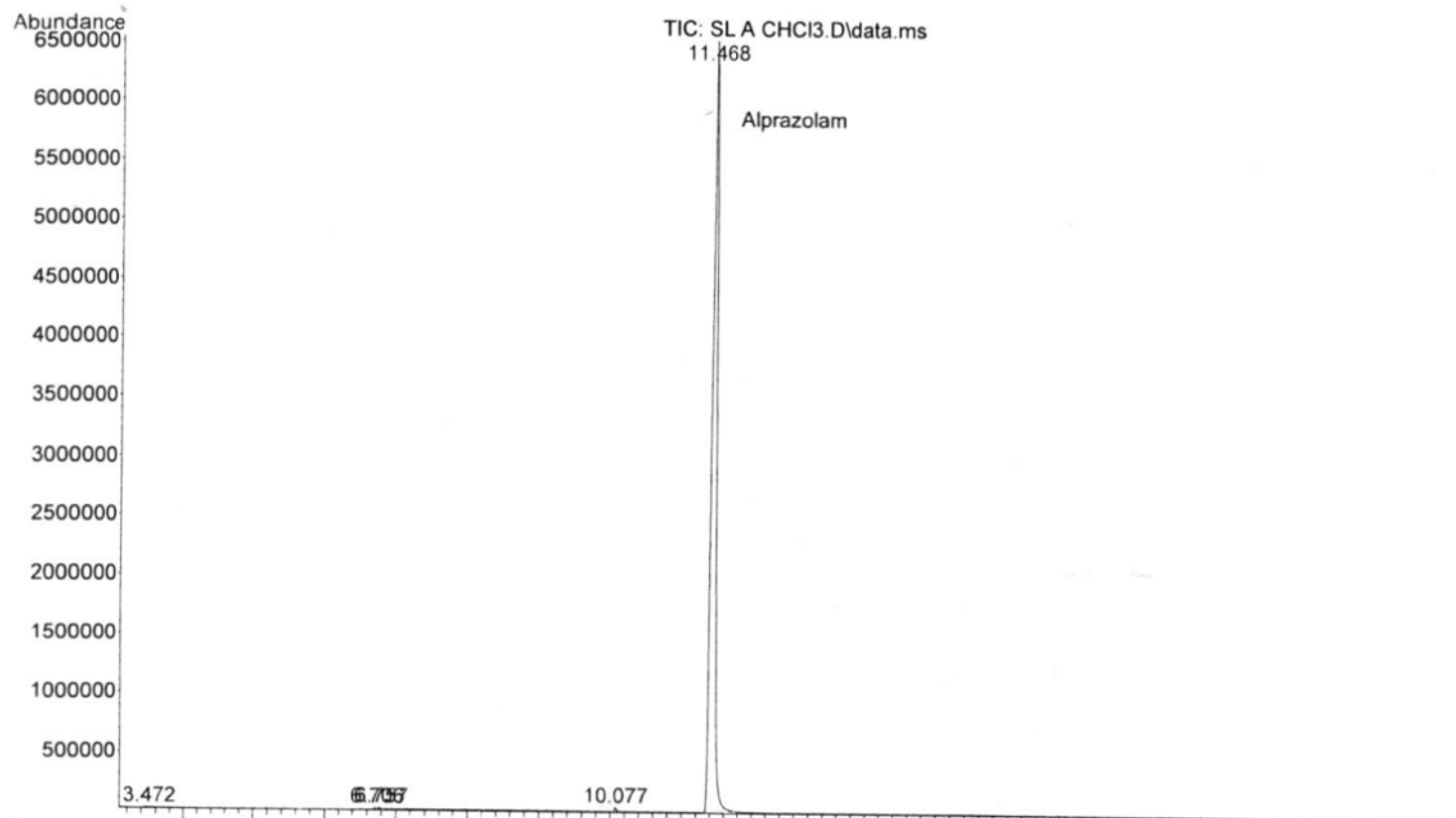


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Vial Number: 98

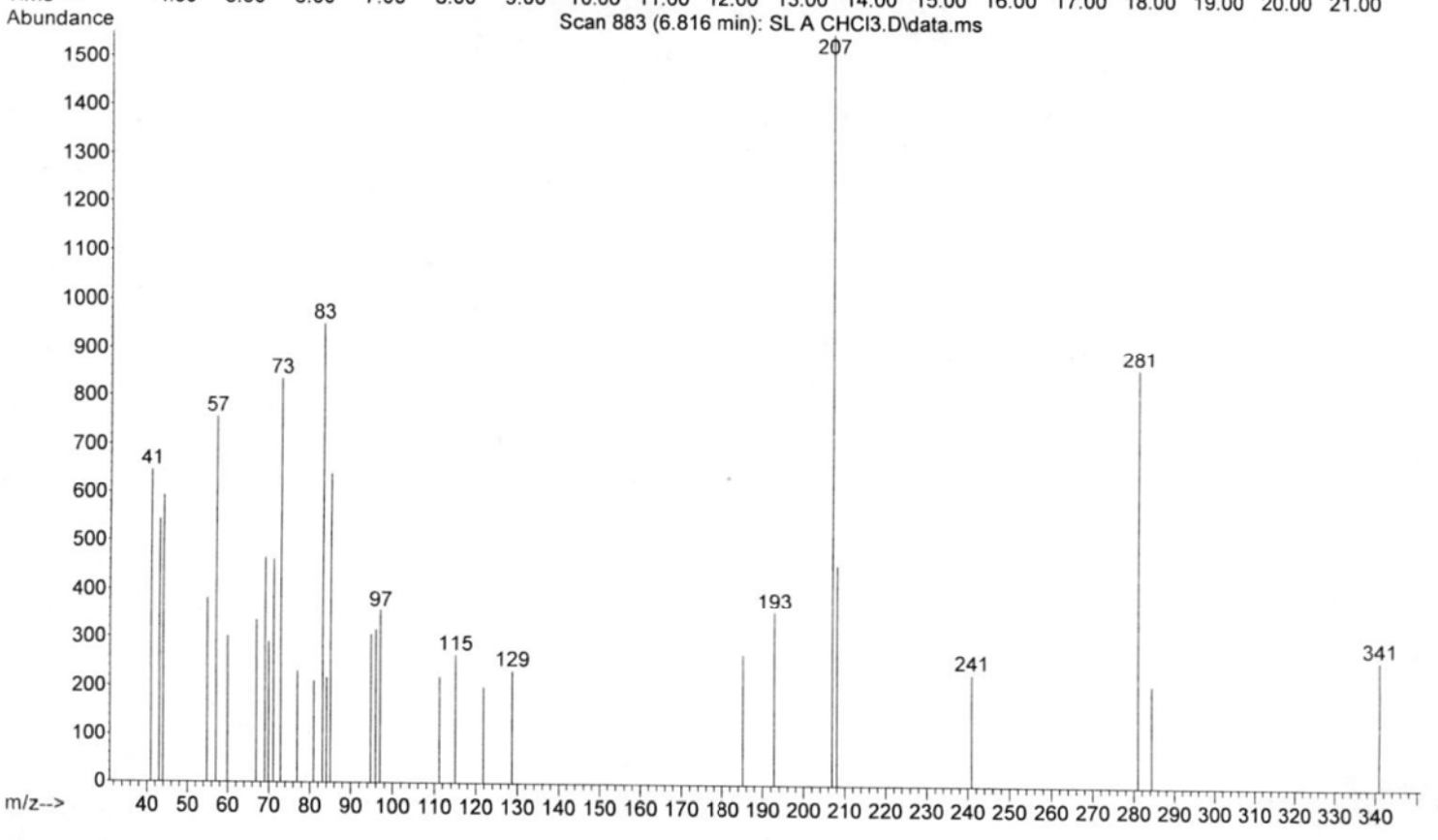
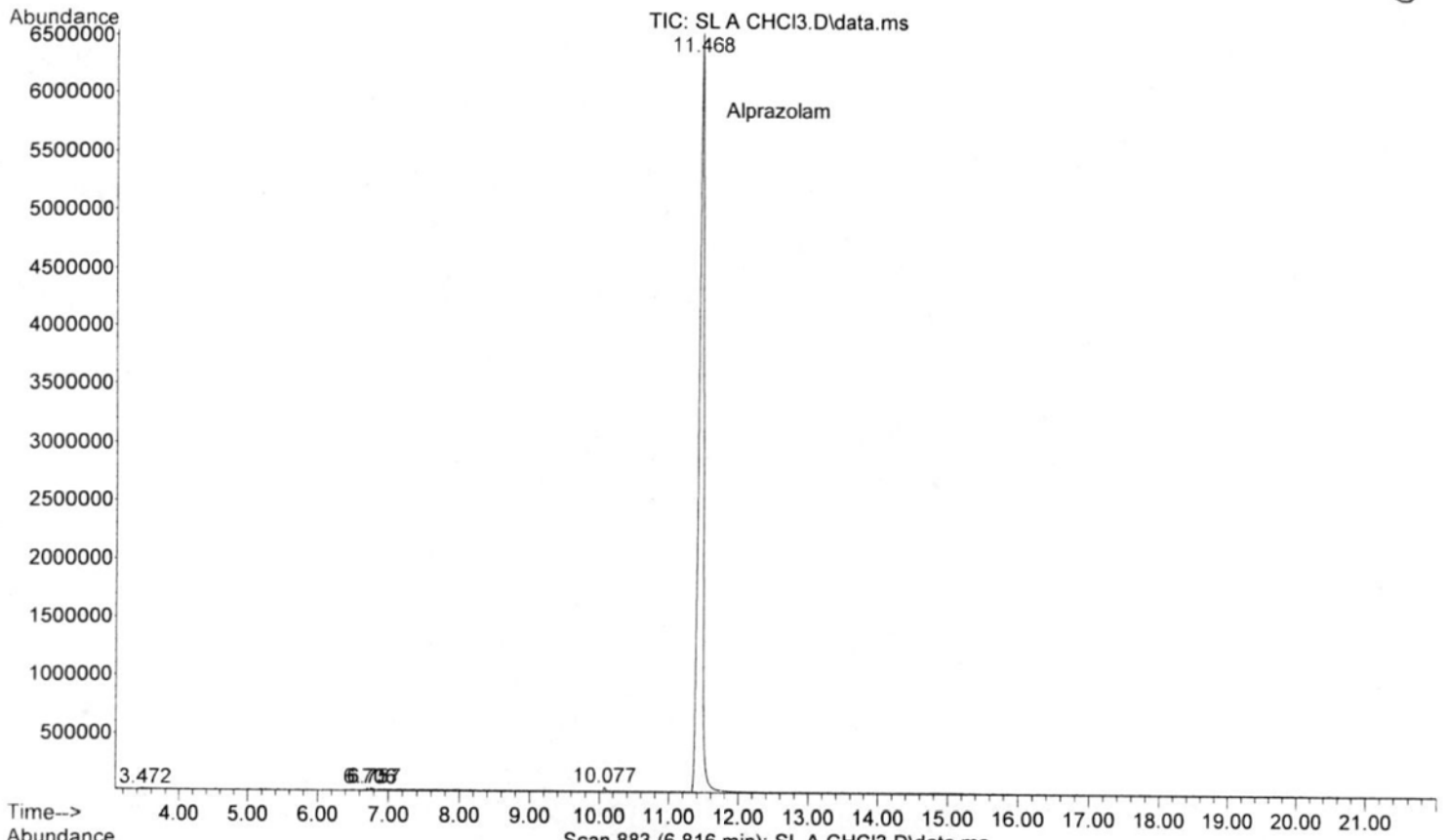




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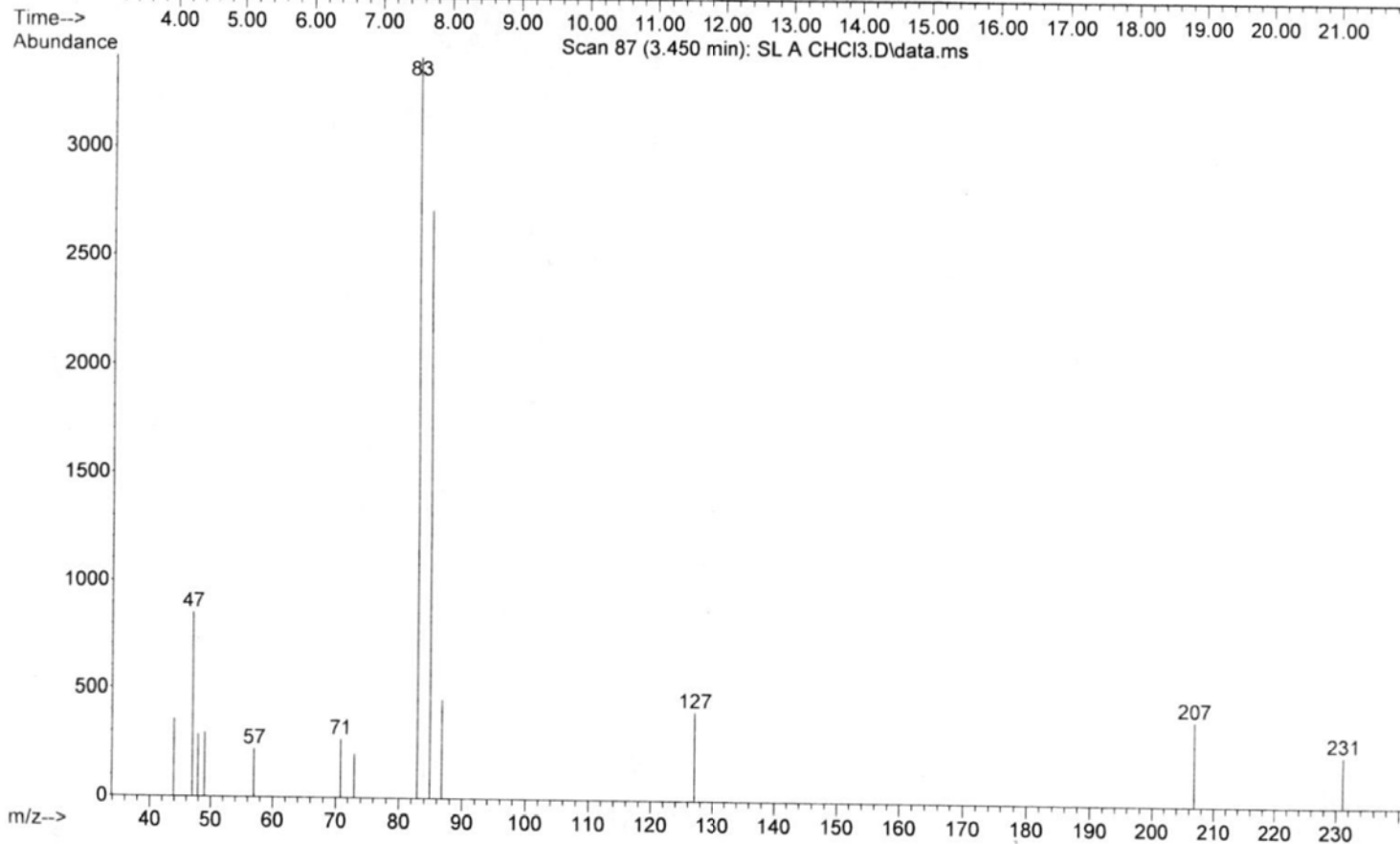
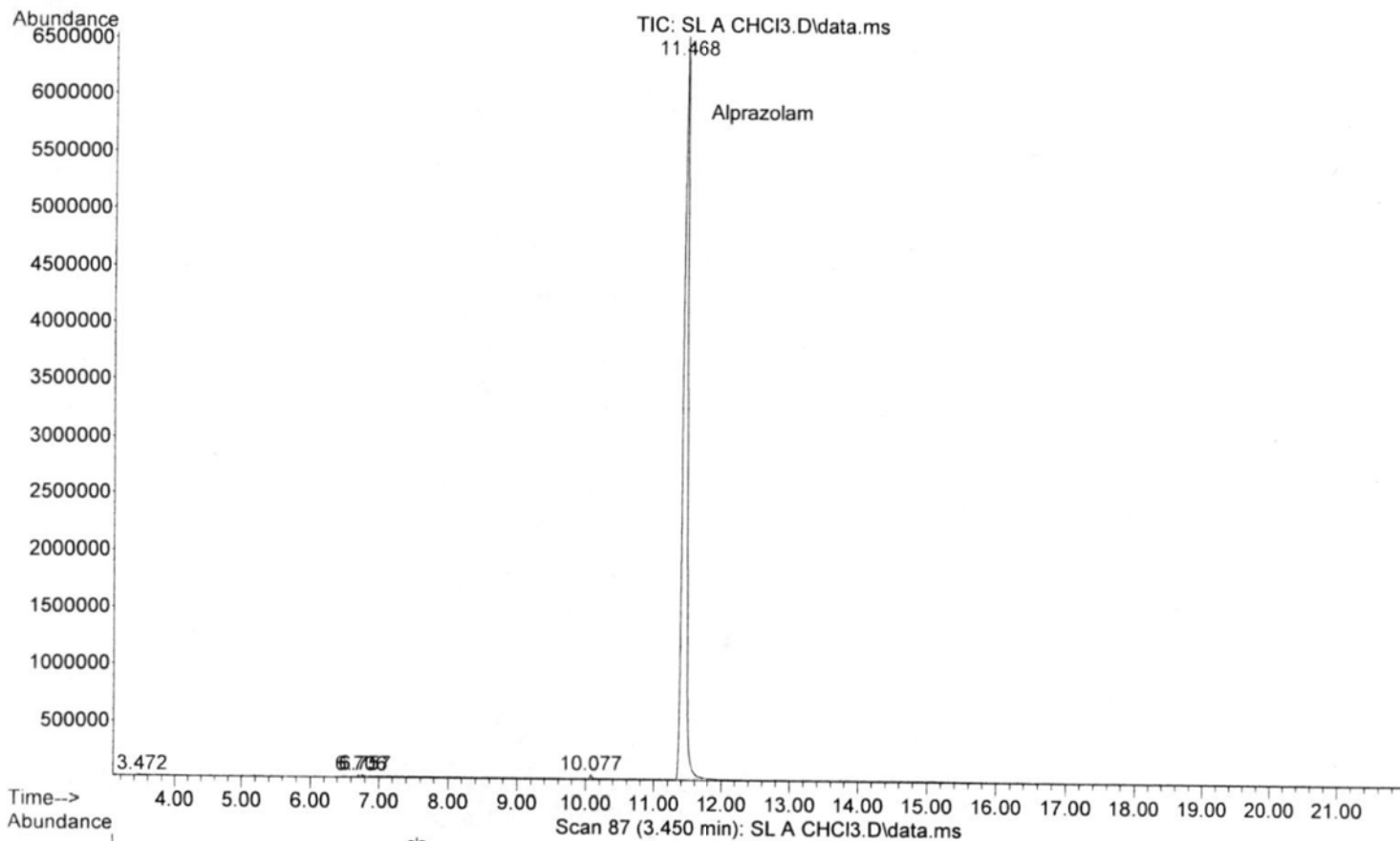


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Instrument : HOGCMS206  
Sample Name: SL A>CHCl3  
Misc Info : it:150/2m; rt:30c/m; ft:300c/15m  
Vial Number: 98



File :D:\1\DATA\2012\020812\SL A CHCl3.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 8 Feb 2012 18:29 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: SL A>CHCl3  
Misc Info : it:150/2m; rt:30c/m; ft:300c/15m  
Vial Number: 98

8



# Exhibit 1.7

February 3, 2012

On January 26<sup>th</sup> I was attempting to diagnose a problem on my GCMS, I wanted to make sure the problem wasn't the sample I was running, so I went to put the sample on Jonathan's GCMS. While loading the sample I also thought that I should run an alprazolam sample on my instrument to see what my instrument would do on a different method and with a high molecular weight compound. I noticed that the sample on the sequence list above the sample I had just put on Jonathans instrument was alprazolam (and was the only sample in the sequence, all other lines were blanks), so I was going to use that vial to run on my instrument. I noticed in the sequence log that the sample was L2H-222396 item 1, and that it was in location 18. I located the vial in location 18, and written on the vial was L2H-222403 7.2. At first I thought he must have mistyped or given an incorrect vial location, I looked at every sample vial on the tray and none of them had 222396 written on the vial. I then went to look for the folders for each case, L2H-222396 had a few spectra for item 1 in it, it looked like he was having trouble getting the sample to come out, I then checked the folder for 222403, and item 7.2 was alprazolam. I compared the spectra in the case folder from 222403 7.2, to the spectra from 222396, and determined that the spectra were the same. I called analyst Haley Yaklin over to show her what I had noticed and asked for her opinion. She agreed that it looked bad, and we agreed to give him the benefit of the doubt and to wait and see what Jonathan did with the spectra he had generated for 222396 before saying anything to management.

The next time I looked for the folder for 222396 it was in admin review, so I pulled it out and notified Severo of what I suspected had happened.

Andrew Gardiner



2/8/12

# Exhibit 1.8

# TEXAS DEPARTMENT OF PUBLIC SAFETY

## INTEROFFICE MEMORANDUM

**To:** Keith Gibson, Reg. Manager                      **Date:** 02/03/2012  
**From:** Severo Lopez, Drug Section Suprv.              **Division:** LESD  
**Subject:** L2H-222396

Regarding the questions surrounding L2H-222396 and L2H-222403 a question regarding same sample being run twice for each of these two different cases was brought to my attention by AG. Details pertaining to his report are in his narrative. So I took the following action:

- Advised KG of situation.
- Secured case folder L2H-222396. JS is still in process of analyzing L2H-222403
- Searched LIMS (DRAGNet). LIMS indicates evidence from L2H-222396 still in JS custody.
- Approached JS about other unrelated issues with case folder such as wrong mass spectrum printed with a TIC, Incorrect extraction scheme listed on spectrum.
- Secured evidence from JS. It was located in his temporary storage location (bench locker)
- Began re-analysis of evidence form L2H-222396. (See Case folder for L2H-222396)
- JS hovered nearby during my re-analysis at most of the time until his departure around 4:00pm making small talk.
- I had opportunity to ask him specific questions about his extraction and analysis.
- He indicated that item 1 in L2H-222396 was extracted direct in CHCl<sub>3</sub> (Not A>CHCl<sub>3</sub> as indicated on spectral data).
- He also indicated that sample dissolves in CHCl<sub>3</sub> which was verified by re-analysis.
- Sample was analyzed via GC/MS with alprazolam being the result. However, the Ion Chromatogram does not match the profile for the data included with his initial conclusions. Moreover, the chromatogram and spectrum are virtually identical to data for an item in L2H-222403 which was run near the time of L2H-222396.

# EXHIBIT C



ATTACHMENT A -

CASE FILE FOR LAB CASE

# LZH-222396

ATTACHMENTS IN  
REFERENCE TO  
JONATHAN SALVADOR  
& HOUSTON DPS LAB  
SELF DISCLOSURE

D. Plat Jensen  
6/29/12



TEXAS DEPARTMENT OF PUBLIC SAFETY

CRIME LABORATORY

Evidence Record Sheet

LAB-22 Rev. 02 (09/2009)

Laboratory Case Number

L2H-222396-18

AF     DNA     NIB     TE  
 BATOX     FTM     PHOTO  
 CS     LP     QD

Date Received

Resubmission     Additional Evidence

12/29/11

1:28 PM



Date Completed A: 1/27/12  
 Section & Analysis by: DNA  
 Reviewed: Tech: NO 1/30/12 Adm: \_\_\_\_\_  
 Report Distributed: \_\_\_\_\_  
 Date Completed B: \_\_\_\_\_  
 Section & Analysis by: \_\_\_\_\_  
 Reviewed: Tech: \_\_\_\_\_ Adm: \_\_\_\_\_  
 Report Distributed: \_\_\_\_\_  
 Date Completed C: \_\_\_\_\_  
 Section & Analysis by: \_\_\_\_\_  
 Reviewed: Tech: \_\_\_\_\_ Adm: \_\_\_\_\_  
 Report Distributed: \_\_\_\_\_

In Person

*Andrew Saum*

Andrew Saum

Received by Carolina Perez *CP*

Description: Properly Sealed 9x12 Yellow Envelope;

Transfer Log (for court, return from court, at court, bar code unavailable, etc.)

Date	To	From	Items\Exhibits\Comments

**Forward Date** To:  U.S. Mail     In Person     UPS    **Items:** \_\_\_\_\_    **By** \_\_\_\_\_

**Return Date**  All  Items: \_\_\_\_\_  
 U.S. Mail     In Person     UPS    **By** \_\_\_\_\_

Destruction Date	Method	Transported by:	Witness	Witness
	<input type="checkbox"/> Burning <input type="checkbox"/> Flushing <input type="checkbox"/> Contractor	<input type="checkbox"/> Hand Carry <input type="checkbox"/> Other: _____		
	<input type="checkbox"/> Burning <input type="checkbox"/> Flushing <input type="checkbox"/> Contractor	<input type="checkbox"/> Hand Carry <input type="checkbox"/> Other: _____		

Court Record (Whenever evidence is introduced or transferred at the courthouse, use the Transfer Log above)

Date	Witness	T/A	City	CDFO	Outcome	Miles	Hours

Notes

CaseFile information entered: Submitting Officer-Agency-County-Offense Date-Agency Number- 1 names

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**TEXAS DEPARTMENT OF PUBLIC SAFETY**  
**CRIME LABORATORY SERVICE**  
**Laboratory Submission Form**

For Laboratory Use Only

L2H-222396

Received  
**12/29/11 01:28 PM**  
 Texas DPS Houston  
 Crime Laboratory *CP*

Agency Case Number 2011-6285

Offense POCS PG 3 <28g (2 charges)

Date of Offense 12/16/2011

County of Offense GALVESTON

Agency LEAGUE CITY POLICE DEPT

Date Evidence Rec'd

**Case Contact Person**

Name Ofc. E. Cox #1195

Title Patrol Officer

Mailing Address 500 W. WALKER ST.

Phone 281-554-1810 Fax 281-338-4124

City, State Zip Code LEAGUE CITY, TX 77573

Email Address eric.cox@lcpd.com

Suspect	Victim	Name (Last, First Middle)	Race	Sex	DOB	DL# / SS# / ID#
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Graham, William Keith	w	m	8/9/1965	DL- [REDACTED]
<input type="checkbox"/>	<input type="checkbox"/>					
<input type="checkbox"/>	<input type="checkbox"/>					
<input type="checkbox"/>	<input type="checkbox"/>					

**Description of Evidence Submitted**

Exhibit #	Number of Items	Description of Evidence	Origin	Exam Requested
1	bag 1 / Item 1 3 1/2	white pentagonal shaped tablets with G on one side and 0.5 on the other side	pill bottle in driver door pocket of suspect's vehicle	Alprazolam
2	bag 1 / Item 2 1 1/2	oblong white tablets with Watson 349 on one side	pill bottle in driver door pocket of suspect's vehicle	Hydrocodone
3				
4				
5				
6				

**For some non-drug cases, it may be appropriate to attach a copy of the offense report. Please include brief case synopsis, unusual examination(s) requested, and/or relevant case priority information.**

Are known standards (blood, saliva, hair, inked prints, clothing, fabrics, etc.) submitted for comparison?  Yes  No

Have any of these exhibits been previously analyzed by a laboratory?  Yes  No If so, What Exhibit #'s?

# TEXAS DEPARTMENT OF PUBLIC SAFETY



STEVEN C. McCRAW  
DIRECTOR  
DAVID G. BAKER  
CHERYL MacBRIDE  
DEPUTY DIRECTORS

REGIONAL CRIME LABORATORY  
12230 WEST ROAD  
HOUSTON, TEXAS 77065-4523  
Voice 281-517-1380 Fax 281-517-1395



COMMISSION  
ALLAN B. POLUNSKY, CHAIR  
ADA BROWN  
JOHN STEEN  
CARIN MARCY BARTH  
A. CYNTHIA LEON

## Drug Analysis Laboratory Report

January 27, 2012

E. Cox  
League City Police Department  
500 West Walker  
League City, Texas 77573

### Laboratory Case Number

L2H-222396

### Agency Case Number

20116285

### Offense Date

12/16/11

### Suspect(s)

Graham, William Keith DOB 08/09/1965

**Offense:** Controlled Substance Offense


**County of Offense:** Galveston (084)

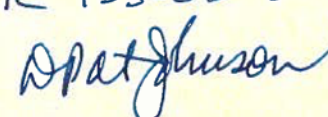
**Evidence Submitted on:** December 29, 2011 in person from Andrew Saum

### Results of Analysis and Interpretation

<u>Exhibit</u>	<u>Net Weight</u>	<u>Conclusion</u>
Item 1	1.22grams	Contains Alprazolam
Item 2	1.02grams	Contains Dihydrocodeinone * 1

\* 1 Information from the pharmaceutical company indicates not more than 300 milligrams of dihydrocodeinone (hydrocodone), or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

  
Jonathan Salvador  
Forensic Scientist  
Texas DPS Houston Laboratory

DRAFT REPORT.  
NEVER ISSUED.  




TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

Controlled Substances Worksheet

LAP-CS-01 Rev.02 (07/2006)

Date Started 1/10/2012 Lab Case # L2H- 222396  
 Date Completed 1/27/2012 Analyst A  
 Gross Inventory Wt \_\_\_\_\_ Page \_\_\_\_\_

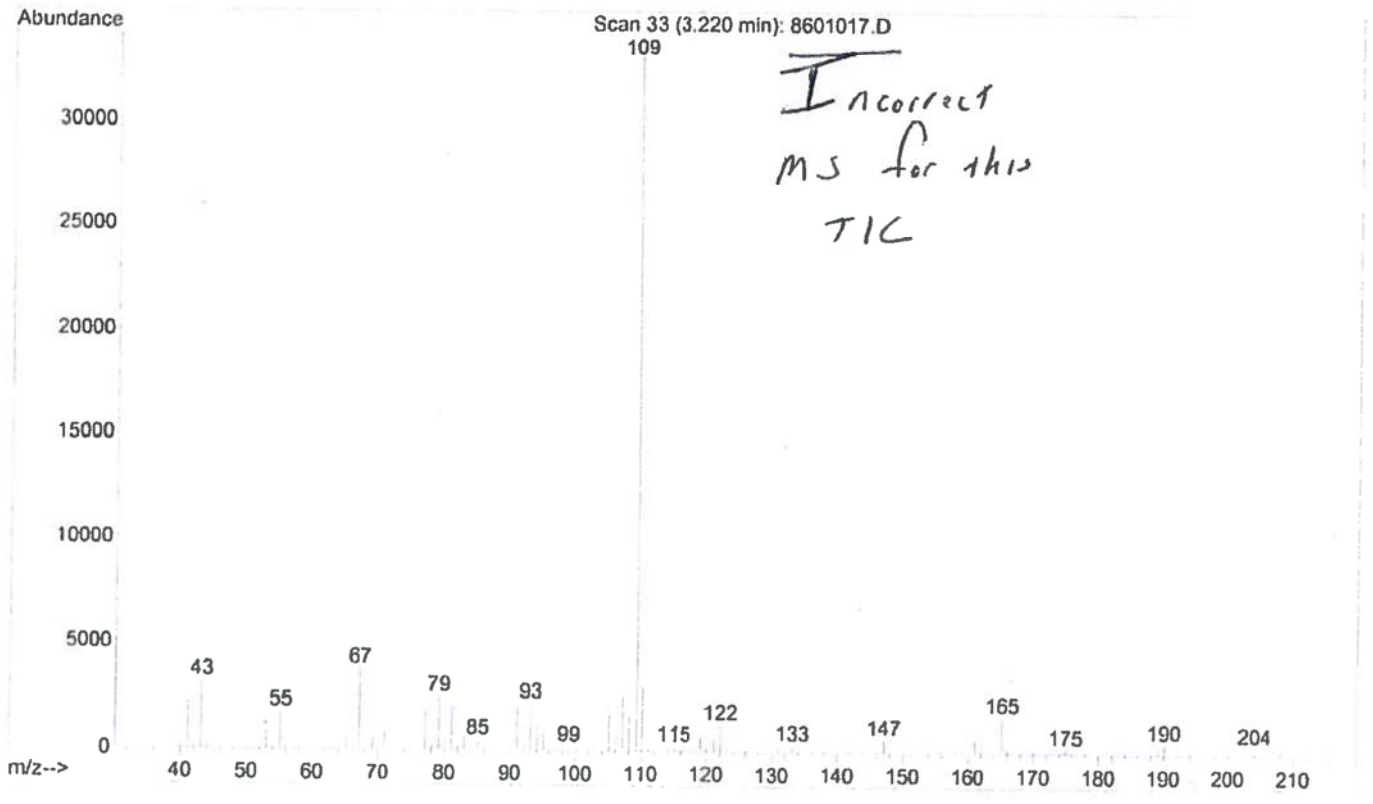
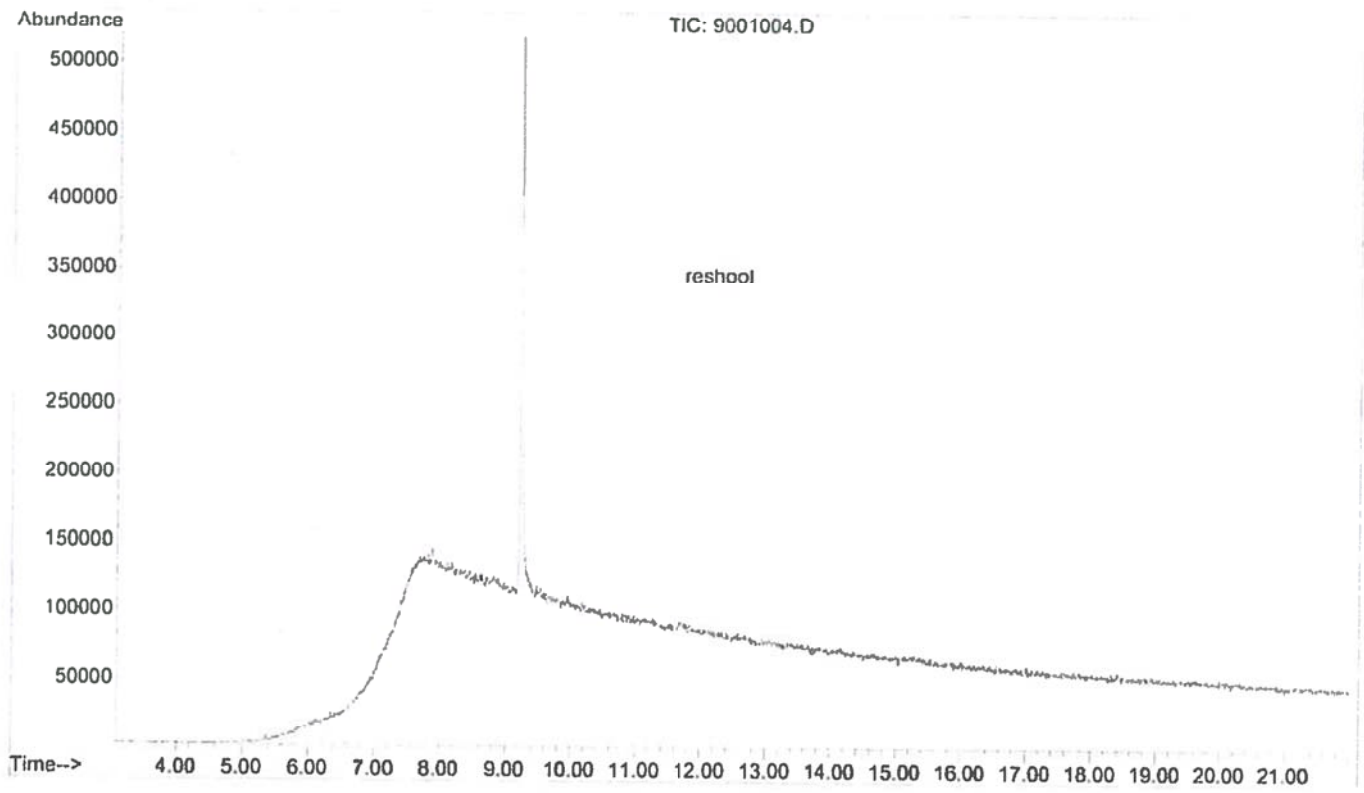
9X12 Yellow Env

Exhibit #	# Items	# Analyzed	# Exams	Weights			Inside Container										Class				
				Balance ID	Before Analysis	Tare	Net	After Analysis	Marquis	SNP	Co(SCN) <sub>2</sub>	Microscopic	Duquenois	TLC	FTIR	GC / MS		Acid	Base	Other Tests	
Item 1	4	2	5	HOBAL 211			1.22 g	0.52 g										+DC GCMS Blank	3	Contains Alprazolam	
Wax Paper Bag ----> 3 Whole and 1 Partial White Pentagon Shaped Tablets (G / 0.5)																					
0.5 mg Alprazolam																					
Item 2	2	1	3	HOBAL 211			1.02 g	0.71 g										+DC	10	Contains Dihydrocodeinone	
Wax Paper Bag ----> 1 Whole and 1 Partial White Tablets (WATSON 349)																					
500 mg Acetaminophen, 5 mg Hydrocodone																					
Empty Pill Bottle ----> No Analysis																					

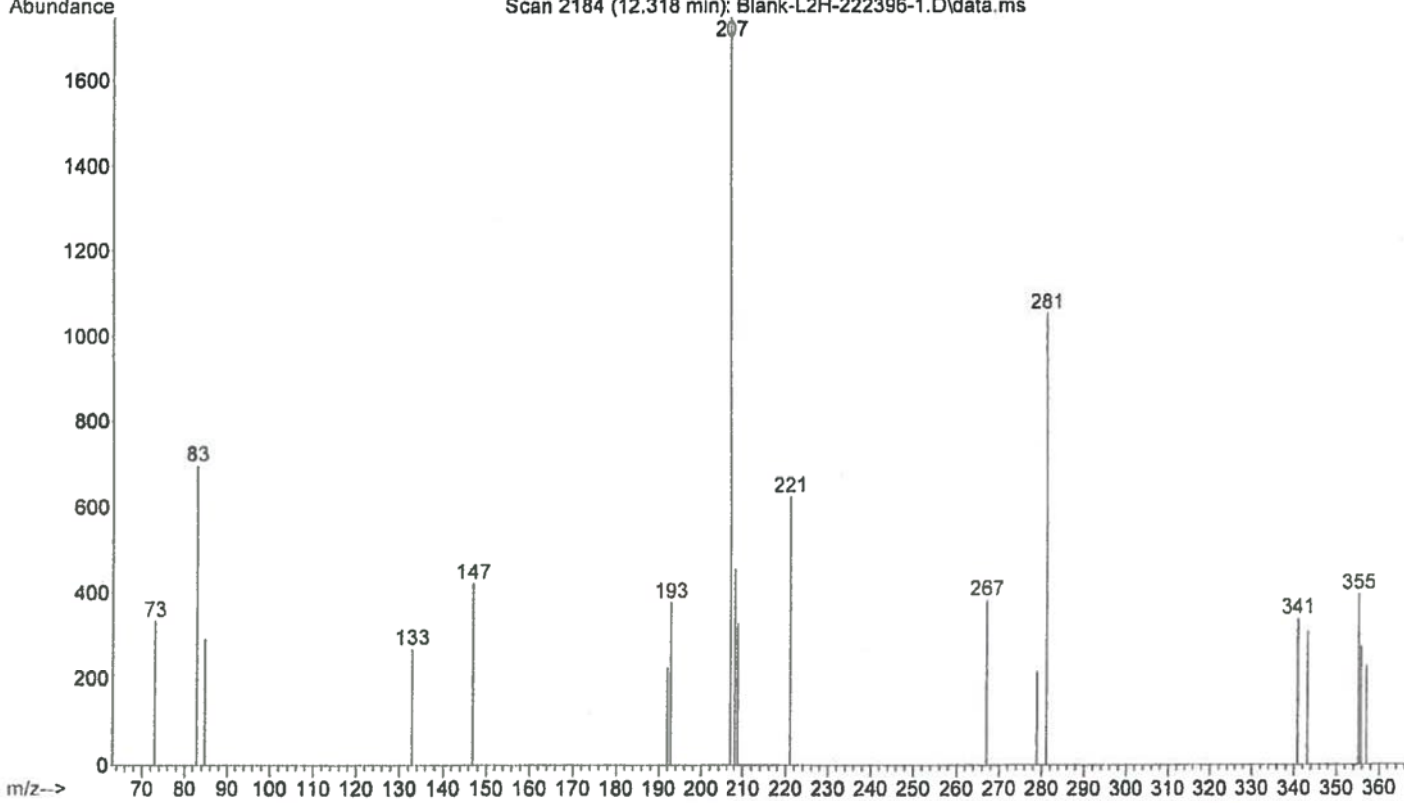
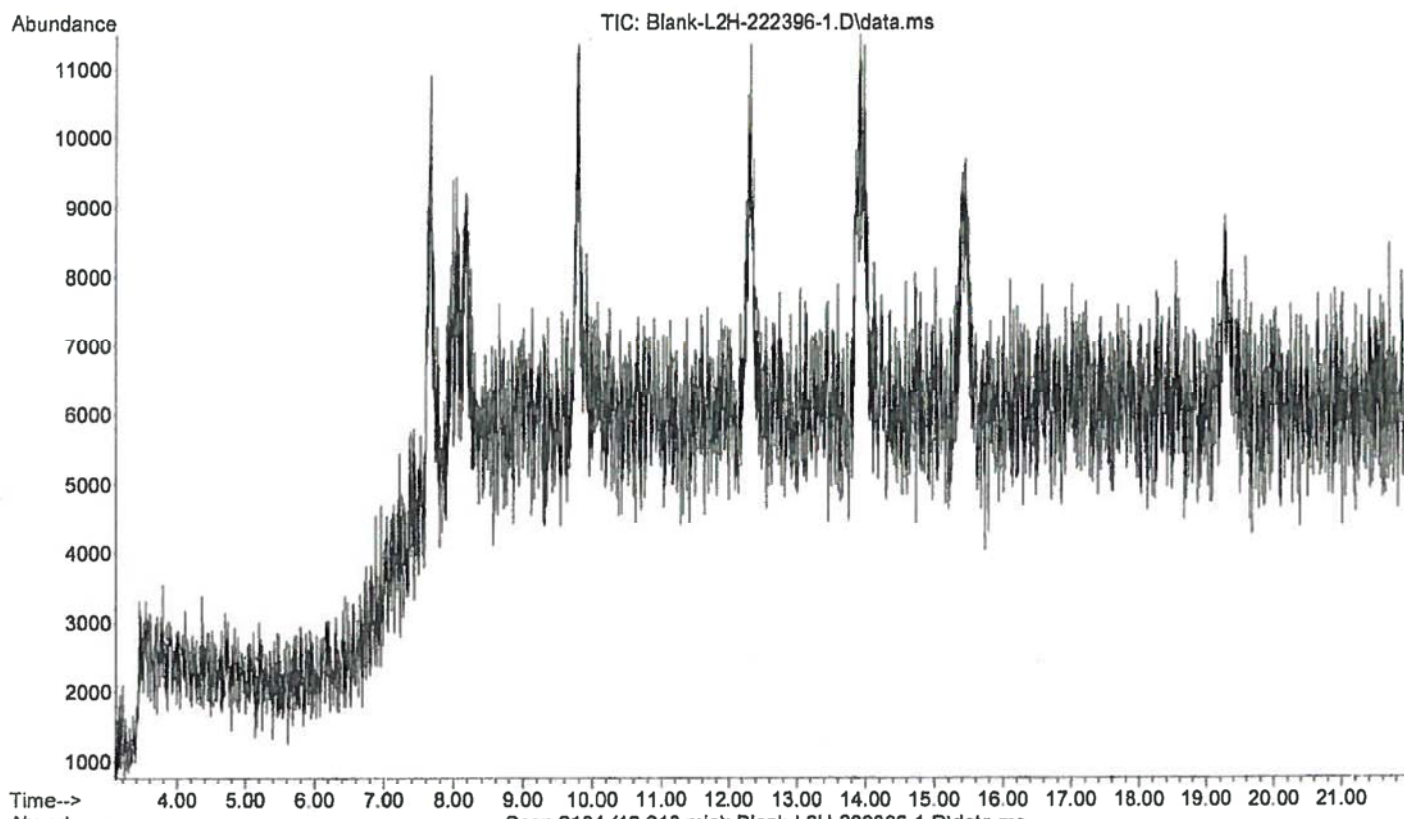
Additional Notes

File : D:\DATA\HOUSTON\011212\9001004.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 12 Jan 2012 10:10 using AcqMethod MISCSEQ  
Instrument : HOGCMS204  
Sample Name: L2H-222396 ITEM#1 (A>CHCl3)  
Misc Info : oven 150/2min(30/min)280/15min splt  
Vial Number: 90

*g*

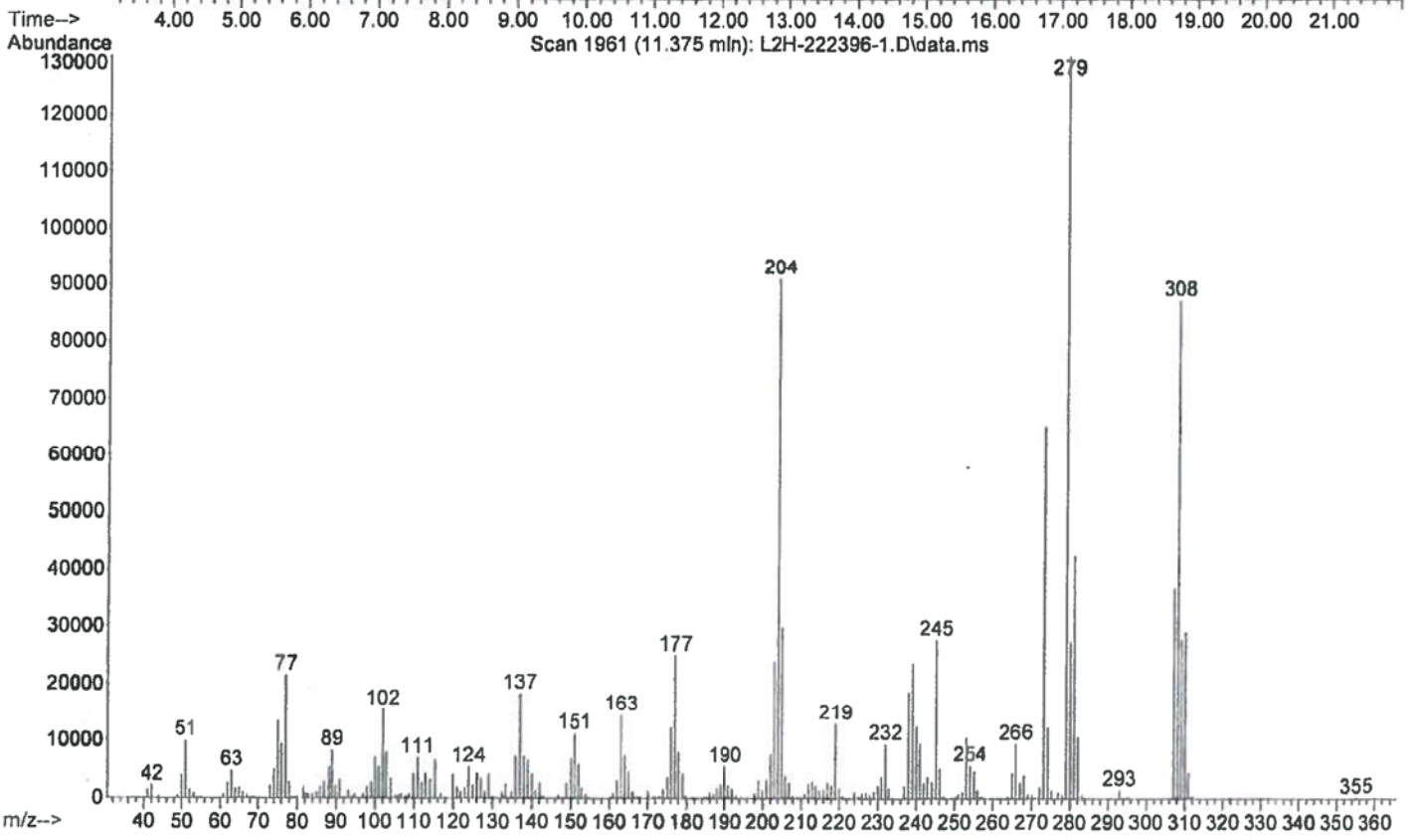
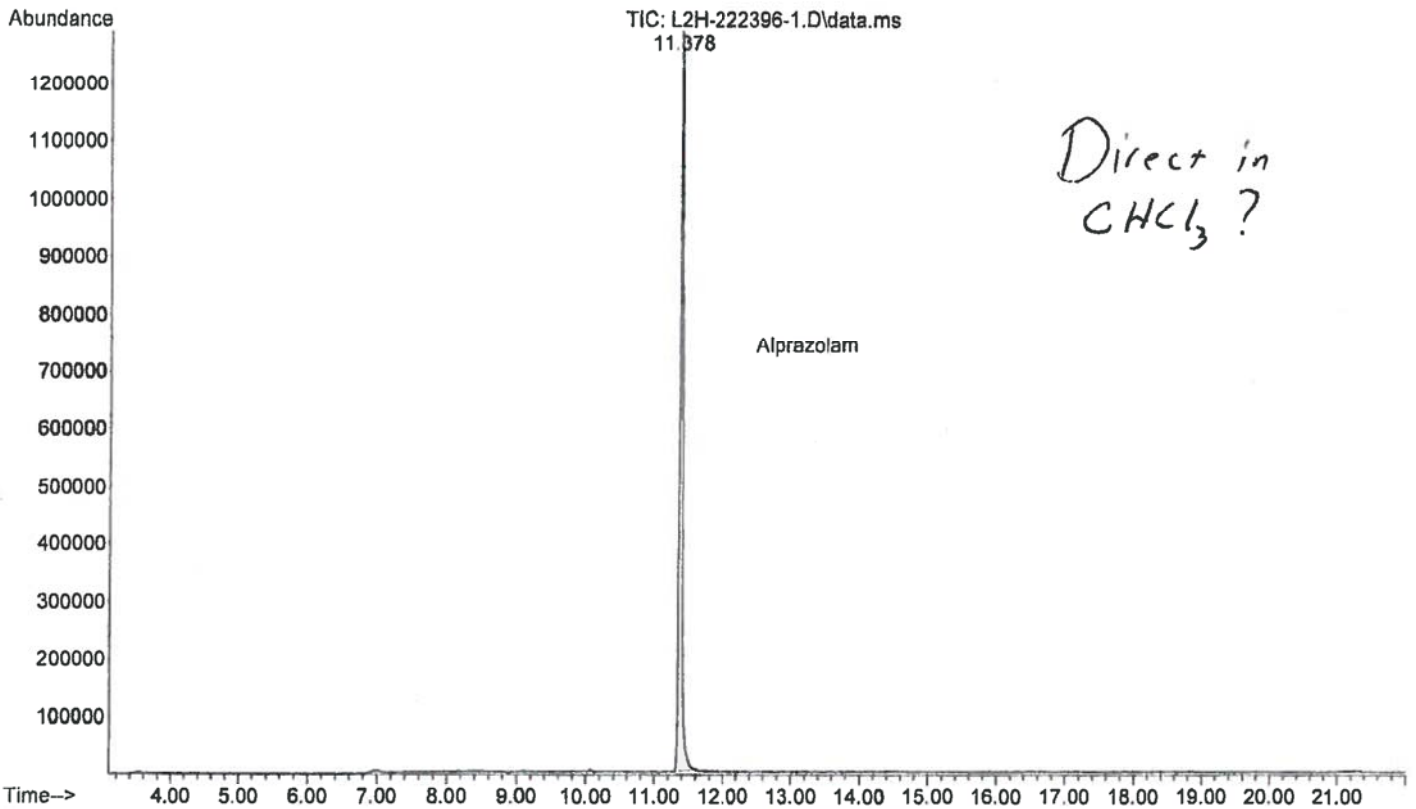


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Acquired : 26 Jan 2012 8:55 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: Blank Before L2H-222396 Item 1  
Misc Info : it:150/2m; rt:30c/m; ft:280c/15m CHCl3  
Vial Number: 24



File :D:\1\DATA\2012\012612\L2H-222396-1.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 26 Jan 2012 9:20 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: L2H-222396 Item 1  
Misc Info : it:150/2m; rt:30c/m; ft:280c/15m A>CHCl3  
Vial Number: 18

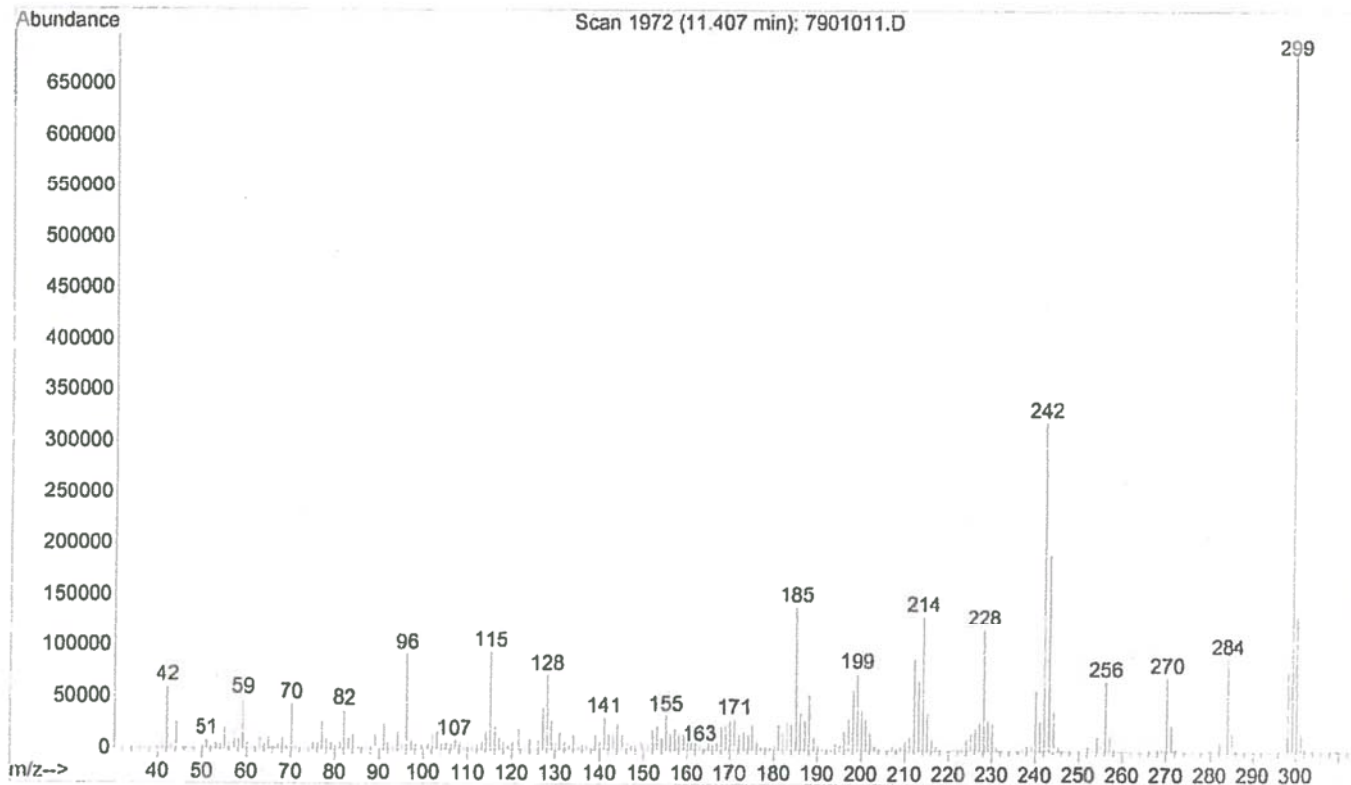
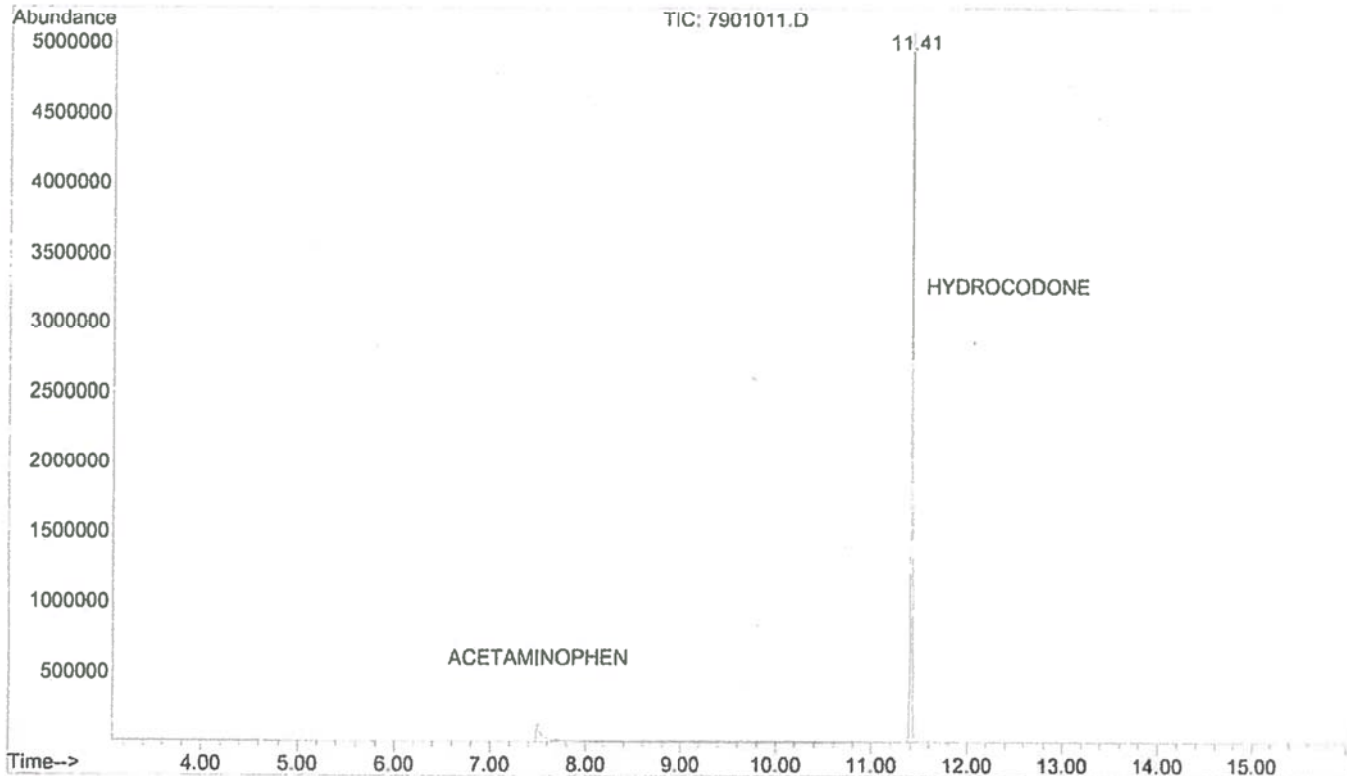
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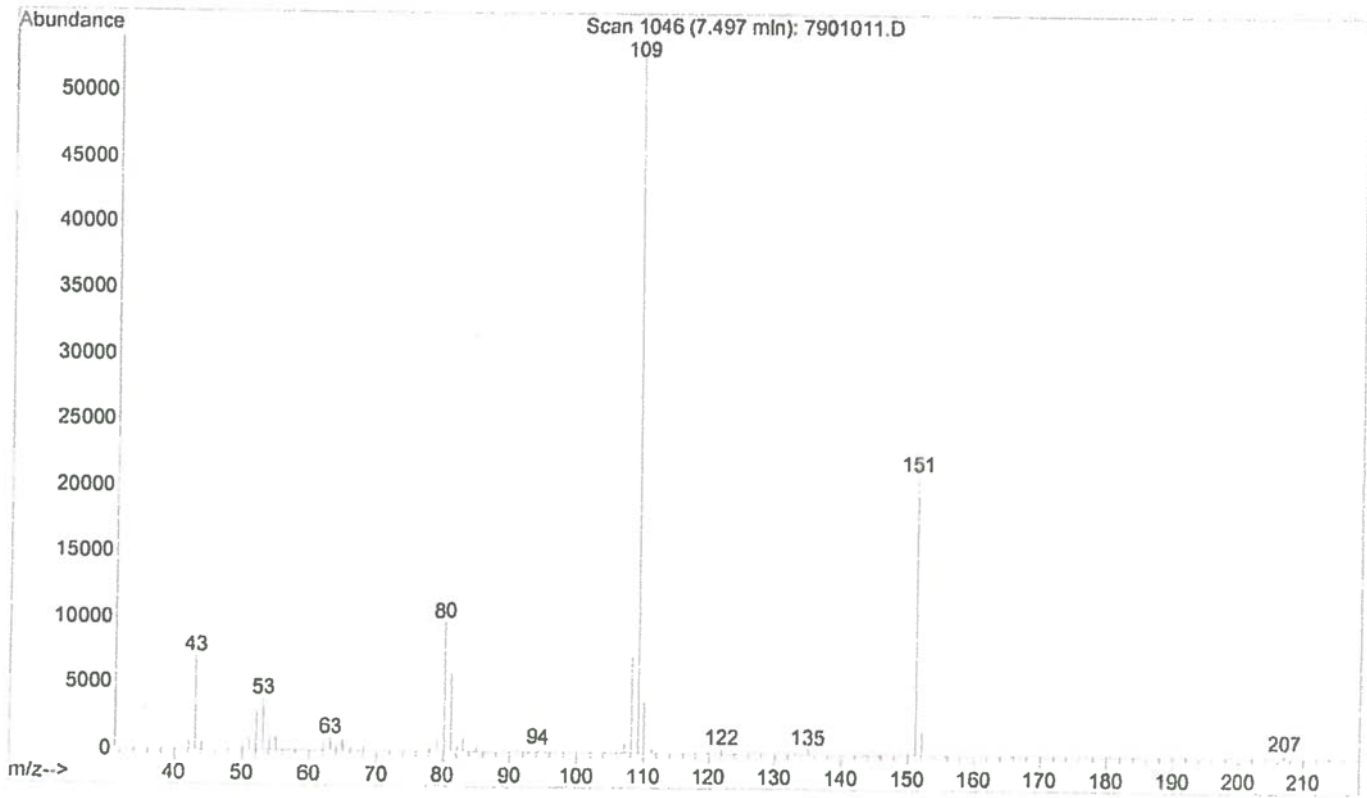
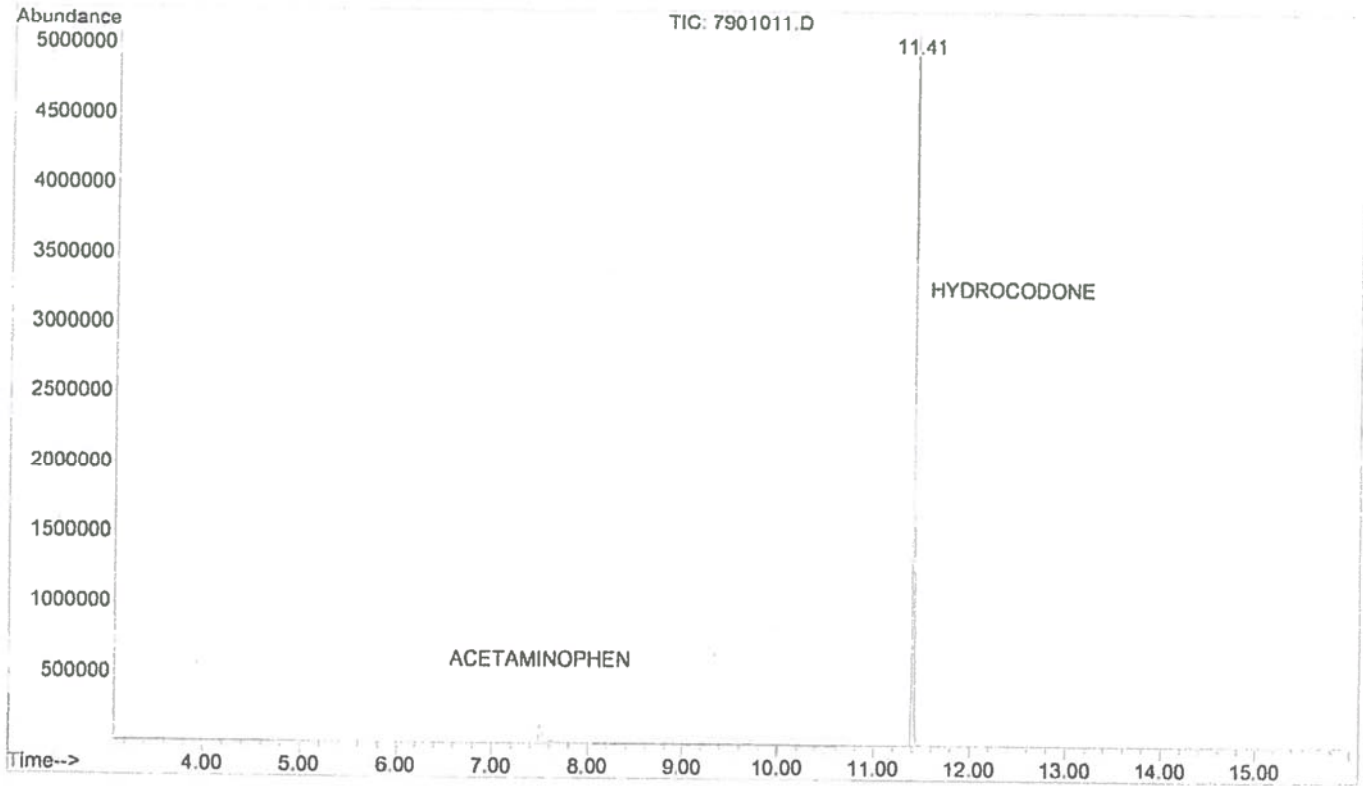
9/

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Operator : MR 40-400, inj 250, det 280  
Acquired : 12 Jan 2012 12:49 using AcqMethod COCSEQ  
Instrument : HOGCMS204  
Sample Name: L2H-222396 ITEM#2 B>CHCl3 JS  
Misc Info : oven 100/2min(20/min)280/5min spl  
Vial Number: 79



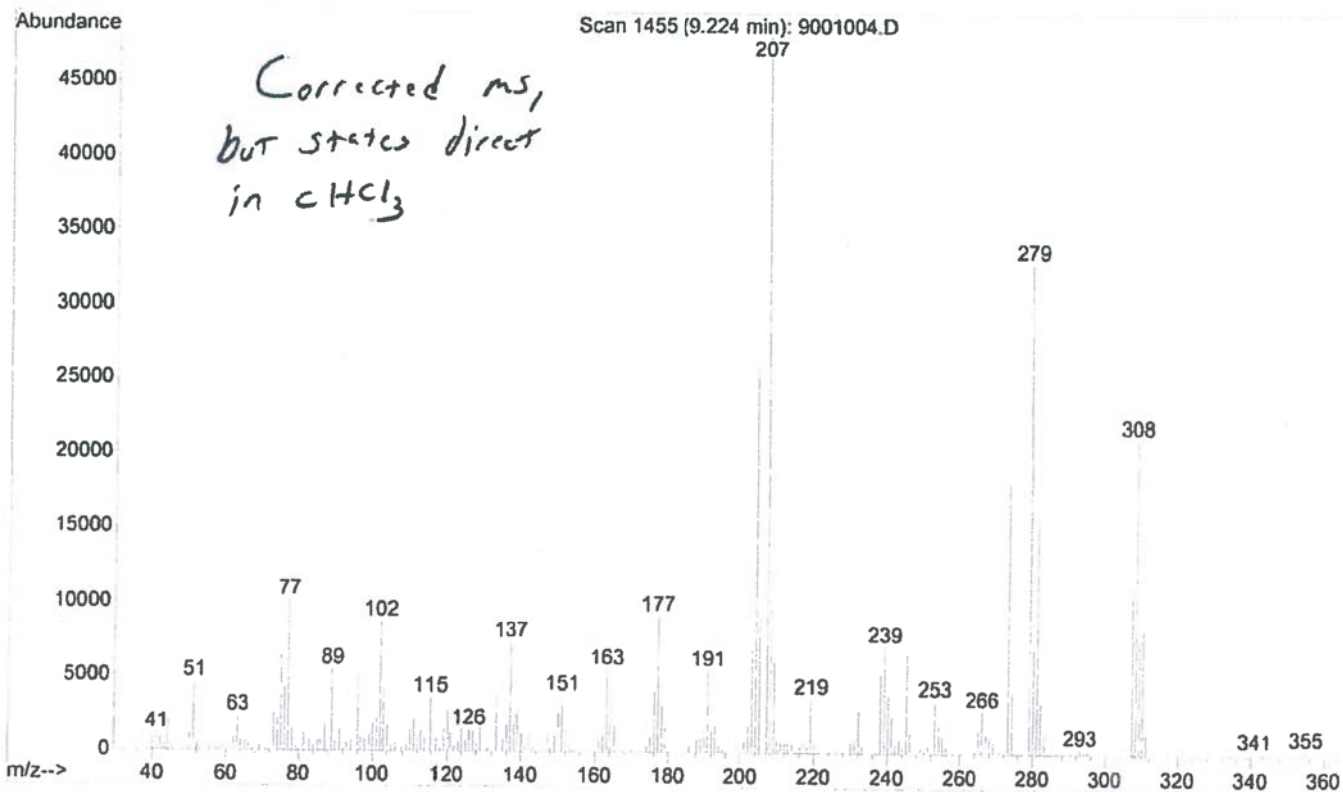
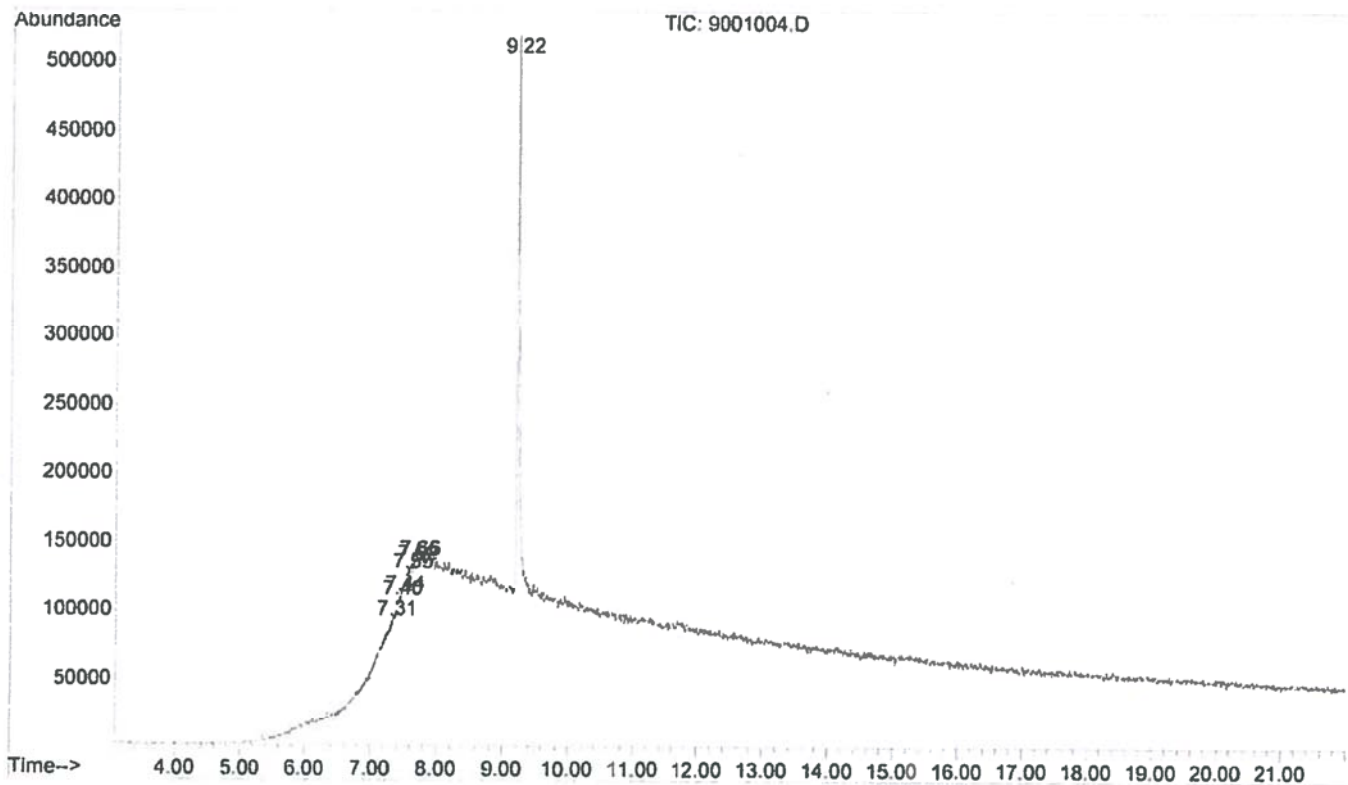
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Instrument : HOGCMS204  
Sample Name: L2H-222396 ITEM#2 B>CHCl3 JS  
Misc Info : oven 100/2min(20/min)280/5min spl  
Vial Number: 79

91

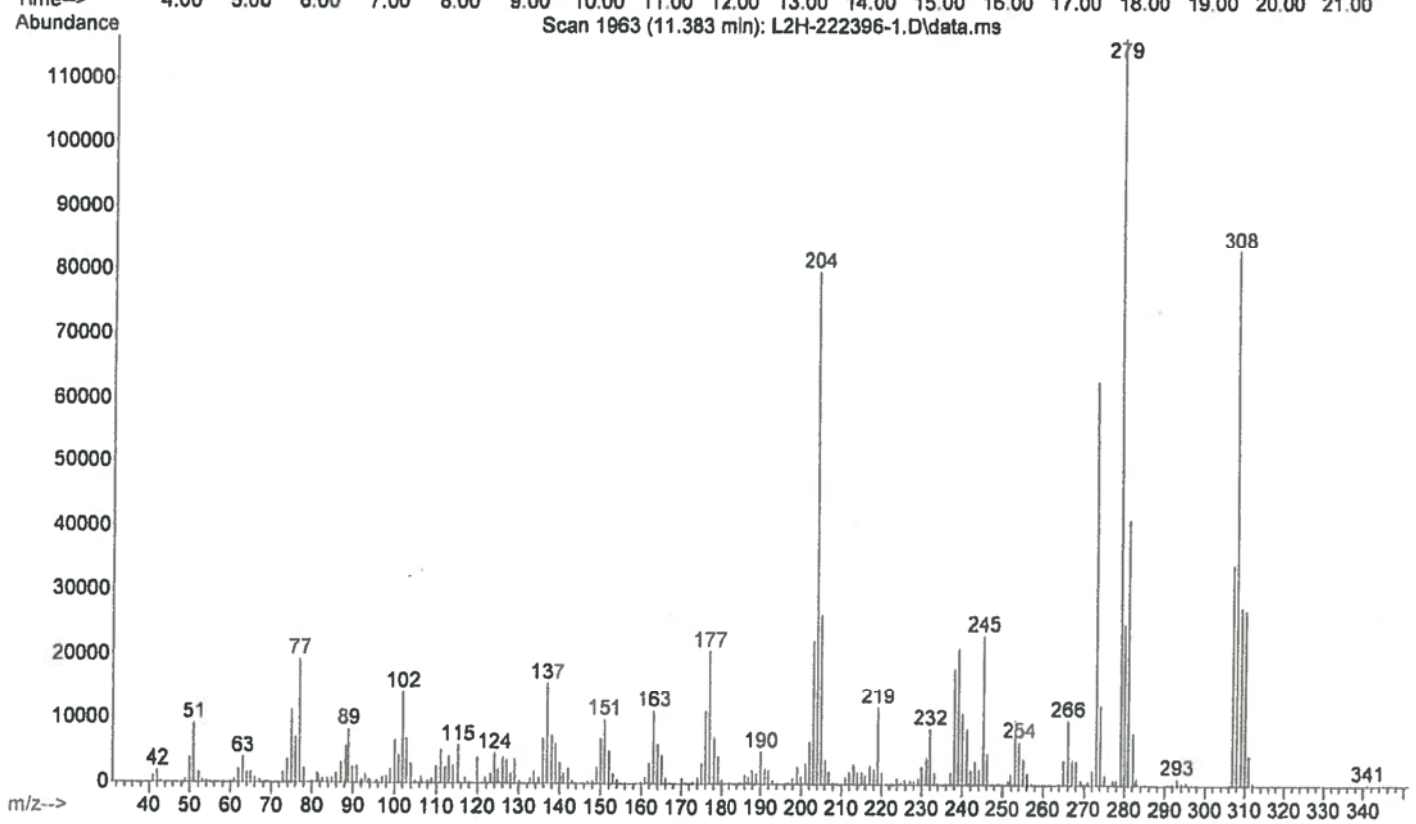
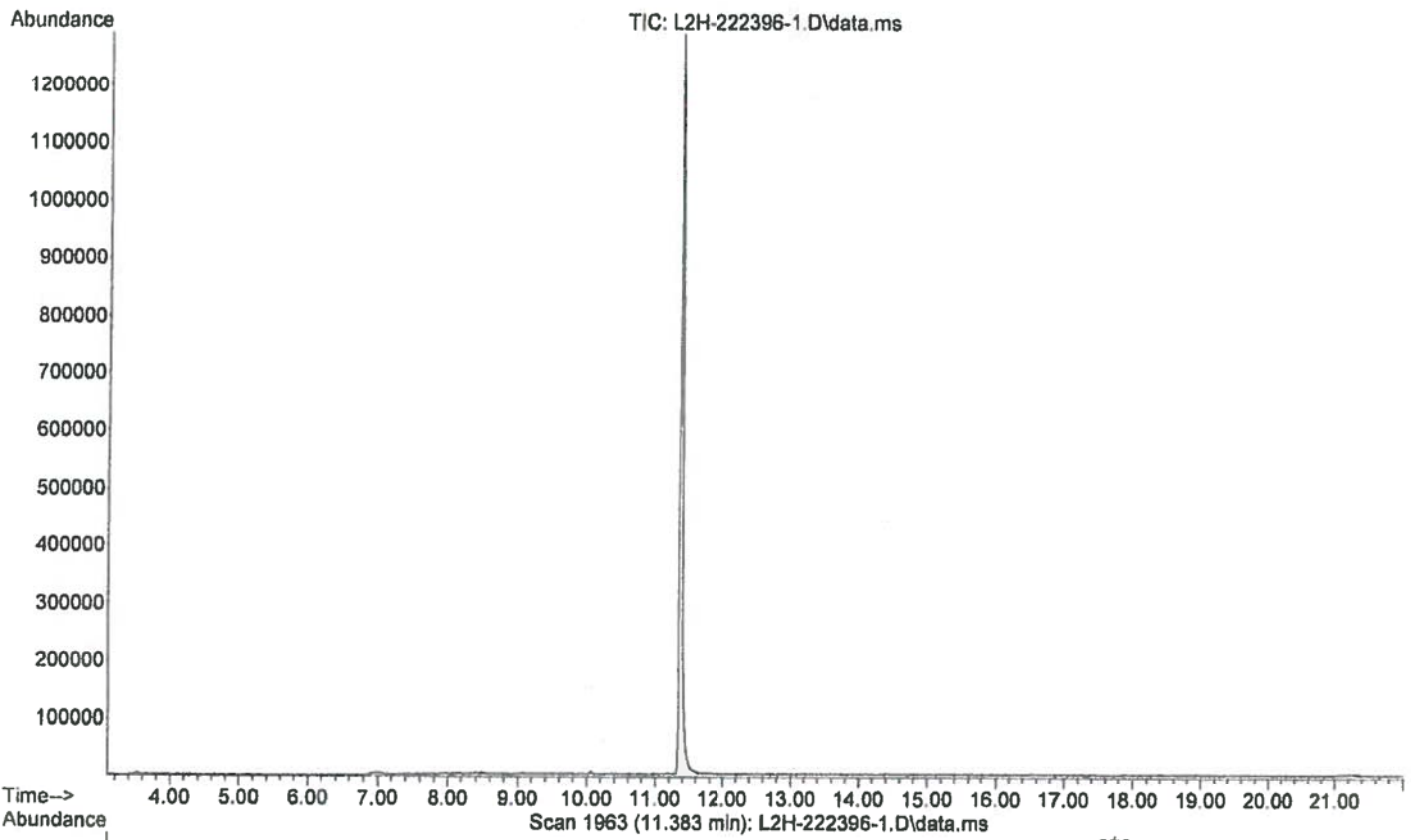


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Operator : MR 40-400, inj 250, det 280  
Acquired : 12 Jan 2012 10:10 using AcqMethod MISCSEQ  
Instrument : HOGCMS204  
Sample Name: L2H-222396 ITEM#1 (A>CHCl3)  
Misc Info : oven 150/2min(30/min)280/15min spl  
Vial Number: 90

91



File :D:\1\DATA\2012\012612\L2H-222396-1.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 26 Jan 2012 9:20 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: L2H-222396 Item 1  
Misc Info : it:150/2m; rt:30c/m; ft:280c/15m A>CHCl3  
Vial Number: 18

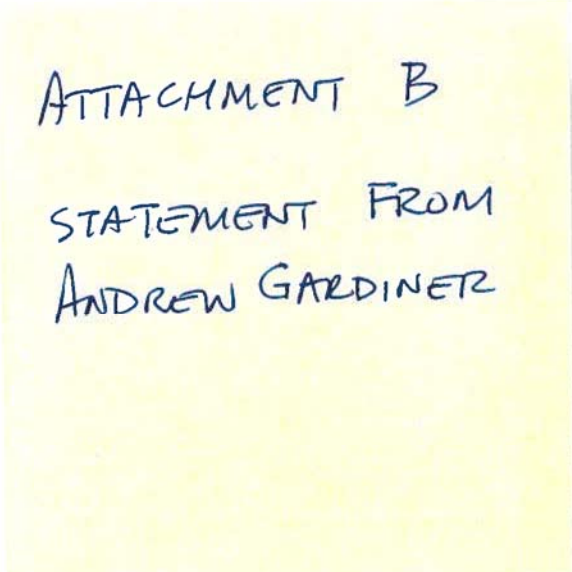


February 3, 2012

On January 26<sup>th</sup> I was attempting to diagnose a problem on my GCMS, I wanted to make sure the problem wasn't the sample I was running, so I went to put the sample on Jonathan's GCMS. While loading the sample I also thought that I should run an alprazolam sample on my instrument to see what my instrument would do on a different method and with a high molecular weight compound. I noticed that the sample on the sequence list above the sample I had just put on Jonathans instrument was alprazolam (and was the only sample in the sequence, all other lines were blanks), so I was going to use that vial to run on my instrument. I noticed in the sequence log that the sample was L2H-222396 item 1, and that is was in location 18. I located the vial in location 18, and written on the vial was L2H-222403 7.2. At first I thought he must have mistyped or given an incorrect vial location, I looked at every sample vial on the tray and none of them had 222396 written on the vial. I then went to look for the folders for each case, L2H-222396 had a few spectra for item 1 in it, it looked like he was having trouble getting the sample to come out, I then checked the folder for 222403, and item 7.2 was alprazolam. I compared the spectra in the case folder from 222403 7.2, to the spectra from 222396, and determined that the spectra were the same. I called analyst Haley Yaklin over to show her what I had noticed and asked for her opinion. She agreed that it looked bad, and we agreed to give him the benefit of the doubt and to wait and see what Jonathan did with the spectra he had generated for 222396 before saying anything to management.

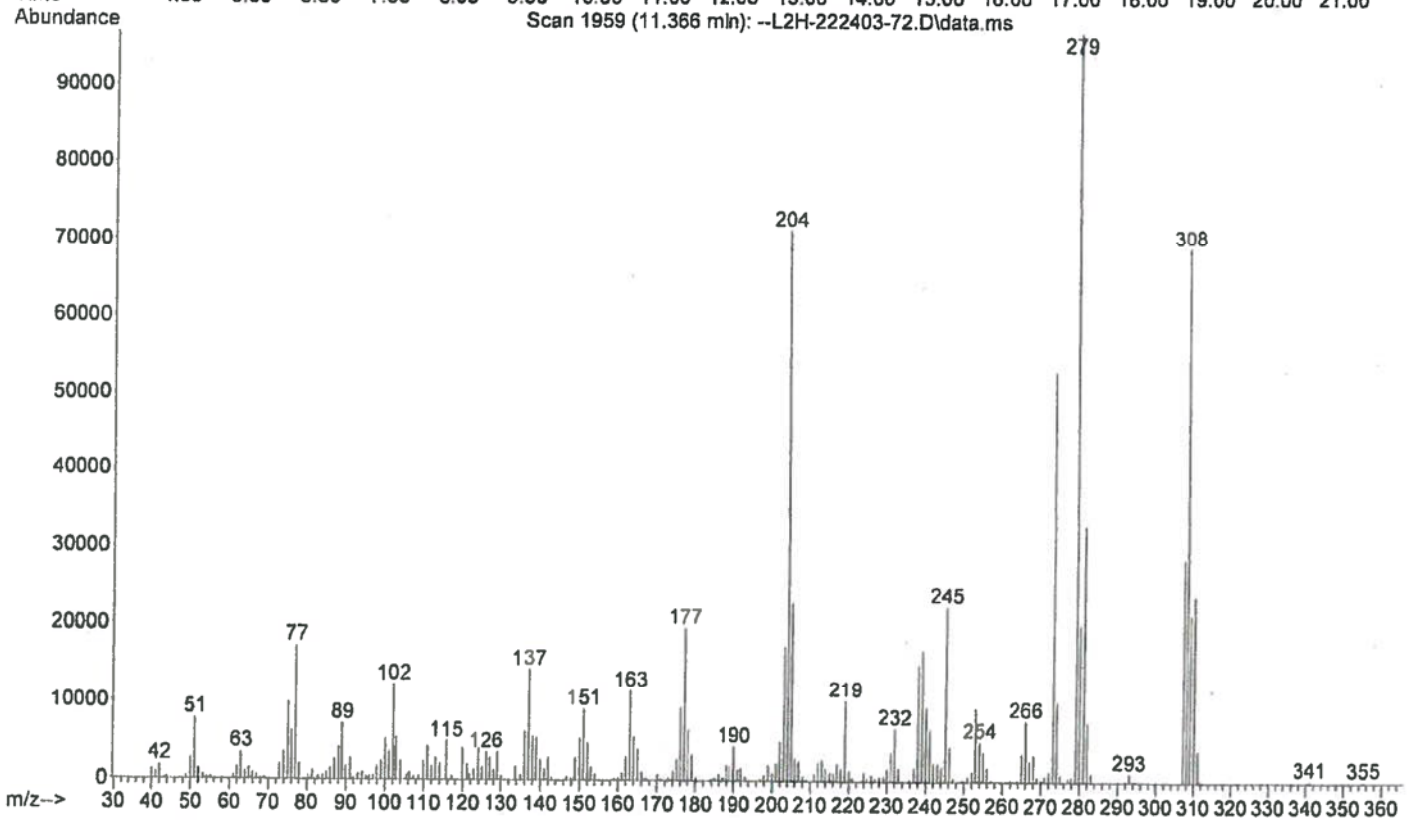
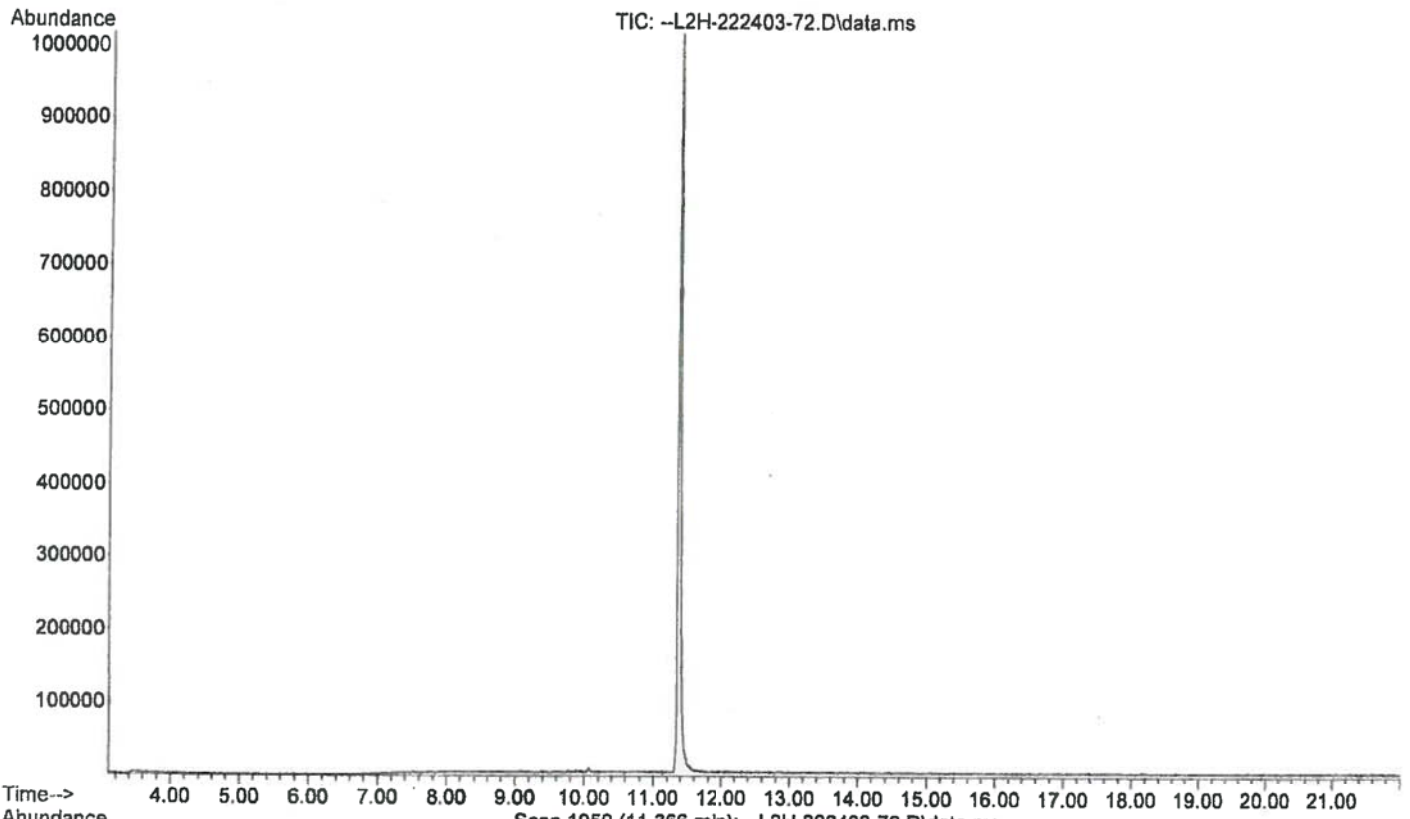
The next time I looked for the folder for 222396 it was in admin review, so I pulled it out and notified Severo of what I suspected had happened.

Andrew Gardiner



ATTACHMENT B  
STATEMENT FROM  
ANDREW GARDINER

File :D:\1\DATA\2012\012512\--L2H-222403-72.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 25 Jan 2012 16:46 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: L2H-222403 EX# 7.2  
Misc Info : it:150/2m; rt:30c/m; ft:280c/15m A>CHCl3  
Vial Number: 18



# TEXAS DEPARTMENT OF PUBLIC SAFETY INTEROFFICE MEMORANDUM

**To:** Keith Gibson, Reg. Manager                      **Date:** 02/03/2012  
**From:** Severo Lopez, Drug Section Suprv.              **Division:** LESD  
**Subject:** L2H-222396

Regarding the questions surrounding L2H-222396 and L2H-222403 a question regarding same sample being run twice for each of these two different cases was brought to my attention by AG. Details pertaining to his report are in his narrative. So I took the following action:

- Advised KG of situation.
- Secured case folder L2H-222396. JS is still in process of analyzing L2H-222403
- Searched LIMS (DRAGNet). LIMS indicates evidence from L2H-222396 still in JS custody.
- Approached JS about other unrelated issues with case folder such as wrong mass spectrum printed with a TIC, Incorrect extraction scheme listed on spectrum.
- Secured evidence from JS. It was located in his temporary storage location (bench locker)
- Began re-analysis of evidence form L2H-222396. (See Case folder for L2H-222396)
- JS hovered nearby during my re-analysis at most of the time until his departure around 4:00pm making small talk.
- I had opportunity to ask him specific questions about his extraction and analysis.
- He indicated that item 1 in L2H-222396 was extracted direct in CHCl<sub>3</sub> (Not A>CHCl<sub>3</sub> as indicated on spectral data).
- He also indicated that sample dissolves in CHCl<sub>3</sub> which was verified by re-analysis.
- Sample was analyzed via GC/MS with alprazolam being the result. However, the Ion Chromatogram does not match the profile for the data included with his initial conclusions. Moreover, the chromatogram and spectrum are virtually identical to data for an item in L2H-222403 which was run near the time of L2H-222396.

ATTACHMENT C

REANALYSIS BY  
SEVERO LOPEZ



TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

Controlled Substances Worksheet

LAB-CS-01 Rev.02 (07/2006)

Date Started 2/3/12

Lab Case # LAH 2012396



Date Completed \_\_\_\_\_

Analyst [Signature]

Gross Inventory Wt \_\_\_\_\_

Page \_\_\_\_\_

9812 Yellow Env.

Exhibit #	# Items	# Analyzed	# Exams	Outside Container			Inside Container							Class	Substance Identified					
				Balance ID	Before Analysis	Tare	Net	After Analysis	Marquis	SNP	Co(SCN) <sub>2</sub>	Microscopic	Duquenois			TLC	FTIR	GC/MS	Acid	Base
item 1	2	1		X	1.80g	1.25g	0.55g	0.36											DC +	
<p>GLASSINE ENVELOPE ± 1 1/2 WHITE TABLETS MARKED AS SHOWN   DIRECT IN CHL<sub>3</sub> → CENTRIFUGE → EVP →            USED 1/2 TAB. GC/MS. DRUGS.COM: APRAZOLAM D.S. ER</p>																				
item 2	1	1		X	1.72g	1.02g	0.70g	0.29g											DC +	
<p>GLASSINE ENVELOPE ± 1 ORANGE TABLET MARKED AS SHOWN:   DC: ARETAMINOMETHAN 500 / PHTHAZODEMETHINE 5mg            SPLIT TABLET FOR ANALYSIS</p>																				
<p>ALSO CONTAINS AN ORANGE PLASTIC PILL BOTTLE            ± WHITE POWDER RESIDUE (APPARENT PILL RESIDUE) NA.</p>																				

Additional Notes

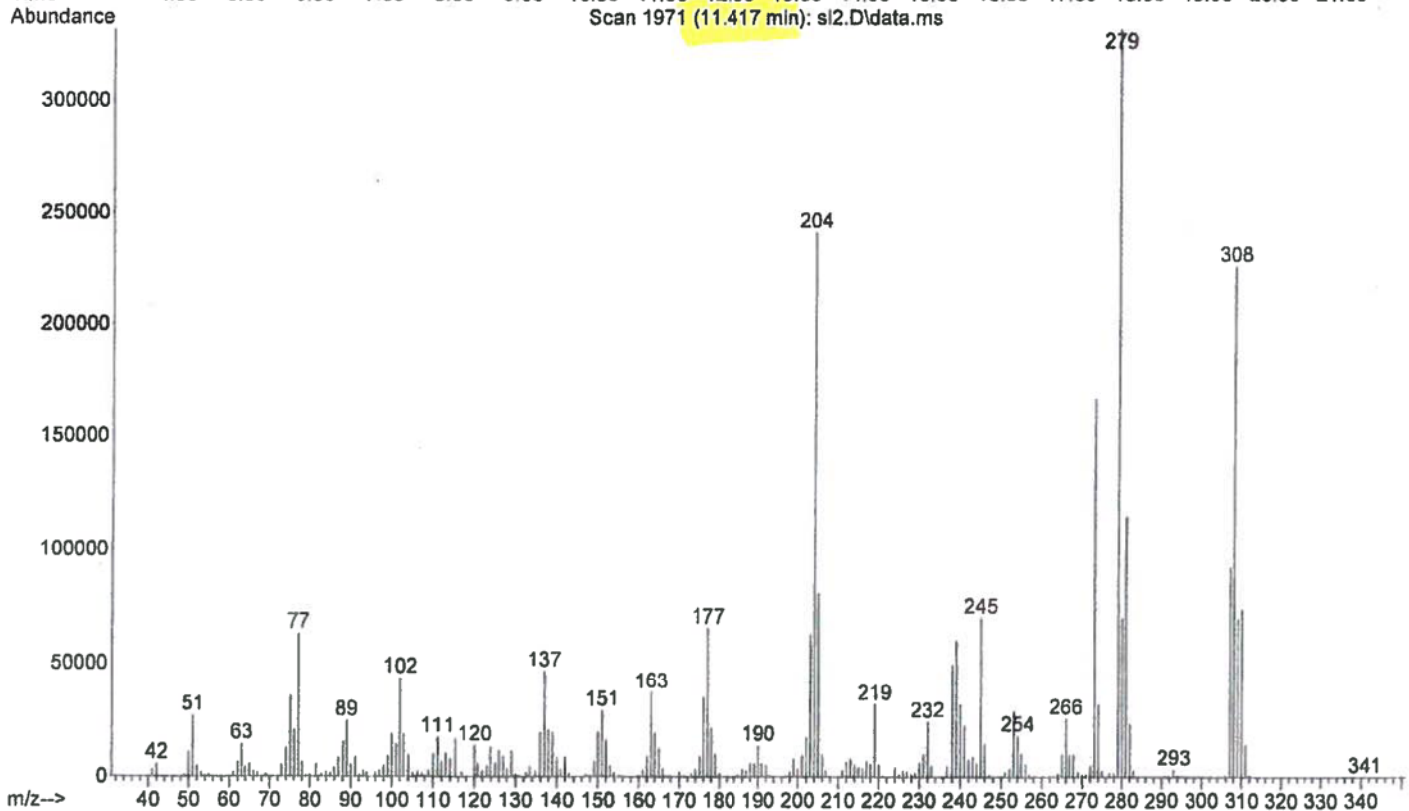
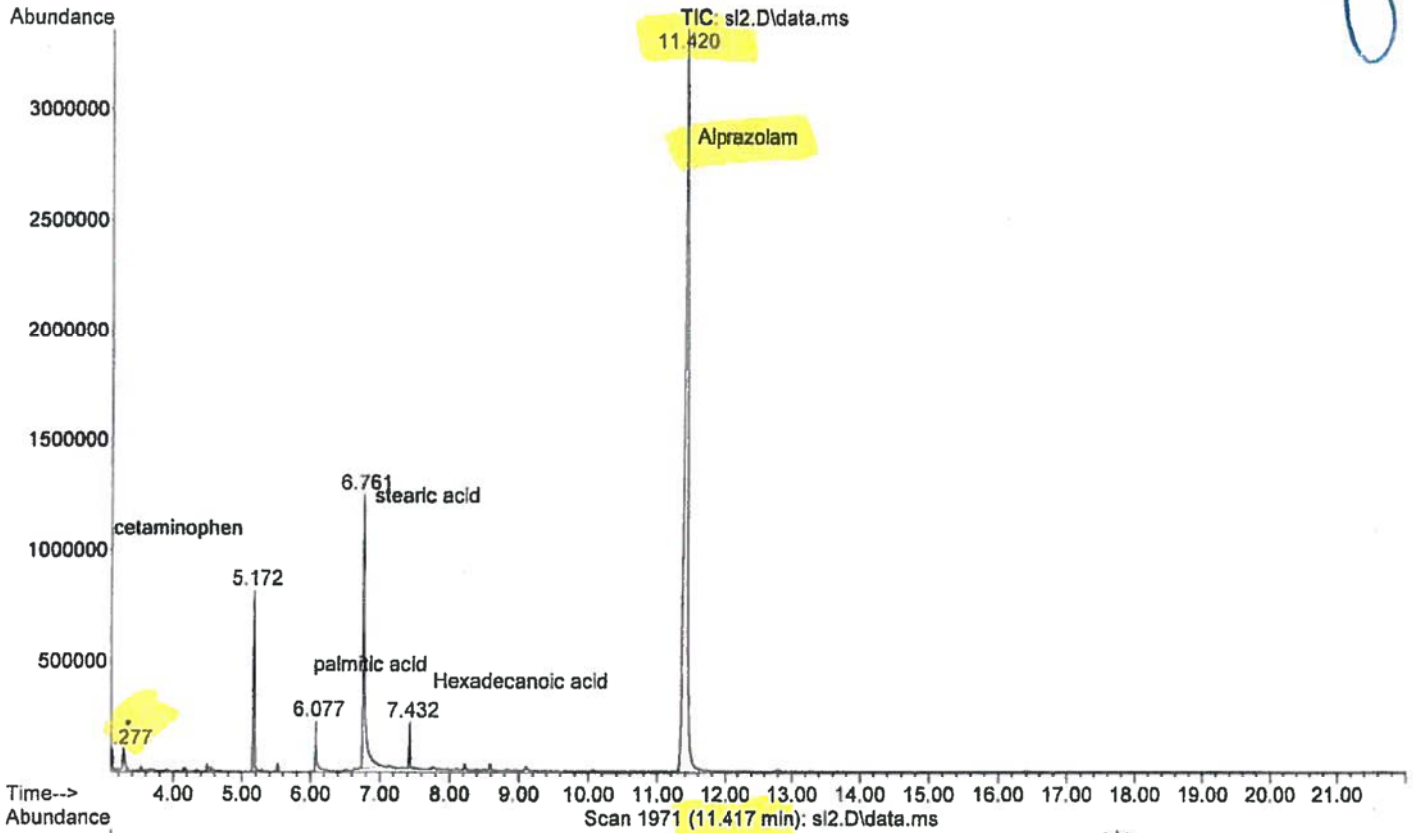
ER = EXTENDED RELEASE

X HO BAL208



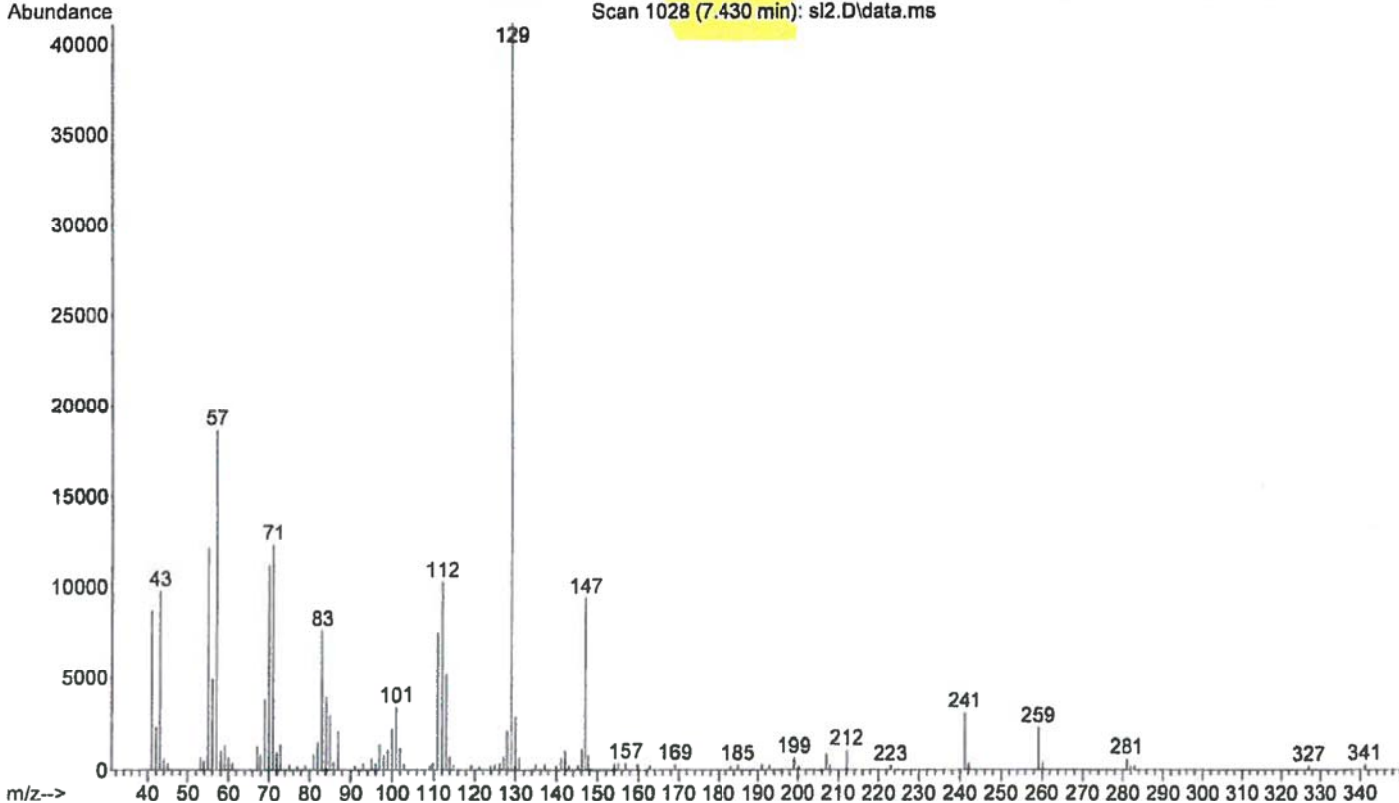
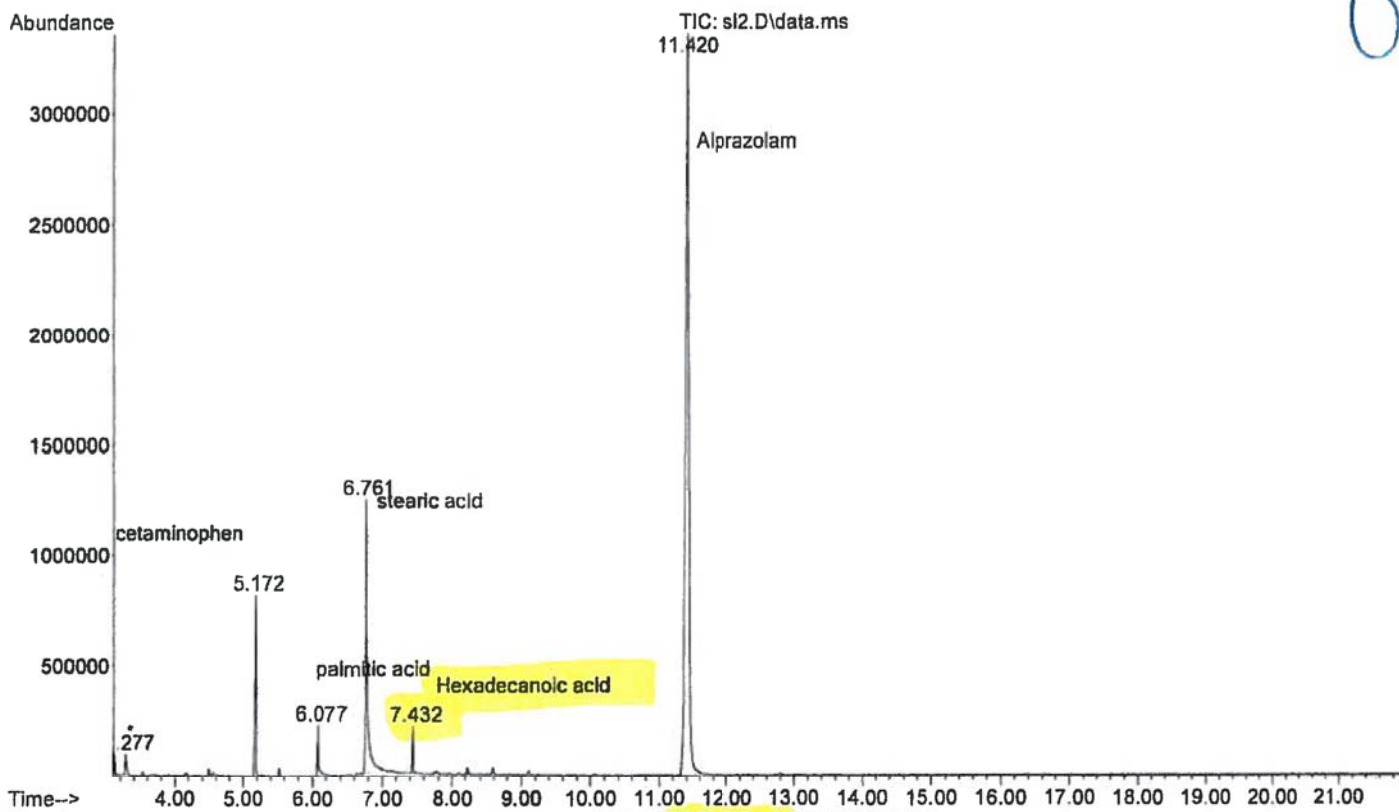
File :D:\1\DATA\2012\020312\sl2.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 3 Feb 2012 16:42 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: L2H-222396 #1 Direct in CHCl3  
Misc Info : oven 150/2(30/min)300/15 splt  
Vial Number: 77

8

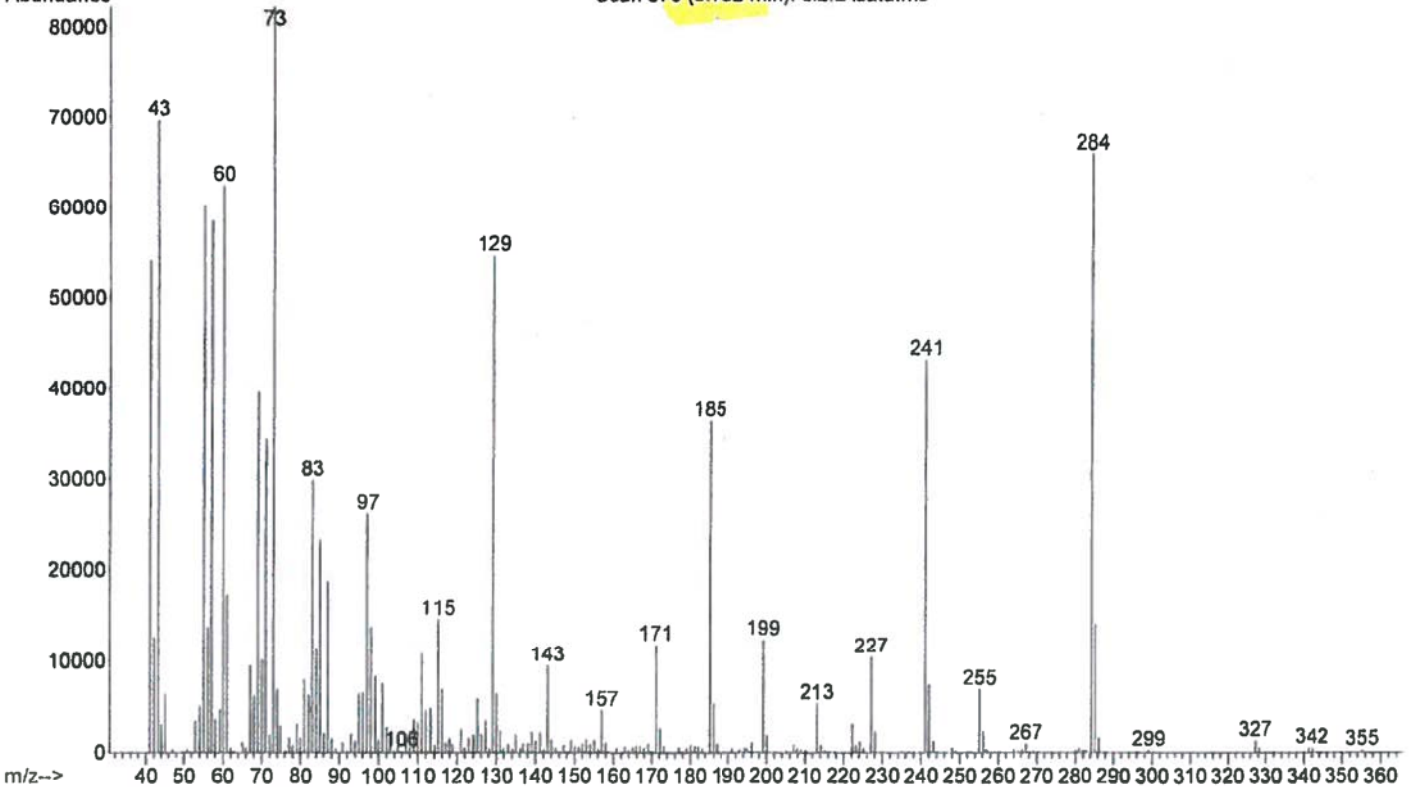
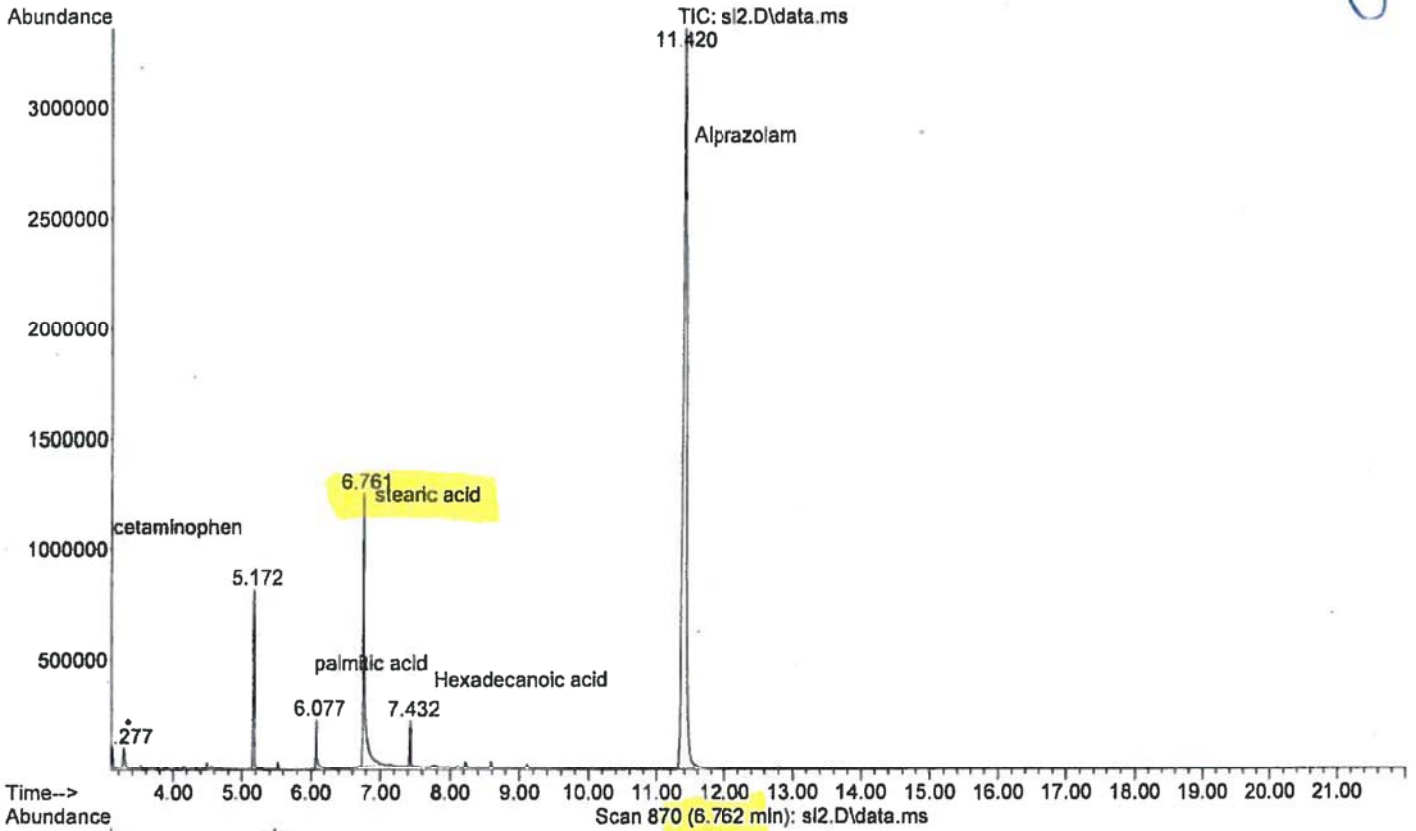


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Instrument : HOGCMS206  
Sample Name: L2H-222396 #1 Direct in CHCl3  
Misc Info : oven 150/2(30/min)300/15 splt  
Vial Number: 77

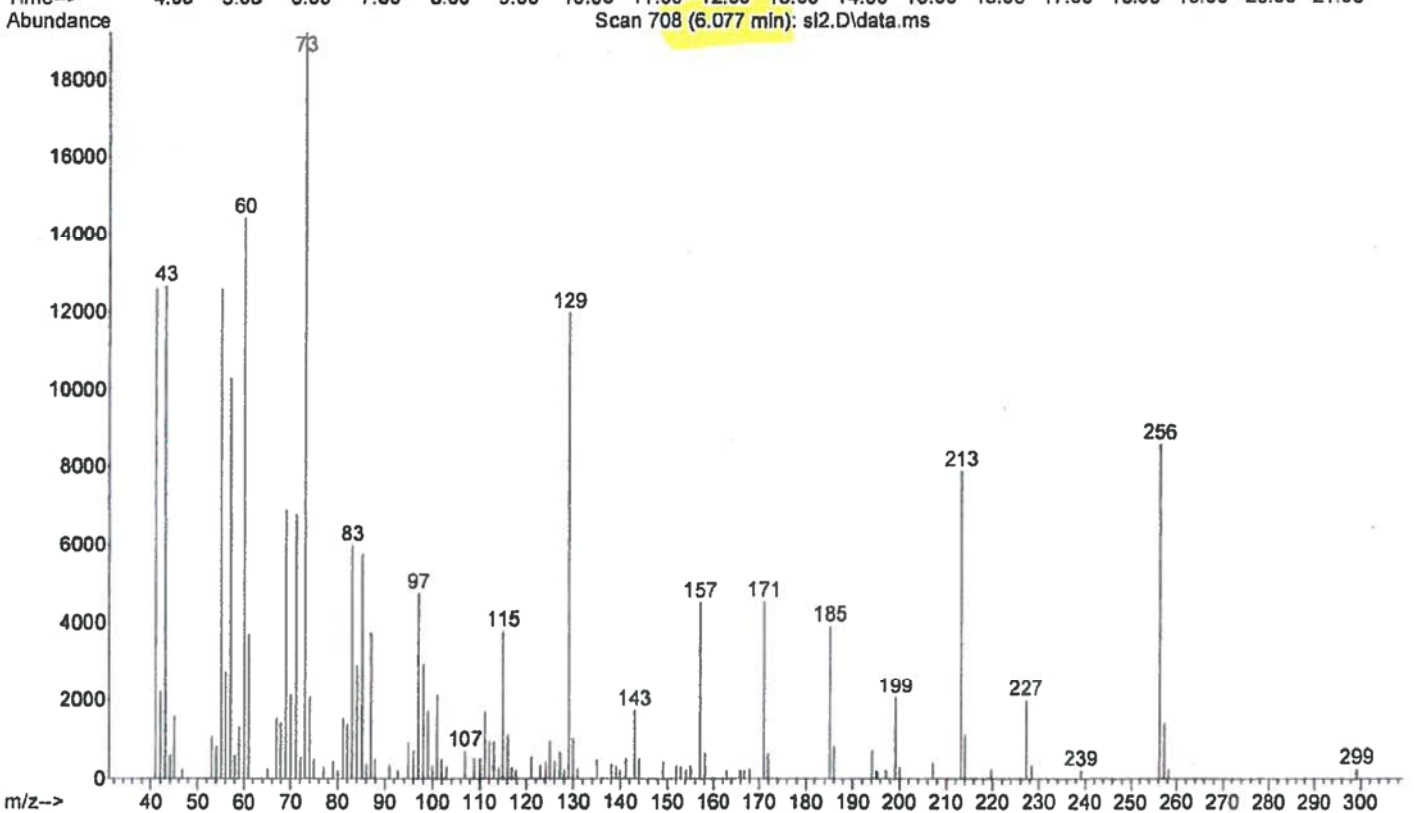
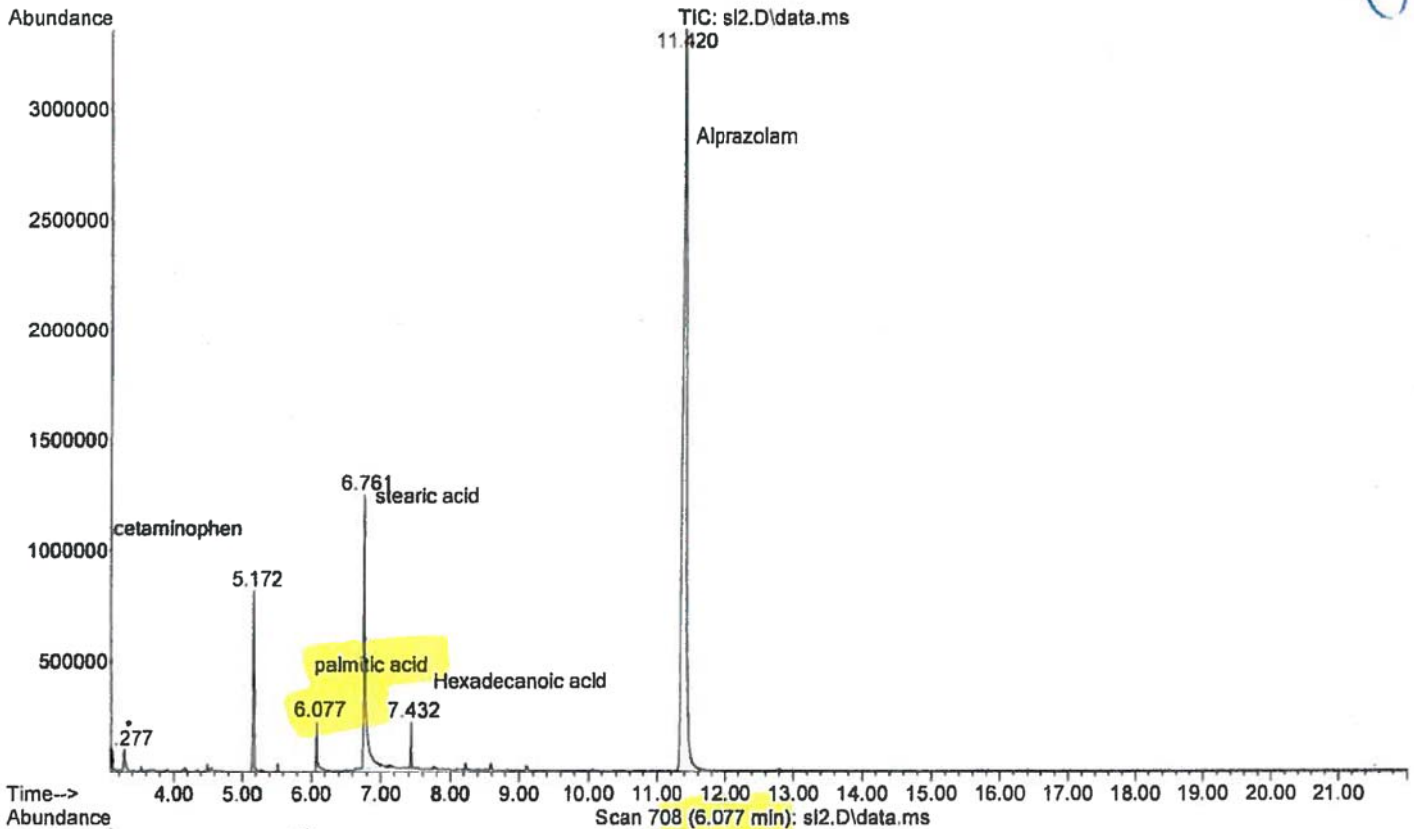
8



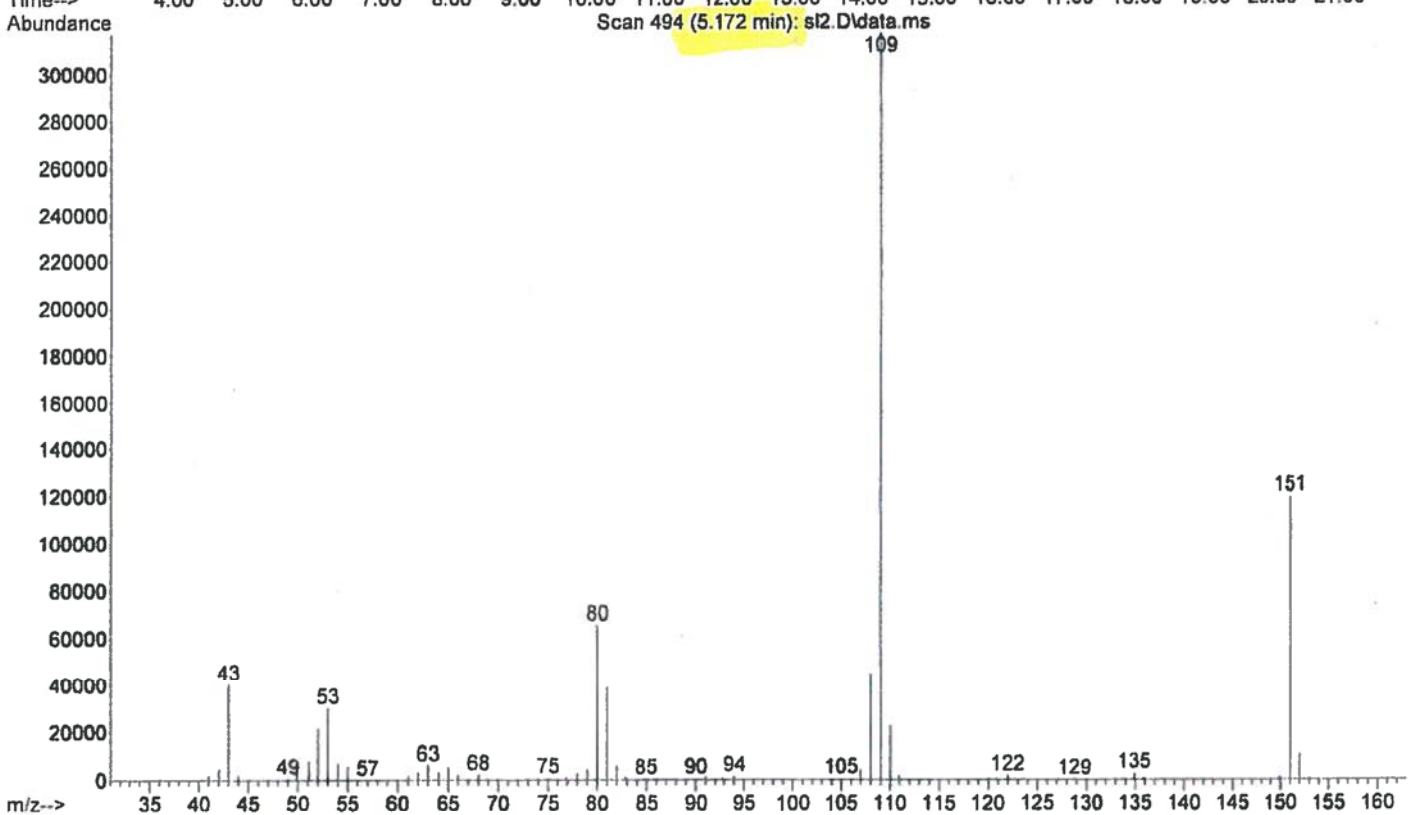
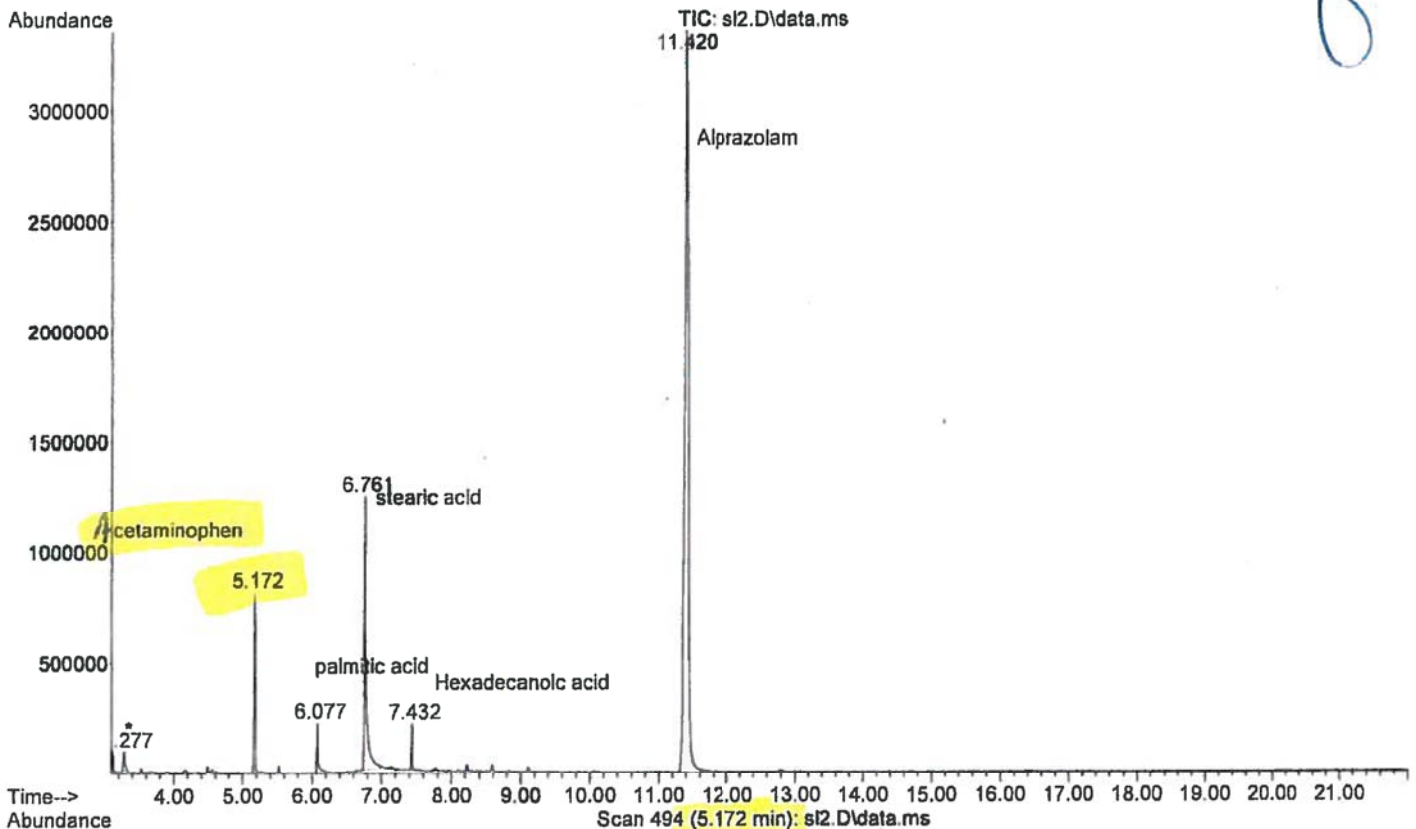
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Instrument : HOGCMS206  
Sample Name: L2H-222396 #1 Direct in CHCl3  
Misc Info : oven 150/2(30/min)300/15 spl  
Vial Number: 77



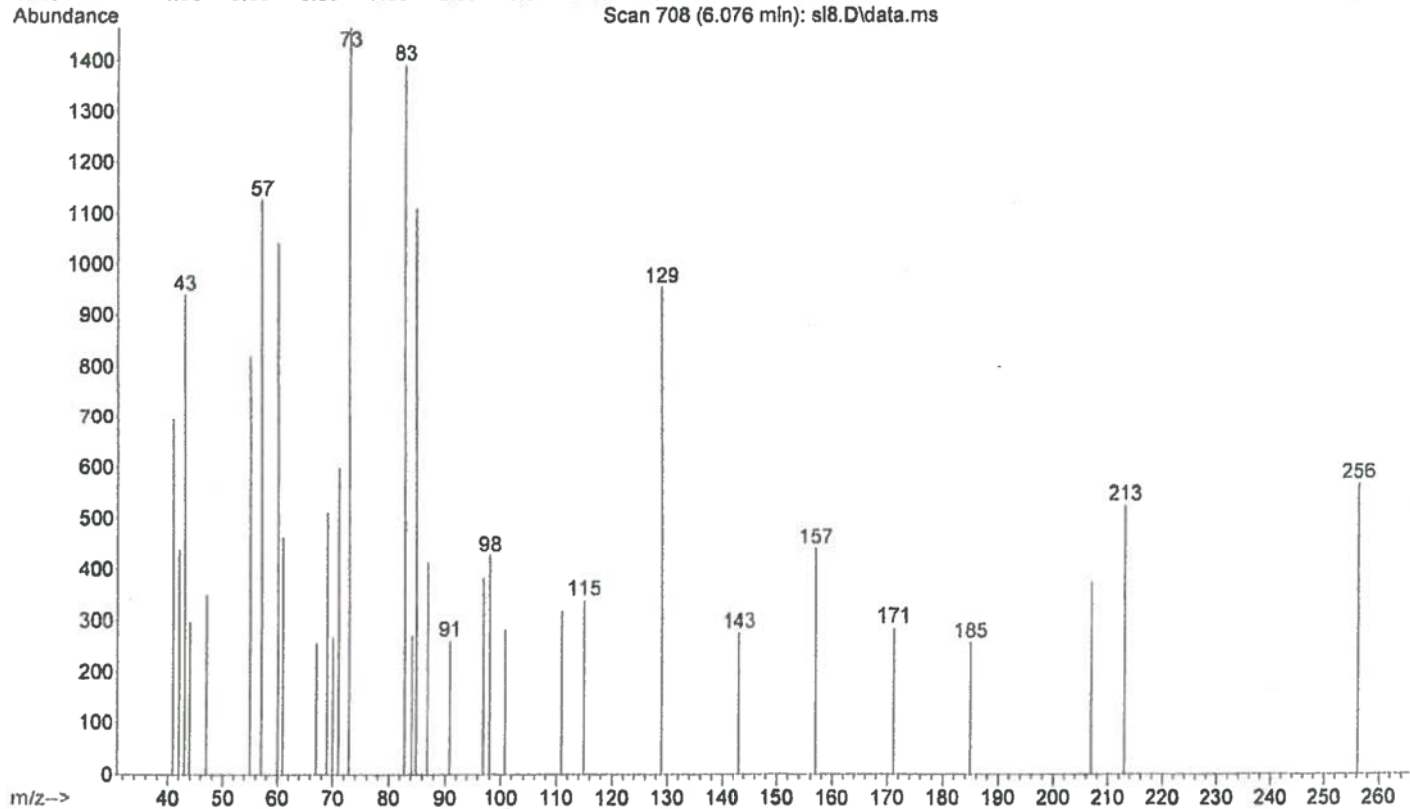
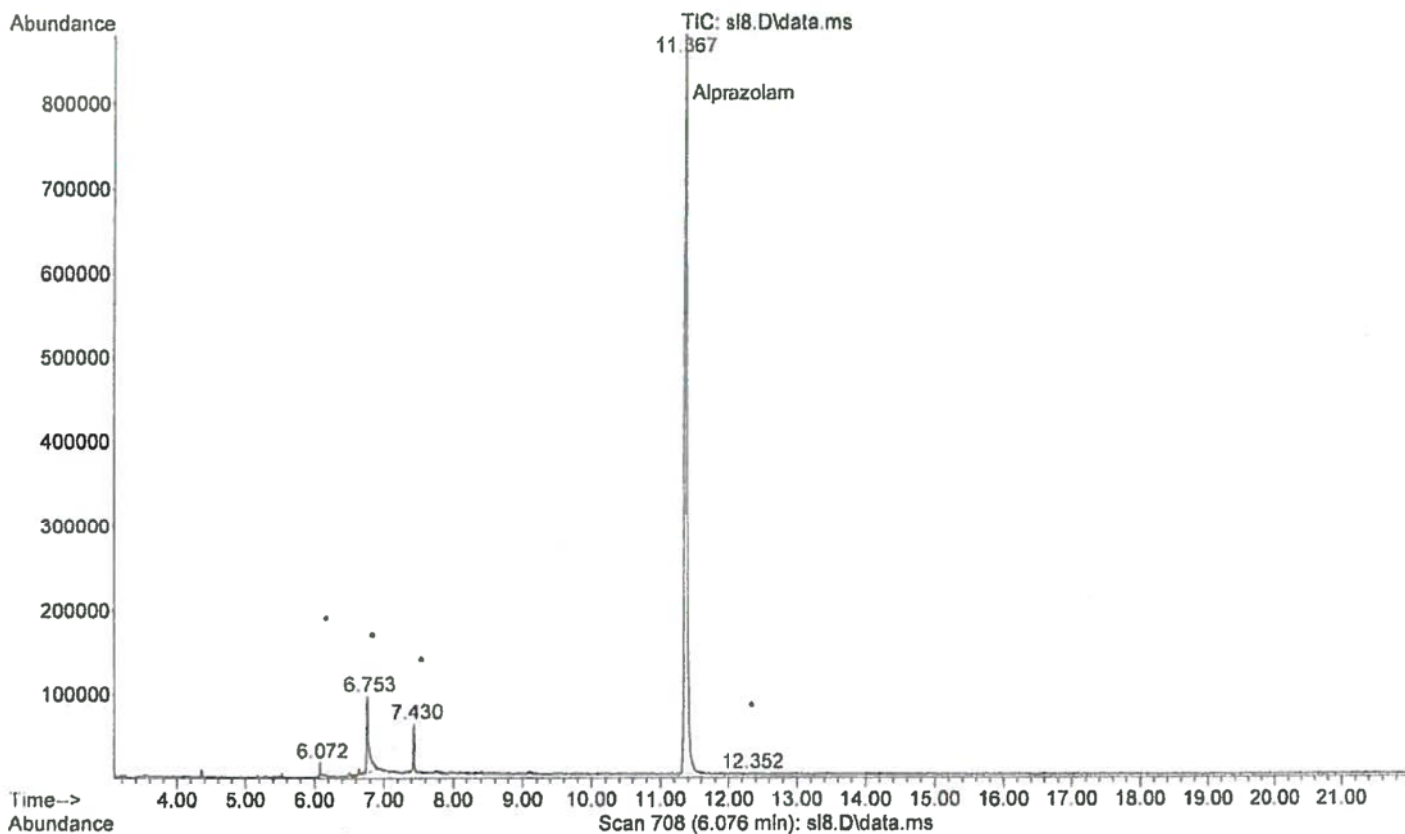
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Instrument : HOGCMS206  
Sample Name: L2H-222396 #1 Direct in CHCl3  
Misc Info : oven 150/2(30/min)300/15 spl  
Vial Number: 77



File :D:\1\DATA\2012\020312\sl2.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 3 Feb 2012 16:42 using AcqMethod DPSMISC-2.M  
Instrument : HOGCMS206  
Sample Name: L2H-222396 #1 Direct in CHCl3  
Misc Info : oven 150/2(30/min)300/15 splt  
Vial Number: 77



File :D:\1\DATA\2012\020312\sl8.D  
Operator : MR 40-400, inj 250, det 280  
Acquired : 3 Feb 2012 18:18 using AcqMethod DPSPMISC-2.M  
Instrument : HOGCMS206  
Sample Name: L2H-222396 #1 A>CHCl3  
Misc Info : oven 150/2(30/min)300/15 spl  
Vial Number: 85



**Johnson, Pat**

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**From:** Woodward, Tracy  
**Sent:** Tuesday, February 21, 2012 12:43 PM  
**To:** Woodward, Tracy  
**Cc:** Hearn, Skylor; Steen, Philip; Rkeaton@ascld-lab.org; Lynnrobittaille@me.com; Robertson, Steve; Johnson, Pat; Gibson, Keith  
**Subject:** FW: Recall Notice

Law enforcement officials and prosecutors:

The Department of Public Safety has recently discovered what it suspects was a procedural analysis violation on a single case by one forensic scientist in the Drug Section of our Houston Regional Crime Laboratory. There is no indication that any additional violations occurred, but out of an abundance of caution and quality assurance, we would like to re-analyze the evidence in cases worked by this scientist over the last 90 days and provide you a new laboratory report on each case. We will provide law enforcement agencies the list of cases from their agency and ask them to return that evidence to our Houston laboratory for re-analysis. As soon as the evidence is returned to us, we will expedite the re-analysis and issue new reports as quickly as possible. We are glad to prioritize the re-analysis of specific cases at your request.

We regret the impact this may have on your enforcement efforts, but believe it imperative to exercise a high level of due diligence in matters of this importance.

D. Pat Johnson  
Deputy Assistant Director  
Texas Department of Public Safety  
Law Enforcement Support Division  
Crime Laboratory Service  
512-424-2143

ATTACHMENT D  
e-mail NOTICE  
TO OFFICERS &  
PROSECUTORS  
SENT 2/21/12

**Johnson, Pat**

**From:** Gibson, Keith  
**Sent:** Thursday, April 26, 2012 12:26 PM  
**To:** weekscda@hotmail.com  
**Cc:** Johnson, Pat; Robertson, Steve; sglisson@co.walker.tx.us  
**Subject:** Controlled Substance Analysis  
**Attachments:** Walker.xlsx

Dear District Attorney:

The Department of Public Safety has discovered errors with the analysis of drug evidence conducted by one forensic scientist in our Houston Regional Laboratory. He has been suspended from casework pending an internal investigation. In reanalyzing evidence in one hundred of his most recent cases, we identified errors in two other cases. Because of this discovery, we believe it prudent to review his entire body of work since he began examining evidence in early 2006 – specifically on any cases pending prosecution or which resulted in a conviction or deferred adjudication. Attached is a list of cases from your jurisdiction. If you wish to have the evidence in any of these cases re-analyzed by another DPS Forensic Scientist, please contact Laboratory Manager Keith Gibson at 281-517- 1383. We will then arrange with the law enforcement agency to obtain the evidence from them and complete the re-analysis. A new lab report would then be issued.

We are sorry for any inconvenience this may cause and are taking additional steps to prevent any such occurrence in the future.

Keith A. Gibson  
Regional Laboratory Manager  
Texas DPS Houston Crime Laboratory

ATTACHMENT E  
E-MAIL TO PROSECUTORS  
SENT W/ LIST OF ALL  
CASES WORKED BY  
SALVADOR, SENT 4/26/12





TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

Quality Action Plan

LAB-QA-04 Rev.03 (09/2008)

QAP # 501

Lab	Houston	Discipline	Controlled Substances	Incident Date	01/26/12	Page 1 of 1
-----	---------	------------	-----------------------	---------------	----------	-------------

**Manner of Identification**

Observation     Audit     Complaint     Other \_\_\_\_\_

**Area(s) Impacted (Check All That Apply):**

Evidence     Safety     Reagent     Contamination     Quality Control  
 Equipment     Test Result     Proficiency     Process     Client Relations  
 Other \_\_\_\_\_

**Incident Description:**

Forensic Scientist Andrew Gardiner indicated that he had some concerns about the validity of testing on L2H-222396 exhibit - 1. On 01/26/12 he was looking for high molecular weight sample to run on his instrument as a check and noted that Forensic Scientist Jonathan Salvador's instrument was currently running an alprazolam sample. He consulted the screen and noted that L2H-222396-1 should be in vial location 18 but when he went to retrieve the vial, a vial marked for L2H-222403 exhibit 7.2 was in its place. Further examination of the sample tray did not reveal a vial marked for L2H-222396. He waited until the cases were awaiting administrative review then he retrieved them and noted that the spectral data for the two cases was remarkably the same including the Total Ion Chromatogram and total counts. Management was notified. Drug Section Supervisor Severo Lopez retrieved the case files and related evidence and retested the samples. While both case samples contained alprazolam, L2H-222396 contained a significant amount of impurities not present in Salvador's spectral data.

Requestor Severo Lopez, Drug Section Supervisor *[Signature]* Date 02/03/12

**Explanation/Root Cause:**

The sample vial from L2H-222403 was substituted for L2H-222396. Whether it was intentional or accidental is uncertain. During an interview, Forensic Scientist Jonathan Salvador would not admit that the event had occurred and made statements leading the investigator to believe that Forensic Scientist Salvador was aware of the switch but failed to correct it.

Investigator Keith Gibson, Quality Manager *[Signature]* Date 02/09/12

**Action Plan:**

Forensic Scientist Jonathan Salvador was removed from casework. His cases in process were withheld and re-analyzed. 90 days of cases were re-analyzed and supplemental reports issued. The affected District Attorneys and the Forensic Science Commission were notified by Deputy Assistant Director D. Pat Johnson. Affected jurisdictions were advised that his cases would be re-analyzed if requested or needed for other purposes. The re-analysis revealed poor documentation, poor technique, and poor decision making. A summary spreadsheet was prepared. Three reporting errors were discovered and are subjects of other action plans. A new policy regarding the re-examination of evidence has been prepared.

Investigator Keith Gibson, Quality Manager *[Signature]* Date 4/13/12

**Approval**

Quality Manager Keith A. Gibson, Quality Manager *[Signature]* Date 4/13/12

Additional Comments: Houston Quality Assurance Specialist *[Signature]* Date 4/13/12

Quality Assurance *[Signature]* Date 4/24/12

NC-1

*[Signature]*  
4-29-12

**Case Discrepancies**

**Assessment \ Impact**

<p><b>From Amanda Ramos</b> L2H-221610</p>	<p>On case I found weight discrepancies between my results and Jonathan's results.</p> <p><u>Jonathan's results:</u>                  EX. 0.001 Tare weight: 8.0 lbs Net weight 40.40 lbs of Marihuana                  EX. 0.002 Tare weight: 0.18 lbs Net weight 3.32 lbs of Marihuana                  EX. 0.003 Tare weight: 6.0 lbs Net weight 26.30 lbs of Marihuana                  EX. 0.004 Tare weight: 20.14 grams Net weight 445.90 grams of Marihuana</p> <p><u>Amanda's results:</u>                  EX. 0.001 Tare weight: 8.0 lbs Net weight 41.70 lbs of Marihuana                  EX. 0.002 Tare weight: 0.2124 lbs Net weight 3.19 lbs of Marihuana                  EX. 0.003 Tare weight: 6.0 lbs Net weight 26.90 lbs of Marihuana                  EX. 0.004 N Tare weight: 23.76 grams Net weight 438.78 grams of Marihuana</p>
	<p>JS total weight lower</p> <p>Poor technique</p>

**From Minh Nguyen**

Out of 29 cases of JS for re-analysis, 22 cases were analyzed up to today and no significant discrepancy was detected.

<b>From Brian Nacu</b>	
Case #	Discrepancy
219750	Did not note repackaging on worksheet, extra peaks in his PCP
220606	extra peaks in JS spectra
220609	extra peaks in JS spectra
220610	extra peaks in JS spectra
220611	extra peaks in JS spectra
220612	extra peaks in JS spectra
220613	extra peaks in JS spectra
220614	extra peaks in JS spectra
220624	weight discrepancy
220635	extra peaks in JS spectra, scott doesn't match
220643	fewer peaks in JS spectra

poor technique  
 Dirty solvent or injection port  
 Dirty solvent or injection port  
 Dirty solvent or injection port  
 Dirty solvent or injection port  
 Dirty solvent or injection port  
 Dirty solvent or injection port  
 Dirty solvent or injection port  
 Dirty solvent or injection port  
 ??  
 Poor documentation;  
 Not significant

220734	Did not note repackaging on worksheet	Poor documentation
220821	weight discrepancy, scott documentation different from observed, extra peaks in spectra	Poor documentation
221233	Did not note repackaging on worksheet, extra peak in JS spectra	Dirty solvent or injection port; Poor documentation
221331	Ex 2-1, 2-3 wt., extra peaks in JS spectra	
221604	Ex 3-1 wt. discrepancy	
221605	Scott documentation from observed	Poor documentation
221608	Scott documentation from observed	Poor documentation
221641	Did not note repackaging	Poor documentation
221645	Did not note repackaging	Poor documentation
222387	weight discrepancies	??
222401	Extra peak in Ex 2-3 spectra	
222402	Extraction procedure incorrect	Poor documentation
<b>From Haley Yaklin</b>		
		Dirty solvent or injection port; Poor documentation
220615	JS has extra peak at 6.5, did not note repackaging	Dirty solvent or injection port
220616	JS has multiple extra peaks in his spectrum	Dirty solvent or injection port
220617	JS has extra peak at 6.5	Dirty solvent or injection port
220618	JS has extra peak at 6.5	Dirty solvent or injection port
220620	JS has extra peak at 6.5, JS noted that exhibit was repackaged but it was not	Dirty solvent or injection port; Poor documentation
220632	JS has extra peak at 6.5	Dirty solvent or injection port
220634	JS has extra peak at 6.5 on both exhibits, small weight discrepancy	Dirty solvent or injection port; Poor documentation
220636	large weight discrepancy	???
220638	JS has extra peak at 6.5, did not note repackaging	Dirty solvent or injection port; Poor documentation
220645	JS has extra peaks in Carisoprodol exhibit, Cocaine found on one of the Hydrocodone tablets	
220663	did not note repackaging on exhibit 2-5	Poor documentation
220751	tablets were clandestine Alprazolam and he called them pharm and only analyzed one tablet, mine had extra peaks in each spectrum and his didn't	Poor observation

221075	large weight discrepancy, JS did not note plastic bags that were found with each exhibit	Poor documentation
221581	weight discrepancy (I had more than he originally had)	Poor technique
221593	weight discrepancy (I had more than he originally had on one exhibit)	Poor technique
221597	did not note repackaging	Poor documentation
221632	did not note repackaging of cigar, weight discrepancy (he may have included the cigar paper but didn't not it)	Poor documentation
221674	did not note Ziploc (not sure if this was originally there or if he repackaged into it)	Poor documentation
222392	UV looks slightly different, JS has extra peaks in his spectrum	Poor technique
222404	weight discrepancy on exhibit 2-2	Poor technique
222417	JS called it Heroin and wrote that he say +p on Marquis but the Marquis is actually +y from the Diphenhydramine interference	Poor observation
222629	JS wrote bbb on Co(SCN)2 test and it is actually +pb	Poor observation
<b>From Andrew Gardiner</b>		
L2H-220627	JS reported 0.02g THC. I was able to scrape 0.46g out of the same pipe and was able to get a microscopic exam. Weight Change from .02 to .46. Result change from THC to Marihuana	Poor effort to scrape residue from pipe
L2H-221614	JS called exhibit 2 marihuana. Exhibit 2 is NOT marihuana	Unexplainable
L2H-222395	JS reported both bags of cocaine as cocaine HCl. One bag was cocaine base	poor observation - exhibits were visibly different
L2H-220622	JS ran vial 32 for tablet 2 and tablet 5. One of my tablets was positive for Heroin. None of his were. Possibly hiding the Heroin to avoid questions.	poor technique - did not identify or comment on dark stain - did note it;

## 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  
Phone: 1(888) 296-4232  
Fax: 1(888) 305-2432

The Texas Forensic Science Commission (“FSC”) investigates complaints that allege professional negligence or misconduct by a laboratory, facility or entity that has been accredited by the Director of the Texas Department of Public Safety that would substantially affect the integrity of the results of a forensic analysis. The Commission is also required to develop and implement a reporting system through which accredited laboratories, facilities, or entities report professional negligence or misconduct.

Please keep in mind that the FSC investigates matters subject to its statutory authority. 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 latent fingerprint examinations, a breath test specimen or the portion of an autopsy conducted by a medical examiner or licensed physician and any allegation involving these forensic fields is expressly excluded from the FSC’s statutory authority to investigate.

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.

All information provided to the Commission is subject to the Texas Public Information Act (“PIA”) (Texas Government Code Chapter 552). **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.**

## 1. PERSON COMPLETING THIS FORM

Name:

Laboratory:

Address:

City:

State:

Zip Code:

Home Phone:

Work Phone:

Email Address (if any):

## 2. SUBJECT OF DISCLOSURE

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

Individual/Laboratory:

Address:

City:

State:

Year Laboratory Accreditation Obtained:

Name of National Accrediting Agency:

Date of Examination, Analysis, or Report:

Type of forensic analysis:

Laboratory Case Number (if known):

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:

\*Case Number/Cause Number:

(if unknown, leave blank)

\*Nature of Case:

(e.g burglary, murder, etc.)

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

\*The court:

\*The outcome of case:

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

### **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:

Address:

Daytime phone:

Evening phone:

Fax :

Email Address:

Second witness (if any):

Name:

Address:

Daytime phone:

Evening phone:

Fax :

Email Address:

Third witness (if any):

Name:

Address:

Daytime phone:

Evening phone:

Fax :

Email Address:

#### **4. DESCRIPTION OF DISCLOSURE**

Please write a *brief* statement of the event(s), acts or omissions that are the subject of the disclosure. See Exhibit A for guidance on what information should be disclosed to the Commission.



## **5. EXHIBITS AND ATTACHMENT(S)**

Whenever possible, disclosures should be accompanied by readable copies (NO ORIGINALS) of any laboratory reports, relevant witness testimony, affidavits of experts about the forensic analysis, or other documents related to your complaint. Please list and attach any documents that might assist the Commission in evaluating the disclosure.

Documents provided will NOT be returned.

List of attachments:

## **6. YOUR SIGNATURE AND VERIFICATION**

You must sign below:

By signing below, I certify that the statements made by me in this disclosure are true. I also certify that any documents or exhibits attached are true and correct copies, to the best of my knowledge.

Signature:

Date signed:

# EXHIBIT D

**Johnson, Pat**

---

**From:** Woodward, Tracy  
**Sent:** Tuesday, February 21, 2012 12:43 PM  
**To:** Woodward, Tracy  
**Cc:** Hearn, Skylor; Steen, Philip; Rkeaton@ascld-lab.org; Lynnrobaille@me.com; Robertson, Steve; Johnson, Pat; Gibson, Keith  
**Subject:** FW: Recall Notice

Law enforcement officials and prosecutors:

The Department of Public Safety has recently discovered what it suspects was a procedural analysis violation on a single case by one forensic scientist in the Drug Section of our Houston Regional Crime Laboratory. There is no indication that any additional violations occurred, but out of an abundance of caution and quality assurance, we would like to re-analyze the evidence in cases worked by this scientist over the last 90 days and provide you a new laboratory report on each case. We will provide law enforcement agencies the list of cases from their agency and ask them to return that evidence to our Houston laboratory for re-analysis. As soon as the evidence is returned to us, we will expedite the re-analysis and issue new reports as quickly as possible. We are glad to prioritize the re-analysis of specific cases at your request.

We regret the impact this may have on your enforcement efforts, but believe it imperative to exercise a high level of due diligence in matters of this importance.

D. Pat Johnson  
Deputy Assistant Director  
Texas Department of Public Safety  
Law Enforcement Support Division  
Crime Laboratory Service  
512-424-2143

ATTACHMENT D  
e-mail NOTICE  
TO OFFICERS &  
PROSECUTORS  
SENT 2/21/12

**Johnson, Pat**

**From:** Gibson, Keith  
**Sent:** Thursday, April 26, 2012 12:26 PM  
**To:** weeksda@hotmail.com  
**Cc:** Johnson, Pat; Robertson, Steve; sglisson@co.walker.tx.us  
**Subject:** Controlled Substance Analysis  
**Attachments:** Walker.xlsx

Dear District Attorney:

The Department of Public Safety has discovered errors with the analysis of drug evidence conducted by one forensic scientist in our Houston Regional Laboratory. He has been suspended from casework pending an internal investigation. In reanalyzing evidence in one hundred of his most recent cases, we identified errors in two other cases. Because of this discovery, we believe it prudent to review his entire body of work since he began examining evidence in early 2006 – specifically on any cases pending prosecution or which resulted in a conviction or deferred adjudication. Attached is a list of cases from your jurisdiction. If you wish to have the evidence in any of these cases re-analyzed by another DPS Forensic Scientist, please contact Laboratory Manager Keith Gibson at 281-517- 1383. We will then arrange with the law enforcement agency to obtain the evidence from them and complete the re-analysis. A new lab report would then be issued.

We are sorry for any inconvenience this may cause and are taking additional steps to prevent any such occurrence in the future.

Keith A. Gibson  
Regional Laboratory Manager  
Texas DPS Houston Crime Laboratory

ATTACHMENT E  
E-MAIL TO PROSECUTORS  
SENT W/ LIST OF ALC  
CASES WORKED BY  
SALVADOR, SENT 4/26/12

# EXHIBIT E

JIM LEITNER  
FIRST ASSISTANT



CRIMINAL JUSTICE CENTER  
1201 FRANKLIN, SUITE 600  
HOUSTON, TEXAS 77002-1901

**PATRICIA R. LYKOS  
DISTRICT ATTORNEY  
HARRIS COUNTY, TEXAS**

October 2, 2012

[Defendant's  
name & address]

Re: State of Texas v \_\_\_\_\_  
Cause no(s) \_\_\_\_\_

Dear Sir or Madam:

The Harris County District Attorney's Office received information that the Texas Department of Public Safety has discovered issues involving the reliability of narcotics evidence analysis conducted by a forensic analyst employed at its Regional Crime Laboratory in Houston. This forensic analyst was investigated for falsifying information related to the analysis of narcotics evidence in a criminal case.

Based upon our information, you were prosecuted for a criminal drug offense and either convicted or placed on community supervision in relation to evidence tested by this forensic analyst. This office is notifying you of these events so that you may take any action deemed necessary in relation to this criminal case. If you have questions about the contents of this letter, the issues concerning the Texas Department of Public Safety Regional Crime Laboratory in Houston, or your potential options concerning this case, please contact Bob Wicoff, Chief of the Appellate Division of the Harris County Public Defender's Office at (713) 368-0016.

Regards,

Baldwin Chin  
Assistant District Attorney  
Harris County, Texas

cc: (Name and address of attorney of record on case)

# EXHIBIT F

# **HARRIS COUNTY PUBLIC DEFENDER'S OFFICE**

---

1201 Franklin, 13<sup>th</sup> floor  
Houston, Texas 77002

Office No.: 713-368-0016  
Fax No.: 713-368-9278

October \_\_\_\_, 2012

John Defendant  
123 Main Street  
Houston, Texas 77002

Re: *The State of Texas vs. John Defendant*; Cause number 123456

You were prosecuted in the above-styled case for an offense that was related to the possession or delivery of controlled substances, or which otherwise was analyzed in some manner by the Department of Public Safety Crime Lab in Houston.

It has come to our attention that the DPS analyst who either performed testing of controlled substances in your case or had some other involvement in the case has been found to have falsified lab results in other persons' cases.

The Harris County District Attorney's Office is in the process of gathering offense reports, lab results, and other documentation in all of these cases so that we may investigate whether convictions were compromised because of this analyst's work or involvement. The lab may retest the drugs in some cases.

We are happy to assist you in determining what steps to take in light of this situation, whether it be to seek retesting by an independent lab, file a post-conviction writ of habeas corpus seeking a new trial, or any other action that may be appropriate. Obviously, you may retain private counsel to review these results. In any case, we are willing to undertake to review your case without cost, but also stand ready to assist your retained attorney in discussing your options, if your choice is to use private counsel.

It is unclear when any retesting that takes place will be completed or when your case will be otherwise reviewed. Many cases are affected.

It is also unclear at this point whether a review into your case would necessarily reveal errors that would entitle you to a new trial or any other remedy. It is simply unclear at this point. That is what a review would help determine.

In the meantime, I have enclosed a document that I would appreciate your returning to me in the envelope that I have provided. This document indicates whether you would like our office to assist you in this matter, or whether you would instead prefer to use private



counsel. The document also allows you to request that no investigation be undertaken in your case if that is your choice. That said, there is no charge to you if you want us to investigate this for you and I encourage you to let us or a private attorney look into this for you.

Please understand that at this time, our office does not have any retest results, nor are we privy to any information as to whether or how the analysis in your case was improperly done. We simply need to determine who wants their case investigated further and whether they want our office to help them in doing so.

Please be so kind as to sign and date the form I have enclosed and return it to me at your earliest convenience.

Very truly yours,

Bob Wicoff  
Chief, Appellate Division  
Harris County Public Defender's Office





# EXHIBIT G



**TEXAS FORENSIC SCIENCE COMMISSION**

*Justice Through Science*

**To:** Members of the Judiciary and Prosecutors Affected by Nonconformance in DPS-Houston Drug Analysis

**From:** Texas Forensic Science Commission

**Cc:** Texas Commission on Indigent Defense  
Texas Office of Court Administration  
Texas District and County Attorneys Association  
Texas Criminal Defense Lawyers Association  
Texas Criminal Justice Integrity Unit  
Innocence Project of Texas  
Houston Public Defender's Office  
Montgomery County District Attorney's Office  
Harris County District Attorney's Office  
Texas Department of Public Safety Crime Laboratory

**Re:** Defendant Notice re: DPS-Houston Controlled Substance Investigation

On June 21, 2012, the Texas Department of Public Safety ("DPS") notified the Forensic Science Commission ("Commission") about a significant nonconformance in the forensic analysis performed by an examiner in the controlled substance section of its Houston lab. Another examiner in the laboratory discovered the problem and reported it to management. The examiner appears to have used evidence from a different case to support the positive identification of Alprazolam in the case on which he was working at the time. DPS immediately suspended and later terminated the examiner in question.

As part of the initial notification process in February 2012, DPS contacted law enforcement and prosecuting attorneys in the counties for which the examiner performed casework. **Those counties include: (1) Angelina; (2) Austin; (3) Brazoria; (4) Brazos; (5) Burleson; (6) Chambers; (7) Colorado; (8) Fort Bend; (9) Galveston; (10) Grimes; (11) Hardin; (12) Harris; (13) Hidalgo; (14) Houston; (15) Jackson; (16) Jasper; (17) Jefferson; (18) Leon; (19) Liberty; (20) Madison; (21) Matagorda; (22) Montgomery; (23) Nacogdoches; (24) Newton; (25) Orange; (26) Polk; (27) Sabine; (28) San Augustine; (29) San Jacinto; (30) Shelby; (31) Trinity; (32) Tyler; (33) Walker; (34) Waller; (35) Washington; and (36) Wharton.**

On April 26, 2012, DPS emailed a second notice to the affected agencies in these counties explaining that two additional errors were discovered in the examiner's work. The notice identified 4,944 drug cases (equaling 9,462 pieces of evidence) worked by the examiner during his employment from 2006-2012, and advised law enforcement and prosecutors they could request re-analysis of any of these cases. **If you are a prosecutor in one of the counties listed above, you should have received notice from DPS and a list of cases that may have been affected in your jurisdiction. If you did not receive this notice, please contact us as soon as possible.**

On April 27, 2012, the Texas District and County Attorneys Association ("TDCAA") posted guidance for affected prosecutors on its website including the following protocol for alerting stakeholders: (1) notifying the courts of the issue; (2) notifying the local criminal defense bar; (3) pulling all of the cases on the list provided by DPS and checking the disposition for convictions; (4) finding the evidence, and if it still exists, submitting it for retesting (DPS or local departments); and (5) for any case with a bad re-test (or cases with now-destroyed evidence) requesting that the court appoint an attorney to take the case through a writ process if appropriate.

**The purpose of this memorandum is to assist prosecutors and inform judges about the process of providing notice and opportunity for re-testing to potentially affected defendants.** In large counties (such as Montgomery and Harris) a process has already been established for screening cases for re-testing and taking the cases through the writ process. For example, in Harris County, the District Attorney sent a letter to the last known address of all defendants (and their attorneys where appropriate) advising them of the situation and providing them contact information for the Harris County Public Defender. The Harris County Public Defender also sent a letter to the same people alerting them that the Public Defender's office is available for assistance. The Public Defender has committed to working with all affected defendants who contact their office.

The Commission recognizes that not all counties in Texas have the same resources, and many do not have a public defender or counsel specifically appointed to handle inquiries from potentially affected defendants. Moreover, district attorneys in affected counties should not be expected to simultaneously perform their duties as prosecutors while advising defendants on their legal rights and potential remedies. To address this potential conflict, the Innocence Project of Texas ("IPOT") has volunteered to serve as the point of contact for potentially affected defendants. IPOT has many years of experience in screening cases and will be able to perform this function efficiently. **To facilitate the notice process, below we provide a sample letter that prosecutors may send to potentially affected defendants.** We also encourage prosecutors to work with IPOT and their local courts to ensure the effective and efficient resolution of defendant inquiries. If you have any questions, please do not hesitate to contact the Commission's General Counsel, Lynn Garcia, at (512) 936-0649.

**DISTRICT ATTORNEY'S OFFICE**

**LETTERHEAD**

[DATE]

Defendant/Defendant Counsel

Name & Address

Re: State of Texas v. \_\_\_\_\_

Cause No. \_\_\_\_\_

Dear Sir or Madam:

The \_\_\_\_\_ County District Attorney's Office received information that the Texas Department of Public Safety has discovered issues involving the reliability of narcotics evidence analysis conducted by a forensic analyst employed at its Regional Crime Laboratory in Houston. This forensic analyst was investigated for falsifying information related to the analysis of narcotics evidence in a criminal case.

Based upon our information, you were prosecuted for a criminal drug offense and either convicted or placed on community supervision in relation to evidence tested by this forensic analyst. This office is notifying you of these events so that you may take any action deemed necessary in relation to this criminal case. If you have questions about the contents of this letter, the issues concerning the Texas Department of Public Safety Regional Crime Laboratory in Houston, or your potential options concerning this case, please contact Nick Vilbas of the Innocence Project of Texas at (806) 744-6525.

Sincerely,

Name  
Title

cc: [NAME AND ADDRESS OF ATTORNEY OF RECORD]

# EXHIBIT H



# **ASCLD/LAB-*International***

Supplemental Requirements for the Accreditation of Forensic Science  
Testing Laboratories

2011 Edition

## **Appendix B – ASCLD/LAB Guiding Principles of Professional Responsibility for Crime Laboratories and Forensic Scientists**

ASCLD/LAB-*International* is a program of the  
American Society of Crime Laboratory Directors / Laboratory Accreditation Board  
**ASCLD/LAB**

Copyright © 2010 by ASCLD/LAB

# ASCLD/LAB GUIDING PRINCIPLES OF PROFESSIONAL RESPONSIBILITY FOR CRIME LABORATORIES AND FORENSIC SCIENTISTS

*"If the law has made you a witness,  
Remain a man of science.  
You have no victim to avenge,  
No guilty or innocent person to convict or save --  
You must bear testimony within the limits of science."*

*Dr. P.C.H. Brouardel  
19th Century French Medico-legalist*

## **Preamble**

These Guiding Principles are written specifically for forensic scientists<sup>i</sup> and laboratory management. The concepts presented here have been drawn from other professional codes and suggestions made by leaders in the forensic community.<sup>ii</sup> The Guiding Principles have been vetted<sup>iii</sup> and adopted by the ASCLD/LAB Board of Directors and staff with the hope that laboratory management will use them in training sessions, performance evaluations, disciplinary decisions, and as guides in other management decisions. It is also important that all laboratory personnel, including forensic scientists and other laboratory employees who assist forensic scientists in their work, are equally aware of these Guiding Principles and support forensic scientists and managers by incorporating the principles into their daily work.

These Guiding Principles provide a framework for describing ethical and professional responsibilities in the forensic laboratory community. While not all inclusive, they describe key areas and provide some specific rules to supplement existing codes of ethics adopted by professional organizations and individual laboratories. The Guiding Principles are designed to promote integrity among practitioners, and to increase public confidence in the quality of laboratory services, whether or not the laboratory is accredited by any accrediting body.

ASCLD/LAB has adopted the ASCLD Guidelines for Forensic Laboratory Management Practices, many of which have been incorporated into the ASCLD/LAB accreditation standards. Those practices provide for management support of the guiding principles set forth below and are intended to create a culture of ethical behavior and professional responsibility within the laboratory. The ASCLD practices should be implemented and followed to give practical meaning to the Guiding Principles of Professional Responsibility for Crime Laboratories and Forensic Scientists.

## **Professionalism**

The ethical and professionally responsible forensic scientist and laboratory manager . . .

1. Are independent, impartial, detached, and objective, approaching all examinations with due diligence and an open mind.

2. Conduct full and fair examinations. Conclusions are based on the evidence and reference material relevant to the evidence, not on extraneous information, political pressure, or other outside influences.
3. Are aware of their limitations and only render conclusions that are within their area of expertise and about matters which they have given formal consideration.
4. Honestly communicate with all parties (the investigator, prosecutor, defense, and other expert witnesses) about all information relating to their analyses, when communications are permitted by law and agency practice.
5. Report to the appropriate legal or administrative authorities unethical, illegal, or scientifically questionable conduct of other laboratory employees or managers. Laboratory management will take appropriate action if there is potential for, or there has been, a miscarriage of justice due to circumstances that have come to light, incompetent practice or malpractice.
6. Report conflicts between their ethical/professional responsibilities and applicable agency policy, law, regulation, or other legal authority, and attempt to resolve them.
7. Do not accept or participate in any case on a contingency fee basis or in which they have any other personal or financial conflict of interest or an appearance of such a conflict.

### ***Competency and Proficiency***

The ethical and professionally responsible forensic scientist and laboratory manager . . .

8. Are committed to career-long learning in the forensic disciplines which they practice and stay abreast of new equipment and techniques while guarding against the misuse of methods that have not been validated. Conclusions and opinions are based on generally accepted tests and procedures.
9. Are properly trained and determined to be competent through testing prior to undertaking the examination of the evidence.
10. Honestly, fairly and objectively administer and complete regularly scheduled:
  - relevant proficiency tests;
  - comprehensive technical reviews of examiners' work;
  - verifications of conclusions.
11. Give utmost care to the treatment of any samples or items of potential evidentiary value to avoid tampering, adulteration, loss or unnecessary consumption.
12. Use appropriate controls and standards when conducting examinations and analyses.

## ***Clear Communications***

The ethical and professionally responsible forensic scientist and laboratory manager . . .

13. Accurately represent their education, training, experience, and area of expertise.
14. Present accurate and complete data in reports, testimony, publications and oral presentations.
15. Make and retain full, contemporaneous, clear and accurate records of all examinations and tests conducted, and conclusions drawn, in sufficient detail to allow meaningful review and assessment of the conclusions by an independent person competent in the field. Reports are prepared in which facts, opinions and interpretations are clearly distinguishable, and which clearly describe limitations on the methods, interpretations and opinions presented.
16. Do not alter reports or other records, or withhold information from reports for strategic or tactical litigation advantage.
17. Support sound scientific techniques and practices and do not use their positions to pressure an examiner or technician to arrive at conclusions or results that are not supported by data.
18. Testify to results obtained and conclusions reached only when they have confidence that the opinions are based on good scientific principles and methods. Opinions are to be stated so as to be clear in their meaning. Wording should not be such that inferences may be drawn which are not valid, or that slant the opinion to a particular direction.
19. Attempt to qualify their responses while testifying when asked a question with the requirement that a simple "yes" or "no" answer be given, if answering "yes" or "no" would be misleading to the judge or the jury.

---

i The term "forensic scientist" is used throughout this document. These Guiding Principles are meant to apply to all laboratory personnel, including technical support personnel and others who assist forensic scientists in their work.

ii The materials from which the concepts embodied in these Guiding Principles have been drawn include:

- a. ASCLD Guidelines for Forensic Laboratory Management Practices. <http://asclcd.org/files/library/labmgtguide.pdf>
- b. ASCLD Code of Ethics. [http://asclcd.org/files/library/Code of Ethics.pdf](http://asclcd.org/files/library/Code%20of%20Ethics.pdf)
- c. American Academy of Forensic Sciences Code of Ethics and Conduct. [www.aafs.org](http://www.aafs.org)
- d. The Code of Ethics of the California Association of Criminalists. [www.cacnews.org](http://www.cacnews.org)
- e. The Code of Ethics of the Midwestern Association of Forensic Scientists, Incorporated. [www.mafs.net](http://www.mafs.net)
- f. Schroeder, O. C., "Ethical and Moral Dilemmas Confronting Forensic Scientists," *Journal of Forensic Sciences*. Vol. 29, No. 4, Oct. 1984, pp. 966-986.

- g. Lucas, D. M., "The Ethical Responsibilities of the Forensic Scientist: Exploring the Limits," *Journal of Forensic Sciences*. Vol. 34, No. 3, May. 1989, pp. 719-729.
  - h. Peterson, J. L., Murdock, J. E., "Forensic Science Ethics: Developing an Integrated System of Support and Enforcement," *Journal of Forensic Sciences*. Vol. 34, No. 3, May 1989, pp. 749-762.
  - i. Saks, M. J., "Prevalence and Impact of Ethical Problems in Forensic Science," *Journal of Forensic Sciences*. Vol. 34, No. 3, May 1989, pp. 772-793.
  - j. Starrs, J. E., "The Ethical Obligations of the Forensic Scientist in the Criminal Justice System," *Journal of Association of Official Analytical Chemists*. Vol. 54, 1971, pp. 906-914.
- iii The draft of this document [Appendix B] was distributed to thirty (30) forensic science organizations and several legal commentators for comment. The comments received were considered and many suggestions incorporated into the final version.

# EXHIBIT I

✓  
MSA

**Texas Department of Public Safety  
PERFORMANCE EVALUATION REPORT**

LAST FOUR OF EMPLOYEE SOCIAL SECURITY NUMBER  
[REDACTED]

EMPLOYEE NAME (LAST) <b>Salvador</b>	(FIRST) <b>Jonathan</b>	(INITIAL) <b>B.</b>	I.D. No. <b>11959</b>	MAJOR DIVISION <b>LES D</b>	REGION/DISTRICT/CO <b>II/Houston HQ</b>
JOB TITLE <b>Forensic Scientist III</b>			SERVICE <b>Laboratory</b>	SECTION OR BUREAU <b>Houston</b>	FOR PERIOD ENDING <b>December 31, 2011</b>

1	2	3	4	5
SECTION A				DOES NOT APPLY
UNACCEPTABLE	SOME IMPROVEMENT NEEDED	MEETS EXPECTATIONS	EXCEEDS EXPECTATIONS	
<b>TRAIT CHECKLIST</b> Immediate Supervisor Must Check Each Trait in the Appropriate Column				
		X	1. Observance of Work Hours	
		X	2. Attendance	
		X	3. Grooming and Dress	
		X	4. Compliance with Rules	
		X	5. Safety Practices	
		X	6. Public Contacts	
			7. Suspect/Violator Contacts	X
		X	8. Interpersonal Relations	
		X	9. Job Knowledge	
		X	10. Work Judgments	
		X	11. Planning and Organizing	
		X	12. Job Skill Level	
		X	13. Quality of Work	
		X	14. Volume of Acceptable Work	
		X	15. Meeting Deadlines	
		X	16. Accepts Responsibility	
		X	17. Accepts Direction	
		X	18. Accepts Change	
		X	19. Performance Under Stress	
		X	20. Appearance of Work Area	
		X	21. Operation & Care of Equip.	
		X	22. Work Coordination	
		X	23. Initiative	
		X	24. Energy Conservation	
		X	25. Recruiting Effort	
		X	26. Work Attitude	
		X	27. Understand & Follow Instruct.	
		X	28. Character (Professional)	
			29.	
			30.	

SECTION B: Record job strengths, superior performance, progress achievements.

17. Jonathan worked 874 cases for this reporting period. Jonathan seeks the advice of upper management when needed and acts as directed.

26. Jonathan cheerfully accepts assignments and completes them with little to no supervision. He can be counted on to assist with special requests, rush cases and projects. He assisted with evidence destruction. Jonathan also attended the Southwestern Association of Forensic Scientists training meeting held in Houston in the fall of 2011. Assisted with move to new lab by helping with take down and set up of assigned instruments.

SECTION C: Record specific goals or improvement programs to be undertaken during next evaluation period.

1. Work diligently toward maintaining a low case backlog and average case age by meeting work output goals on a consistent basis. Assist other sections as time allows.
2. Seek and attend additional training in your area of discipline as funding and opportunities become available.
3. Continue to approach challenging work situations with a positive attitude.
4. Work to quickly implement new analysis, reporting and information gathering methods with the goal of successfully completing our next reaccreditation requirements. (continued)

SECTION D: Record specific work performance DEFICIENCIES or job behavior requiring improvement or correction. (Explain checks in the unacceptable and improvement needed columns.)


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SECTION E: Additional Considerations

Jonathan had a somewhat lower case output than expected. However, he was an indispensable asset in helping complete several evidence disposition projects and assisting with the move to the new Laboratory Building Location (continued)

SECTION F: Career Progression. Does this position involve a career progression?  Yes  No. If yes, what is the date of next possible career progression: 11/17/13. (Supervisor must ensure that the employee is aware of goals to meet the career progression requirement.)

RATER: I certify this report represents my best judgment.

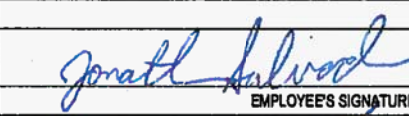
  
 Severo Lopez, Jr. Drug Section Supervisor 1/31/12

**FOR EMPLOYEES WHO SUPERVISE OTHERS**


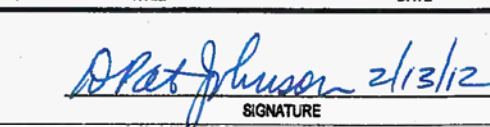
			31. Scheduling & Coordinating	
			32. Training & Instructing	
			33. Effectiveness	
			34. Evaluating Subordinates	
			35. Judgments & Decisions	
			36. Leadership	
			37. Budgetary Efficiency	
			38. Supervisory Control	
			39. Career Counseling	
			40. Property Responsibility	
			41.	

EMPLOYEE: I certify that this report has been discussed with me. I understand my signature does not necessarily indicate agreement.  
 I wish to discuss this report with the reviewer.

Comments:

  
 Jonathan Salvador EMPLOYEE'S SIGNATURE 1/31/12 DATE

REVIEWER:   
 Regional Lab Manager 01/31/12 DATE

IN LINE REVIEW:   
 Peter Kohut SIGNATURE   
 Plat Johnson 2/13/12 SIGNATURE

CHECKS IN COLS. 1 AND 2 MUST BE EXPLAINED IN SECTION D. CHECKS IN COL. 4 REQUIRE AN EXPLANATION IN SECTION B. Use an attached page if necessary.

SPECIALIZED TRAITS					COMMISSIONED SPECIFIC SPECIALIZED TRAITS									
1	2	3	4	SECTION A	1	2	3	4	SECTION A	1	2	3	4	SECTION A
UNACCEPTABLE	SOME IMPROVEMENT NEEDED	MEETS EXPECTATIONS	EXCEEDS EXPECTATIONS		UNACCEPTABLE	SOME IMPROVEMENT NEEDED	MEETS EXPECTATIONS	EXCEEDS EXPECTATIONS		UNACCEPTABLE	SOME IMPROVEMENT NEEDED	MEETS EXPECTATIONS	EXCEEDS EXPECTATIONS	
		X		42. Perseverance					70. Crash Investigation					80. Undercover Techniques
				43. Concentration					71. Pursuit Driving Skills					81. CI Development & Man.
				44. Speed of Learning					72. Criminal Law Enforcement					82. Case Prep & Management
				45. Grammar & Spelling					73. Traffic Management Techniques			X		83. Crime Scene Search & Evidence Mgmt.
				46. Instruction Skills					74. Report Writing					84. Report Writing
		X		47. Troubleshooting Skills					75. Court Testimony & Coordination					85. Investigative Thoroughness
		X		48. Technical Knowledge					76. Service Technical Skills					86. Interagency Liaison
		X		49. Knowledge of Legal Requirements					77. DWI Enforcement			X		87. Court Testimony & Coordination
		X		50. Report Writing					78.					88.
		X		51. Attention to Details					79.					89.
				52. Quality of Typing/Data Entry										
				53. Analyzing Work					<b>Administration</b>					<b>Driver License</b>
				54. Knowledge of Department Policies					90. Knowledge of Hdq. Operations & Personnel					100. Road Test Scoring
				55. Program Evaluation					91. Writing and Correspondence Skills					101. Equipment Operation
				56. Operation of Special Equipment					92. Active Knowledge of Field Op.					102. Case Preparation
				57. Knowledge of Internal Operations					93. Knowledge of Specialized Program Areas					103. Document Verification & App. Eval.
				58. Perceptual Vigilance					94. Intra-Departmental Liaison					104. Custody Arrests
				59. Driving Skills					95.					105. Pursuit Driving Skills
				60. Verbal Persuasiveness					96.					106. RADAR Operation
				61. Personal Org. & Expression					97.					107. Report Writing
				62. Investigative Thoroughness					98.					108.
				63. Report Keeping & Reporting					99.					109.
				64. Knowledge of Methods and Procedures										
				65.					<b>Audit &amp; Inspection</b>					
				66.					110. Audit/Inspection Report Writing					120.
				67.					111. Planning Skills					121.
				68.					112. Interdepartmental Liaisons					122.
				69.					113. Leg. Bill Analysis/Fiscal Note Preparation					123.
									114.					124.
									115.					125.
									116.					126.
									117.					127.
									118.					128.
									119.					129.
<b>RATER'S COMMENTS - CONTINUED FROM SECTION B, C, D, AND E</b>														
<p>(continued from section C above) Jonathan should pay careful attention to details especially when encountering difficult or unusual samples. Carefully explore and determine possible causes for negative results before reaching a conclusion of negative.</p> <p>(continued from section E. above) He devotes large amounts of time and energy to several other important projects outside of the laboratory bench setting and is the first to volunteer for special duties and projects no matter how difficult or undesirable. His enthusiasm is greatly appreciated. Jonathan should work diligently to maintain an acceptable case work output with the goal of reducing or maintaining a low backlog. He should volunteer for additional duties as time allows.</p>														
<b>REVIEWER'S COMMENTS</b>														



**Texas Department of Public Safety  
PERFORMANCE EVALUATION REPORT**

LAST FOUR OF EMPLOYEE SOCIAL SECURITY NUMBER  
[REDACTED]

EMPLOYEE NAME (LAST) (FIRST) (INITIAL) I.D. No. MAJOR DIVISION REGION/DISTRICT/CO  
**Salvador Jonathan B. 11959 LESD II/Houston HQ**

JOB TITLE SERVICE SECTION OR BUREAU FOR PERIOD ENDING  
**Forensic Scientist III Laboratory Houston December 31, 2010**

1	2	3	4	5
UNACCEPTABLE	SOME IMPROVEMENT NEEDED	MEETS EXPECTATIONS	EXCEEDS EXPECTATIONS	DOES NOT APPLY
				SECTION A TRAIT CHECKLIST Immediate Supervisor Must Check Each Trait in the Appropriate Column
		X		1. Observance of Work Hours
		X		2. Attendance
		X		3. Grooming and Dress
		X		4. Compliance with Rules
		X		5. Safety Practices
		X		6. Public Contacts
				7. Suspect/Violator Contacts X
		X		8. Interpersonal Relations
		X		9. Job Knowledge
		X		10. Work Judgments
		X		11. Planning and Organizing
		X		12. Job Skill Level
		X		13. Quality of Work
		X		14. Volume of Acceptable Work
		X		15. Meeting Deadlines
		X		16. Accepts Responsibility
			X	17. Accepts Direction
		X		18. Accepts Change
		X		19. Performance Under Stress
		X		20. Appearance of Work Area
		X		21. Operation & Care of Equip.
		X		22. Work Coordination
		X		23. Initiative
		X		24. Energy Conservation
		X		25. Recruiting Effort
			X	26. Work Attitude
		X		27. Understand & Follow Instruct.
		X		28. Character (Professional)
				29.
				30.

SECTION B: Record job strengths, superior performance, progress achievements.  
 17. Jonathan worked 733 cases for this reporting period. He exercises diligence and stays on task throughout the work day. Jonathan seeks the advice of upper management when needed and acts as directed.  
 26. Jonathan cheerfully accepts assignments and completes them with little to no supervision. He can be counted on to assist with special requests, rush cases and projects. He assisted with evidence destruction and photographing of the construction of the new building. Jonathan also attended training in evidence collection and preservation and macro hair examination plus the K2/Spice presentation by Harris county Medical Examiner.

SECTION C: Record specific goals or improvement programs to be undertaken during next evaluation period.  
 1. Work toward reducing the case backlog and average case age.  
 2. Seek and attend additional in your area of discipline as available.  
 3. Assist with move to new lab as needed or directed. Assist with take down and set up of assigned instruments.

SECTION D: Record specific work performance DEFICIENCIES or job behavior requiring improvement or correction. (Explain checks in the unacceptable and improvement needed columns.)  
 13. More than 1 in 3 of Jonathan's case folders were returned for corrections. He should strive to more carefully review his work before submitting for review to reduce administrative errors. Make sure that cases submitted for tech review are complete and accurate. Strive to reduce number of cases returned for corrections.


SECTION E: Additional Considerations  
 Make sure that cases submitted for tech review are complete and accurate. Strive to reduce number of cases returned for corrections.

SECTION F: Career Progression. Does this position involve a career progression  Yes  No. If yes, what is the date of next possible career progression: 11/17/13. (Supervisor must ensure that the employee is aware of goals to meet the career progression requirement.)

RATER: I certify this report represents my best judgment.  
 Severo Lopez, Jr. Drug Section Supervisor 1/28/11


FOR EMPLOYEES WHO SUPERVISE OTHERS

				31. Scheduling & Coordinating
				32. Training & Instructing
				33. Effectiveness
				34. Evaluating Subordinates
				35. Judgments & Decisions
				36. Leadership
				37. Budgetary Efficiency
				38. Supervisory Control
				39. Career Counseling
				40. Property Responsibility
				41.

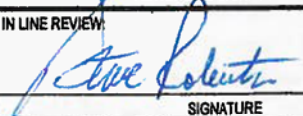
RATER'S SIGNATURE TYPED NAME TITLE DATE  
 Severo Lopez, Jr. Drug Section Supervisor 1/28/11

EMPLOYEE: I certify that this report has been discussed with me. I understand my signature does not necessarily indicate agreement.  
 I wish to discuss this report with the reviewer.

Comments:

 Jonathan Salvador  
 EMPLOYEE'S SIGNATURE 1/28/11 DATE

REVIEWER:  Steve Roberts  
 REVIEWER'S SIGNATURE Regional Lab Manager 012811 DATE

IN LINE REVIEW:  Steve Roberts  
 SIGNATURE SIGNATURE 2-08-11

RECEIVED  
 CHECKS IN COLS. 1 AND 2 MUST BE PLANNED IN SECTION D. CHECKS IN COL. 4 REQUIRE AN EXPLANATION IN SECTION B. Use an attached page if necessary.  
 FEB 11 2011

HUMAN RESOURCES

MSA  
 instead  
 2/25/11



**Texas Department of Public Safety  
PERFORMANCE EVALUATION REPORT**

EMPLOYEE SOCIAL SECURITY NUMBER  
[REDACTED]

EMPLOYEE NAME (LAST) (INITIAL)	(FIRST)	I.D. No.	MAJOR DIVISION	REGION/DISTRICT/CO
Jonathan	B.	Salvador	11959	LES
JOB TITLE			SECTION OR BUREAU	FOR PERIOD ENDING
Forensic Scientist II			Laboratory	Houston
			12/31/2009	

1	2	3	4	SECTION A	5
UNACCEPTABLE	SOME IMPROVEMENT NEEDED	MEETS EXPECTATIONS	EXCEEDS EXPECTATIONS	TRAIT CHECKLIST Immediate Supervisor Must Check Each Trait in the Appropriate Column	DOES NOT APPLY
		X		1. Observance of Work Hours	
		X		2. Attendance	
		X		3. Grooming and Dress	
		X		4. Compliance with Rules	
		X		5. Safety Practices	
		X		6. Public Contacts	
				7. Suspect/Violator Contacts	X
		X		8. Interpersonal Relations	
		X		9. Job Knowledge	
		X		10. Work Judgments	
		X		11. Planning and Organizing	
		X		12. Job Skill Level	
	X			13. Quality of Work	
		X		14. Volume of Acceptable Work	
		X		15. Meeting Deadlines	
		X		16. Accepts Responsibility	
		X		17. Accepts Direction	
		X		18. Accepts Change	
		X		19. Performance Under Stress	
		X		20. Appearance of Work Area	
		X		21. Operation & Care of Equip.	
		X		22. Work Coordination	
		X		23. Initiative	
		X		24. Energy Conservation	
		X		25. Recruiting Effort	
		X		26. Work Attitude	
		X		27. Understand & Follow	
		X		28. Character (Professional)	
				29.	
				30.	

SECTION B: Record job strengths, superior performance, progress achievements.  
 14. Jonathan case output for this reporting period was 825.  
 16. 17. Jonathan responds immediately to instructions and direction as needed. He is respectful and polite. He is an excellent team player and is pleasant to work with.  
 23. Jonathan readily volunteers for extra projects. He assisted with several bulk evidence destructions and with the repair of the on site incinerator. He also has assisted with photographing the current building project. He has begun cross-training in Trace Evidence analysis.

SECTION C: Record specific goals or improvement programs to be undertaken during next evaluation period.  
 1. Continue to work with the goal of maintaining a low backlog.  
 2. Seek and attend continuing education opportunities as they become available.  
 3. Be confident and thorough in your work. Avoid short cuts.  
 4. Remember to use diligence and stay on task always to maintain case output.  
 5. Strive to minimize clerical and technical errors on reports to less than 10% returned for correction.

SECTION D: Record specific work performance DEFICIENCIES or job behavior requiring improvement or correction. (Explain checks in the unacceptable and improvement needed columns.)  
 13. More than 1 in 3 of Jonathan's cases folders were returned for corrections. He should strive to more carefully review his work before submitting for review to reduce administrative errors.

SECTION E: Additional Considerations

SECTION F: Career Progression. Does this position involve a career progression  Yes  No. If yes, what is the date of next possible career progression 11/17/13 (Supervisor must ensure that the employee is aware of goals to meet the career progression requirement.)  
 RATER: I certify this report represents my best judgment.

FOR EMPLOYEES WHO SUPERVISE OTHERS

				31. Scheduling & Coordinating	
				32. Training & Instructing	
				33. Effectiveness	
				34. Evaluating Subordinates	
				35. Judgments & Decisions	
				36. Leadership	
				37. Budgetary Efficiency	
				38. Supervisory Control	
				39. Career Counseling	
				40. Property Responsibility	
				41.	

Severo Lopez, Jr. Drug Section Supervisor 02/03/2010  
 RATER'S SIGNATURE TYPED NAME RECEIVED TITLE DATE

EMPLOYEE: I certify that this report has been discussed with me. I understand my signature does not necessarily indicate agreement.  
 I wish to discuss this report with the reviewer.  
 FEB 16 2010

Comments: HUMAN RESOURCES  
 Jonathan Salvador Regional 2/5/10  
 EMPLOYEE'S SIGNATURE TITLE DATE

REVIEWER: [Signature] Lab Manager 2-4-10  
 REVIEWER'S SIGNATURE TITLE DATE

IN LINE REVIEW: [Signature] [Signature] 2-7-10 2/10/10  
 SIGNATURE SIGNATURE

CHECKS IN COLS. 1 AND 2 MUST BE EXPLAINED IN SECTION D. CHECKS IN COL. 4 REQUIRE AN EXPLANATION IN SECTION B. Use an attached page if necessary.



EMPLOYEE SOCIAL SECURITY NUMBER  
[REDACTED]

**Texas Department of Public Safety  
 PERFORMANCE EVALUATION REPORT**

EMPLOYEE NAME (LAST) (INITIAL)	(FIRST)	I.D. No.	MAJOR DIVISION	REGION/DISTRICT/CO
Jonathan	B.	11959	CLE	Region II
JOB TITLE		SERVICE	SECTION OR BUREAU	FOR PERIOD ENDING
Forensic Scientist II		Laboratory	Houston	12/31/2008

1	2	3	4	SECTION A	5
UNACCEPTABLE	SOME IMPROVEMENT NEEDED	MEETS EXPECTATIONS	EXCEEDS EXPECTATIONS	TRAIT CHECKLIST Immediate Supervisor Must Check Each Trait in the Appropriate Column	DOES NOT APPLY
		X		1. Observance of Work Hours	
		X		2. Attendance	
		X		3. Grooming and Dress	
		X		4. Compliance with Rules	
		X		5. Safety Practices	
		X		6. Public Contacts	
				7. Suspect/Violator Contacts	X
		X		8. Interpersonal Relations	
		X		9. Job Knowledge	
		X		10. Work Judgments	
		X		11. Planning and Organizing	
		X		12. Job Skill Level	
		X		13. Quality of Work	
		X		14. Volume of Acceptable Work	
		X		15. Meeting Deadlines	
			X	16. Accepts Responsibility	
			X	17. Accepts Direction	
		X		18. Accepts Change	
		X		19. Performance Under Stress	
		X		20. Appearance of Work Area	
		X		21. Operation & Care of Equip.	
		X		22. Work Coordination	
		X		23. Initiative	
		X		24. Energy Conservation	
		X		25. Recruiting Effort	
		X		26. Work Attitude	
		X		27. Understand & Follow	
		X		28. Character (Professional)	
				29.	
				30.	

SECTION B: Record job strengths, superior performance, progress achievements.

14. Jonathan case output for this reporting period was 1025. His contribution was instrumental to reducing the backlog to virtually "no backlog"

16. 17. Jonathan responds immediately to instructions and direction as needed. He is respectful and polite. He is an excellent team player and is pleasant to work with.

9. Jonathan assisted with the validation of a new Instrument (GC/MS) this reporting period.

SECTION C: Record specific goals or improvement programs to be undertaken during next evaluation period.

- Continue to work with the goal of maintaining a low backlog.
- Seek and attend continuing education opportunities as they become available.
- Be confident and thorough in your work. Avoid short cuts.
- Remember to use diligence and stay on task always to maintain case output.

SECTION D: Record specific work performance DEFICIENCIES or job behavior requiring improvement or correction. (Explain checks in the unacceptable and improvement needed columns.)

SECTION E: Additional Considerations

Jonathan promoted to Forensic Scientist 2 during this reporting period

SECTION F: Career Progression. Does this position involve a career progression? Yes  No  If yes, what is the date of next possible career progression 11/17/2009 (Supervisor must ensure that the employee is aware of goals to meet the career progression requirements.)

RATER: I certify this report represents my best judgment.

FOR EMPLOYEES WHO SUPERVISE OTHERS

				31. Scheduling & Coordinating	
				32. Training & Instructing	
				33. Effectiveness	
				34. Evaluating Subordinates	
				35. Judgments & Decisions	
				36. Leadership	
				37. Budgetary Efficiency	
				38. Supervisory Control	
				39. Career Counseling	
				40. Property Responsibility	
				41.	

Severo Lopez, Jr. Drug Section Supervisor 01/08/2009

RATER'S SIGNATURE TYPED NAME TITLE DATE

EMPLOYEE: I certify that this report has been discussed with me. I understand my signature does not necessarily indicate agreement.  
 I wish to discuss this report with the reviewer.

Comments:

Jonathan Salvador  
 EMPLOYEE'S SIGNATURE Regional Lab Manager 01/28/09 DATE

REVIEWER: KA [Signature]  
 REVIEWER'S SIGNATURE TITLE DATE  
 Manager 01/26/09

IN LINE REVIEW: [Signature]  
 SIGNATURE SIGNATURE  
 [Signature] 2-06-09

CHECKS IN COLS. 1 AND 2 MUST BE EXPLAINED IN SECTION D. CHECKS IN COL. 4 REQUIRE AN EXPLANATION IN SECTION B. Use an attached page if necessary.

**RECEIVED  
 FEB 12 2009**

SPECIALIZED TRAITS				COMMISSIONED SPECIFIC SPECIALIZED TRAITS												
1	2	3	4	SECTION A				SECTION A								
UNACCEPTABLE	SOME IMPROVEMENT NEEDED	MEETS EXPECTATIONS	EXCEEDS EXPECTATIONS	UNACCEPTABLE	SOME IMPROVEMENT NEEDED	MEETS EXPECTATIONS	EXCEEDS EXPECTATIONS	UNACCEPTABLE	SOME IMPROVEMENT NEEDED	MEETS EXPECTATIONS	EXCEEDS EXPECTATIONS	Criminal Law Enf. Texas Rangers				
																Texas Highway Patrol
				42. Perseverance				70. Crash Investigation				80. Undercover Techniques				
				43. Concentration				71. Pursuit Driving Skills				81. CI Development & Man.				
				44. Speed of Learning				72. Criminal Law Enforcement				82. Case Prep & Management				
				45. Grammar & Spelling				73. Traffic Management Techniques				83. Crime Scene Search & Evidence Mgmt.				
				46. Instruction Skills				74. Report Writing				84. Report Writing				
				47. Troubleshooting Skills				75. Court Testimony & Coordination				85. Investigative Thoroughness				
				48. Technical Knowledge				76. Service Technical Skills				86. Interagency Liaison				
				49. Knowledge of Legal Requirements				77. DWI Enforcement				87. Court Testimony & Coordination				
				50. Report Writing				78.				88.				
				51. Attention to Details				79.				89.				
				52. Quality of Typing/Data Entry				Administration				Driver License				
				53. Analyzing Work				90. Knowledge of Hdq. Operations & Personnel				100. Road Test Scoring				
				54. Knowledge of Department Policies				91. Writing and Correspondence Skills				101. Equipment Operation				
				55. Program Evaluation				92. Active Knowledge of Field Op.				102. Case Preparation				
				56. Operation of Special Equipment				93. Knowledge of Specialized Program Areas				103. Document Verification & App. Eval.				
				57. Knowledge of Internal Operations				94. Intra-Departmental Liaison				104. Custody Arrests				
				58. Perceptual Vigilance				95.				105. Pursuit Driving Skills				
				59. Driving Skills				96.				106. RADAR Operation				
				60. Verbal Persuasiveness				97.				107. Report Writing				
				61. Personal Org. & Expression				98.				108.				
				62. Investigative Thoroughness				99.				109.				
				63. Report Keeping & Reporting				Audit & Inspection								
				64. Knowledge of Methods and Procedures				110. Audit/Inspection Report Writing				120.				
				65.				111. Planning Skills				121.				
				66.				112. Interdepartmental Liaisons				122.				
				67.				113. Leg. Bill Analysis/Fiscal Note Preparation				123.				
				68.				114.				124.				
				69.				115.				125.				
								116.				126.				
								117.				127.				
								118.				128.				
								119.				129.				
CHECKS IN COLS. 1 AND 2 MUST BE EXPLAINED IN SECTION D. CHECKS IN COL 4 REQUIRE AN EXPLANATION IN SECTION B. Use an attached page if necessary.																
<b>RATER'S COMMENTS - CONTINUED FROM SECTION B, C, D, AND E</b>																
<b>REVIEWER'S COMMENTS</b>																

EMPLOYEE SOCIAL SECURITY NUMBER  
 [REDACTED]

**Texas Department of Public Safety  
 PERFORMANCE EVALUATION REPORT**

EMPLOYEE NAME (LAST) (FIRST) (INITIAL) <b>Jonathan B. Salvador</b>		L.D. No. <b>11959</b>	MAJOR DIVISION <b>CLE</b>	REGION/DISTRICT/CO <b>Region II</b>
JOB TITLE <b>Forensic Scientist II</b>		SERVICE <b>Laboratory</b>	SECTION OR BUREAU <b>Houston</b>	FOR PERIOD ENDING <b>12/31/2007</b>
1	2	3	4	5
UNACCEPTABLE SOME IMPROVEMENT NEEDED	MEETS EXPECTATIONS	EXCEEDS EXPECTATIONS	SECTION A TRAIT CHECKLIST Immediate Supervisor Must Check Each Trait in the Appropriate Column	DOES NOT APPLY
	X		1. Observance of Work Hours	
	X		2. Attendance	
	X		3. Grooming and Dress	
	X		4. Compliance with Rules	
	X		5. Safety Practices	
	X		6. Public Contacts	
			7. Suspect/Violator Contacts	X
	X		8. Interpersonal Relations	
	X		9. Job Knowledge	
	X		10. Work Judgments	
	X		11. Planning and Organizing	
	X		12. Job Skill Level	
	X		13. Quality of Work	
	X		14. Volume of Acceptable Work	
	X		15. Meeting Deadlines	
		X	16. Accepts Responsibility	
		X	17. Accepts Direction	
	X		18. Accepts Change	
	X		19. Performance Under Stress	
	X		20. Appearance of Work Area	
	X		21. Operation & Care of Equip.	
	X		22. Work Coordination	
	X		23. Initiative	
	X		24. Energy Conservation	
	X		25. Recruiting Effort	
	X		26. Work Attitude	
	X		27. Understand & Follow	
	X		28. Character (Professional)	
			29.	
			30.	
<b>FOR EMPLOYEES WHO SUPERVISE OTHERS</b>				
			31. Scheduling & Coordinating	
			32. Training & Instructing	
			33. Effectiveness	
			34. Evaluating Subordinates	
			35. Judgments & Decisions	
			36. Leadership	
			37. Budgetary Efficiency	
			38. Supervisory Control	
			39. Career Counseling	
			40. Property Responsibility	
			41.	

SECTION B: Record job strengths, superior performance, progress achievements.

16. Jonathan is polite and respectful. He informs and advises management of his activities. Jonathan accepted responsibility of the care and operation of a critical analytical instrument this period. Jonathan successfully met some instrument challenges this year and was able to produce an acceptable output

17. Jonathan responds immediately to instructions and direction as needed. He is pleasant to work with and completes his tasks with enthusiasm.

SECTION C: Record specific goals or improvement programs to be undertaken during next evaluation period.

1. Jonathan completed 879 cases this reporting period. Work with the goal of reducing backlog by increasing output.

2. Seek and attend continuing education opportunities as they become available.

3. Be confident and sure in your work. Do not allow negative attitudes and criticism by others to affect your work energy and production. Avoid people who socialize and breed low morale. It affects work product.

4. Promote to FS2 (2<sup>nd</sup> Year) by increasing output.

SECTION D: Record specific work performance DEFICIENCIES or job behavior requiring improvement or correction. (Explain checks in the improvement needed columns.)

SECTION E: Additional Considerations

SECTION F: Career Progression. Does this position involve a career progression?  Yes  No. If yes, what is the date of next possible career progression: 11/17/08. (Supervisor must ensure that the employee is aware of goals to meet the career progression requirement.)

RATER: I certify this report represents my best judgment.

	Severo Lopez, Jr.	Drug Section Supervisor	02/12/2008
RATER'S SIGNATURE	TYPED NAME	TITLE	DATE

EMPLOYEE: I certify that this report has been discussed with me. I understand my signature does not necessarily indicate agreement.  
 I wish to discuss this report with the reviewer.

Comments:

	Jonathan Salvador	Regional Lab Manager	02/15/08
EMPLOYEE'S SIGNATURE	TYPED NAME	TITLE	DATE

	[Signature]	[Title]	02/15/08
REVIEWER'S SIGNATURE	TYPED NAME	TITLE	DATE

IN LINE REVIEW:

	[Signature]	[Title]	2-21-08
SIGNATURE	TYPED NAME	TITLE	DATE

CHECKS IN COLS. 1 AND 2 MUST BE EXPLAINED IN SECTION D. CHECKS IN COL. 4 REQUIRE AN EXPLANATION IN SECTION B. Use an attached page if necessary.

**RECEIVED**

FEB 25 2008

SPECIALIZED TRAITS				COMMISSIONED SPECIFIC SPECIALIZED TRAITS											
1	2	3	4	SECTION A				SECTION A				SECTION A			
UNACCEPTABLE	SOME IMPROVEMENT NEEDED	MEETS EXPECTATIONS	EXCEEDS EXPECTATIONS	UNACCEPTABLE	SOME IMPROVEMENT NEEDED	MEETS EXPECTATIONS	EXCEEDS EXPECTATIONS	UNACCEPTABLE	SOME IMPROVEMENT NEEDED	MEETS EXPECTATIONS	EXCEEDS EXPECTATIONS	UNACCEPTABLE	SOME IMPROVEMENT NEEDED	MEETS EXPECTATIONS	EXCEEDS EXPECTATIONS
								<b>Texas Highway Patrol</b>				<b>Criminal Law Enf. Texas Rangers</b>			
				42. Perseverance				70. Crash Investigation							80. Undercover Techniques
				43. Concentration				71. Pursuit Driving Skills							81. CI Development & Man.
				44. Speed of Learning				72. Criminal Law Enforcement							82. Case Prep & Management
				45. Grammar & Spelling				73. Traffic Management Techniques							83. Crime Scene Search & Evidence Mgmt.
				46. Instruction Skills				74. Report Writing							84. Report Writing
				47. Troubleshooting Skills				75. Court Testimony & Coordination							85. Investigative Thoroughness
				48. Technical Knowledge				76. Service Technical Skills							86. Interagency Liaison
				49. Knowledge of Legal Requirements				77. DWI Enforcement							87. Court Testimony & Coordination
				50. Report Writing				78.							88.
				51. Attention to Details				79.							89.
				52. Quality of Typing/Data Entry				<b>Administration</b>				<b>Driver License</b>			
				53. Analyzing Work				90. Knowledge of Hdq. Operations & Personnel							100. Road Test Scoring
				54. Knowledge of Department Policies				91. Writing and Correspondence Skills							101. Equipment Operation
				55. Program Evaluation				92. Active Knowledge of Field Op.							102. Case Preparation
				56. Operation of Special Equipment				93. Knowledge of Specialized Program Areas							103. Document Verification & App. Eval.
				57. Knowledge of Internal Operations				94. Intra-Departmental Liaison							104. Custody Arrests
				58. Perceptual Vigilance				95.							105. Pursuit Driving Skills
				59. Driving Skills				96.							106. RADAR Operation
				60. Verbal Persuasiveness				97.							107. Report Writing
				61. Personal Org. & Expression				98.							108.
				62. Investigative Thoroughness				99.							109.
				63. Report Keeping & Reporting				<b>Audit &amp; Inspection</b>							
				64. Knowledge of Methods and Procedures				110. Audit/Inspection Report Writing							120.
				65.				111. Planning Skills							121.
				66.				112. Interdepartmental Liaisons							122.
				67.				113. Leg. Bill Analysis/Fiscal Note Preparation							123.
				68.				114.							124.
				69.				115.							125.
								116.							126.
								117.							127.
								118.							128.
								119.							129.
<b>RATER'S COMMENTS - CONTINUED FROM SECTION B, C, D, AND E</b>															
<b>REVIEWER'S COMMENTS</b>															





SPECIALIZED TRAITS					COMMISSIONED SPECIFIC SPECIALIZED TRAITS												
1	2	3	4	SECTION A	1	2	3	4	SECTION A	1	2	3	4	SECTION A			
UNACCEPTABLE SOME IMPROVEMENT NEEDED MEETS EXPECTATIONS EXCEEDS EXPECTATIONS					UNACCEPTABLE SOME IMPROVEMENT NEEDED MEETS EXPECTATIONS EXCEEDS EXPECTATIONS					UNACCEPTABLE SOME IMPROVEMENT NEEDED MEETS EXPECTATIONS EXCEEDS EXPECTATIONS							
														<b>Criminal Law Enf. Texas Rangers</b>			
									<b>Texas Highway Patrol</b>								
				42. Perseverance					70. Accident Investigation					80. Undercover Techniques			
				43. Concentration					71. Pursuit Driving Skills					81. CI Development & Man.			
				44. Speed of Learning					72. Criminal Law Enforcement					82. Case Prep & Management			
				45. Grammar & Spelling					73. Traffic Management Techniques					83. Crime Scene Search & Man.			
				46. Instruction Skills					74. Report Writing					84. Report Writing			
				47. Troubleshooting Skills					75. Court Testimony & Coordination					85. Investigative Thoroughness			
		X		48. Technical Knowledge					76. Service Technical Skills					86. Interagency Liaison			
		X		49. Knowledge of Legal Requirements					77. DWI Enforcement					87. Court Testimony & Coordination			
		X		50. Report Writing/Comm. Skills					78.					88.			
		X		51. Attention to Details					79.					89.			
				52. Quality of Typing/Data Entry					<b>Administration</b>					<b>Driver License</b>			
				53. Analyzing Work					90. Knowledge of Hdq. Op./Per.					100. Road Test Scoring			
				54. Knowledge of DPS Policies					91. Writing and Correspondence Skill					101. Equipment Operation			
				55. Program Evaluation					92. Active Knowledge of Field Op.					102. Case Preparation			
				56. Operation of Special Equipment					93. Knowledge of Special Programs					103. Document Verify & App. Eval.			
				57. Knowledge of Internal Operation					94. Intra-Departmental Liaison					104. Custody Arrests			
				58. Perceptual Vigilance					95.					105. Pursuit Driving Skills			
				59. Driving Skills					96.					106. RADAR Operation			
				60. Verbal Persuasiveness					97.					107. Report Writing			
				61. Personal Org. & Expression					98.					108.			
				62. Investigative Thoroughness					99.					109.			
				63. Report Keeping & Reporting					<b>Audit &amp; Inspection</b>								
				64. Knowledge of Methods					110. Audit/Inspection Report Writing					120.			
		X		65. Courtroom Testimony and Coordination					111. Planning Skills					121.			
		X		66. Crime Scene Search and Management					112. Interdepartmental Liaisons					122.			
				67.					113. Leg. Bill Analysis/Fiscal Note					123.			
				68.					114.					124.			
				69.					115.					125.			
									116.					126.			
									117.					127.			
									118.					128.			
									119.					129.			
CHECKS IN COLS. 1 AND 2 MUST BE EXPLAINED IN SECTION D. CHECKS IN COL 4 REQUIRE AN EXPLANATION IN SECTION B. Use an attached page if necessary.																	
<b>RATER'S COMMENTS - CONTINUED FROM SECTION B, C, D, AND E</b>																	
<b>REVIEWER'S COMMENTS</b>																	

**Texas Department of Public Safety  
PROGRESS REPORT FOR PROBATIONARY EMPLOYEE**

EMPLOYEE SOCIAL SECURITY NUMBER  
[REDACTED]

REPORT NO. 6

EMPLOYEE NAME (LAST) <b>Salvador</b>	(FIRST) <b>Jonathan</b>	(INITIAL) <b>B.</b>	I.D. No <b>11959</b>	MAJOR DIVISION					REGION/DISTRICT/CO
				THP	CLE <b>X</b>	ADM	TR	DL	<b>Region II</b>
JOB TITLE <b>Forensic Scientist I</b>			SERVICE <b>Laboratory</b>	SECTION OR BUREAU <b>Houston</b>				FOR PERIOD ENDING <b>10/31/2006</b>	

10	2	3	4	5
UNACCEPTABLE	SOME IMPROVEMENT NEEDED	MEETS EXPECTATIONS	EXCEEDS EXPECTATIONS	DOES NOT APPLY
				SECTION A
				TRAIT CHECKLIST Immediate Supervisor Must Check Each Trait in the Appropriate Column
		X		1. Observation of Work Hours
		X		2. Attendance
		X		3. Grooming and Dress
		X		4. Compliance with Rules
		X		5. Safety Practices
		X		6. Public Contacts
		X		7. Suspect/Violator Contacts
		X		8. Interpersonal Relations
		X		9. Job Knowledge
		X		10. Work Judgments
		X		11. Planning and Organizing
		X		12. Job Skill Level
		X		13. Quality of Work
		X		14. Volume of Acceptable Work
		X		15. Meeting Deadlines
		X		16. Accepts Responsibility
			X	17. Accepts Direction
		X		18. Accepts Change
		X		19. Performance Under Stress
		X		20. Appearance of Work Area
		X		21. Operation & Care of Equip.
		X		22. Work Coordination
			X	23. Initiative
		X		24. Energy Conservation
				25. Recruiting Effort NA
		X		26. Work Attitude
		X		27. Understand & Follow Instruct.
		X		28. Character (Professional)
				29.
				30.

SECTION B: Record job strengths, superior performance, progress achievements, checks in Col 4.

11. Jonathan has worked 75 cases this review period.

15. Jonathan has completed all training modules and is currently completing a series of supervised samples. He is very thorough and determined in identifying samples.

17. Jonathan accepts directions and instructions readily and commences work immediately upon assignment.

23. Jonathan requests new work assignments promptly upon completing. He readily completes the monthly quality checks for assigned instruments and reagents.

SECTION C: Record specific goals or improvement programs to be undertaken during next evaluation period.

- Continue to seek out and complete additional or new training and reading of new literature as it becomes available. Observe Courtroom testimony as available.
- Complete examination of drugs other than marihuana. Complete final exam of the training manual so that approval for independent case work may be issued.
- Assist in preparations for ASCLD/LAB ISO accreditation by reviewing and following criteria including any new S.O.P. requirements.

SECTION D: Record specific work performance DEFICIENCIES or job behavior requiring improvement or correction. (Explain checks in the unacceptable and improvement needed columns)

RATER: I certify this report represents my best judgment.  I DO  I DO NOT recommend this employee be granted permanent status.

RATER'S SIGNATURE: *Severo Lopez, Jr.* TYPED NAME: Severo Lopez, Jr. TITLE: Drug Sec. Suprv. DATE: 11/10/06

FOR EMPLOYEES WHO SUPERVISE OTHERS

				31. Scheduling & Coordinating
				32. Training & Instructing
				33. Effectiveness
				34. Evaluating Subordinates
				35. Judgments & Decisions
				36. Leadership
				37. Budgetary Efficiency
				38. Supervisory Control
				39. Career Counseling
				40. Property Responsibility
				41.

EMPLOYEE: I certify that this report has been discussed with me. I understand my signature does not necessarily indicate agreement.  I wish to discuss this report with the reviewer.

Comments:

REVIEWER: *Jonathan Salvador* EMPLOYEE'S SIGNATURE: *Jonathan Salvador* REGIONAL LAB MANAGER  
DATE: 11/10/06

REVIEWER'S SIGNATURE: *Keith A. [Signature]* TITLE: Manager DATE: 11/10/06

CHECKS IN COLS. 1 AND 2 MUST BE EXPLAINED IN SECTION D. CHECKS IN COL. 4 REQUIRE AN EXPLANATION IN SECTION B. Use an attached page if necessary.

IN LINE REVIEW: *Mike Roberts* SIGNATURE: *Mike Roberts*  
*Drat Johnson* SIGNATURE: *Drat Johnson* DATE: 11-17-06

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NOV 20 2006

HUMAN RESOURCES

SPECIALIZED TRAITS					COMMISSIONED SPECIFIC SPECIALIZED TRAITS																												
1	2	3	4	SECTION A	1	2	3	4	SECTION A	1	2	3	4	SECTION A																			
UNACCEPTABLE SOME IMPROVEMENT NEEDED MEETS EXPECTATIONS EXCEEDS EXPECTATIONS					UNACCEPTABLE SOME IMPROVEMENT NEEDED MEETS EXPECTATIONS EXCEEDS EXPECTATIONS					UNACCEPTABLE SOME IMPROVEMENT NEEDED MEETS EXPECTATIONS EXCEEDS EXPECTATIONS																							
																			42. Perseverance					70. Accident Investigation					80. Undercover Techniques				
																			43. Concentration					71. Pursuit Driving Skills					81. CI Development & Man.				
																			44. Speed of Learning					72. Criminal Law Enforcement					82. Case Prep & Management				
																			45. Grammar & Spelling					73. Traffic Management Techniques					83. Crime Scene Search & Man.				
																			46. Instruction Skills					74. Report Writing					84. Report Writing				
																			47. Troubleshooting Skills					75. Court Testimony & Coordination					85. Investigative Thoroughness				
																	X		48. Technical Knowledge					76. Service Technical Skills					86. Interagency Liaison				
																	X		49. Knowledge of Legal Requirements					77. DWI Enforcement					87. Court Testimony & Coordination				
																	X		50. Report Writing/Comm. Skills					78.					88.				
																	X		51. Attention to Details					79.					89.				
																			52. Quality of Typing/Data Entry					<b>Administration</b>					<b>Driver License</b>				
																			53. Analyzing Work					90. Knowledge of Hdq. Op./Per.					100. Road Test Scoring				
																			54. Knowledge of DPS Policies					91. Writing and Correspondence Skill					101. Equipment Operation				
																			55. Program Evaluation					92. Active Knowledge of Field Op.					102. Case Preparation				
																			56. Operation of Special Equipment					93. Knowledge of Special Programs					103. Document Verify & App. Eval.				
																			57. Knowledge of Internal Operation					94. Intra-Departmental Liaison					104. Custody Arrests				
																			58. Perceptual Vigilance					95.					105. Pursuit Driving Skills				
																			59. Driving Skills					96.					106. RADAR Operation				
				60. Verbal Persuasiveness					97.					107. Report Writing																			
				61. Personal Org. & Expression					98.					108.																			
				62. Investigative Thoroughness					99.					109.																			
				63. Report Keeping & Reporting					<b>Audit &amp; Inspection</b>																								
		N		64. Knowledge of Methods					110. Audit/Inspection Report Writing					120.																			
		N		65. Courtroom Testimony and Management					111. Planning Skills					121.																			
				66. Crime Scene Search and Management					112. Interdepartmental Liaison					122.																			
				67.					113. Leg. Bill Analysis/Fiscal Note					123.																			
				68.					114.					124.																			
				69.					115.					125.																			
									116.					126.																			
									117.					127.																			
									118.					128.																			
									119.					129.																			
<b>RATER'S COMMENTS - CONTINUED FROM SECTION B, C, D, AND E</b>																																	
<p>65. and 66. N=not applicable  Section B. (continued) 48. Jonathan brought a GC/MS on line and operational after it was moved and accepted primary responsibility for its care, maintenance and operation. 8. Moreover, he works well in a team setting and with other individual analysts.</p>																																	
<b>REVIEWER'S COMMENTS</b>																																	

EMPLOYEE SOCIAL SECURITY NUMBER

Texas Department of Public Safety  
**PROGRESS REPORT FOR PROBATIONARY EMPLOYEE**

REPORT NO. 5  
 REGION/DISTRICT CO

EMPLOYEE NAME (LAST) (FIRST) (INITIAL) I.D. No. MAJOR DIVISION  
**Salvador Jonathan B. 11959 THP CLE X ADM TR DL**  
**Region II**

JOB TITLE SERVICE SECTION OR BUREAU FOR PERIOD ENDING  
**Forensic Scientist I Laboratory Houston 08/30/2006**

1	2	3	4	5
UNACCEPTABLE	SOME IMPROVEMENT NEEDED	MEETS EXPECTATIONS	EXCEEDS EXPECTATIONS	DOES NOT APPLY
				SECTION A
				SECTION B: Record job strengths, superior performance, progress achievements, checks in Col. 4
				SECTION C: Record specific goals or improvement programs to be undertaken during next evaluation period.
				SECTION D: Record specific work performance DEFICIENCIES or job behavior requiring improvement or correction. (Explain checks in the unacceptable and improvement needed columns.)
				RATER: I certify this report represents my best judgment. <input type="checkbox"/> I DO <input type="checkbox"/> I DO NOT recommend this employee be granted permanent status.
				EMPLOYEE: I certify that this report has been discussed with me. I understand my signature does not necessarily indicate agreement. <input type="checkbox"/> I wish to discuss this report with the reviewer.
				Comments:
				FOR EMPLOYEES WHO SUPERVISE OTHERS
				31. Scheduling & Coordinating
				32. Training & Instructing
				33. Effectiveness
				34. Evaluating Subordinates
				35. Judgments & Decisions
				36. Leadership
				37. Budgetary Efficiency
				38. Supervisory Control
				39. Career Counseling
				40. Property Responsibility
				41.

TRAIT CHECKLIST  
 Immediate Supervisor  
 Must Check Each Trait In the Appropriate Column

11. Jonathan has worked 167 cases this review period. He is one of the most productive members of the drug section  
 15. Jonathan has nearly completed all training modules and is currently completing a series of competency samples. He is very thorough and determined in identifying samples.  
 17. Jonathan accepts directions and instructions readily and commences work immediately upon assignment.  
 23. Jonathan requests new work assignments promptly upon completing

- Continue to seek out and complete additional or new training and reading of new literature as it becomes available. Observe Courtroom testimony as available.
- Complete examination of drugs other than marihuana. Complete final exam of the training manual so that approval for independent case work may be issued.
- Assist in preparations for ASCLD/LAB ISO accreditation by reviewing and following criteria including any new S.O.P. requirements.

RATER: I certify this report represents my best judgment.  I DO  I DO NOT recommend this employee be granted permanent status.

Severo Lopez, Jr. Drug Sec. Suprv. 09/08/06  
 TYPED NAME TITLE DATE

EMPLOYEE'S SIGNATURE: Jonathan Salvador  
 REGIONAL LAB MANAGER: [Signature] 09/08/06  
 REVIEWER: [Signature] 09/08/06  
 TYPED NAME TITLE DATE

IN LINE REVIEW: [Signature]  
 SIGNATURE: [Signature] RECEIVED  
 SIGNATURE

CHECKS IN COLS. 1 AND 2 MUST BE EXPLAINED IN SECTION D. CHECKS IN COL. 4 REQUIRE AN EXPLANATION IN SECTION B. Use an attached page if necessary.

SPECIALIZED TRAITS				COMMISSIONED SPECIFIC SPECIALIZED TRAITS										
1	2	3	4	SECTION A	1	2	3	4	SECTION A	1	2	3	4	SECTION A
UNACCEPTABLE SOME IMPROVEMENT NEEDED	MEETS EXPECTATIONS	MEETS EXPECTATIONS	EXCEEDS EXPECTATIONS		UNACCEPTABLE SOME IMPROVEMENT NEEDED	MEETS EXPECTATIONS	MEETS EXPECTATIONS	EXCEEDS EXPECTATIONS		UNACCEPTABLE SOME IMPROVEMENT NEEDED	MEETS EXPECTATIONS	MEETS EXPECTATIONS	EXCEEDS EXPECTATIONS	
									<b>Texas Highway Patrol</b>					<b>Criminal Law Enf. Texas Rangers</b>
				42. Perseverance					70. Accident Investigation					80. Undercover Techniques
				43. Concentration					71. Pursuit Driving Skills					81. CI Development & Man.
				44. Speed of Learning					72. Criminal Law Enforcement					82. Case Prep & Management
				45. Grammar & Spelling					73. Traffic Management Techniques					83. Crime Scene Search & Man.
				46. Instruction Skills					74. Report Writing					84. Report Writing
				47. Troubleshooting Skills					75. Court Testimony & Coordination					85. Investigative Thoroughness
	X			48. Technical Knowledge					76. Service Technical Skills					88. Interagency Liaison
	X			49. Knowledge of Legal Requirements					77. DWI Enforcement					87. Court Testimony & Coordination
	X			50. Report Writing/Comm. Skills					78.					88.
	X			51. Attention to Details					79.					89.
				52. Quality of Typing/Data Entry										
				53. Analyzing Work					<b>Administration</b>					<b>Driver License</b>
				54. Knowledge of DPS Policies					90. Knowledge of Hqs. Op./Per.					100. Road Test Scoring
				55. Program Evaluation					91. Writing and Correspondence Skill					101. Equipment Operation
				56. Operation of Special Equipment					92. Active Knowledge of Field Op.					102. Case Preparation
				57. Knowledge of Internal Operation					93. Knowledge of Special Programs					103. Document Verify & App. Eval.
				58. Perceptual Vigilance					94. Intra-Departmental Liaison					104. Custody Arrests
				59. Driving Skills					95.					106. Pursuit Driving Skills
				60. Verbal Persuasiveness					96.					106. RADAR Operation
				61. Personal Org. & Expression					97.					107. Report Writing
				62. Investigative Thoroughness					98.					108.
				63. Report Keeping & Reporting					99.					108.
				64. Knowledge of Methods										
	N			65. Courtroom Testimony and Management					<b>Audit &amp; Inspection</b>					
	N			66. Crime Scene Search and Management					110. Audit/Inspection Report Writing					120.
				67.					111. Planning Skills					121.
				68.					112. Interdepartmental Liaisons					122.
				69.					113. Leg. Bill Analysis/Fiscal Note					123.
									114.					124.
									115.					125.
									116.					126.
									117.					127.
									118.					128.
									119.					129.

CHECKS IN COLS. 1 AND 2 MUST BE EXPLAINED IN SECTION D. CHECKS IN COL 4 REQUIRE AN EXPLANATION IN SECTION B. Use an attached page if necessary.

**RATER'S COMMENTS - CONTINUED FROM SECTION B, C, D, AND E**

65. and 66. N=not applicable

**REVIEWER'S COMMENTS**

**Texas Department of Public Safety  
PROGRESS REPORT FOR PROBATIONARY EMPLOYEE**

EMPLOYEE SOCIAL SECURITY NUMBER  
[REDACTED]

REPORT NO. 3  
REGION/DISTRICT/CO

EMPLOYEE NAME (LAST) (FIRST) (INITIAL)  
**Salvador Jonathan B.**

I.D No  
**11959**

MAJOR DIVISION  
THP CLE ADM TR DL  
**X**

JOB TITLE  
**Forensic Scientist I**

SERVICE SECTION OR BUREAU  
**Laboratory Houston**

FOR PERIOD ENDING  
**04/30/2006**

1	2	3	4	5
UNACCEPTABLE	SOME IMPROVEMENT NEEDED	MEETS EXPECTATIONS	EXCEEDS EXPECTATIONS	DOES NOT APPLY
SECTION A				
TRAIT CHECKLIST Immediate Supervisor Must Check Each Trait in the Appropriate Column				
		X	1. Observance of Work Hours	
		X	2. Attendance	
		X	3. Grooming and Dress	
		X	4. Compliance with Rules	
		X	5. Safety Practices	
		X	6. Public Contacts	
		X	7. Suspect/Violator Contacts	
		X	8. Interpersonal Relations	
		X	9. Job Knowledge	
		X	10. Work Judgments	
			X 11. Planning and Organizing	
		X	12. Job Skill Level	
		X	13. Quality of Work	
		X	14. Volume of Acceptable Work	
		X	15. Meeting Deadlines	
		X	16. Accepts Responsibility	
			X 17. Accepts Direction	
		X	18. Accepts Change	
		X	19. Performance Under Stress	
		X	20. Appearance of Work Area	
		X	21. Operation & Care of Equip.	
		X	22. Work Coordination	
		X	23. Initiative	
		X	24. Energy Conservation	
			25. Recruiting Effort	NA
		X	26. Work Attitude	
		X	27. Understand & Follow Instruct.	
		X	28. Character (Professional)	
			29.	
			30.	

SECTION B: Record job strengths, superior performance, progress achievements, checks in Col.4.  
 11. Jonathan is well organized and neat. His workbooks and materials are always in order and complete. He has worked 158 cases this review period.  
 15. Jonathan continues to quickly complete training modules and promptly request exams and new materials upon completion. He performs outstandingly on test material and samples.  
 17. Jonathan accepts directions and instructions readily and commences work immediately upon assignment. He is always willing to offer assistance in other areas as needed. He assisted commendably in the destruction of evidence.

SECTION C: Record specific goals or improvement programs to be undertaken during next evaluation period.  
 1. Continue to seek out and complete additional or new training and reading of new literature as it becomes available. Observe Courtroom testimony as available.  
 2. Complete examination of drugs other than marihuana. Complete the last modules of the training manual with an effort toward approval for independent case work.  
 3. Assist in preparations for ASCLD/LAB ISO accreditation by reviewing and following criteria including any new S.O.P. requirements.

SECTION D: Record specific work performance DEFICIENCIES or job behavior requiring improvement or correction. (Explain checks in the unacceptable and improvement needed columns.)

**RECEIVED  
JUN 09 2006  
HUMAN RESOURCES**

RATER: I certify this report represents my best judgment.  I DO  I DO NOT recommend this employee be granted permanent status.

*[Signature]*  
 Severo Lopez, Jr. Drug Sec. Suprv. 01/31/2006  
 RATER'S SIGNATURE TYPED NAME TITLE DATE

**FOR EMPLOYEES WHO SUPERVISE OTHERS**

			31. Scheduling & Coordinating	
			32. Training & Instructing	
			33. Effectiveness	
			34. Evaluating Subordinates	
			35. Judgments & Decisions	
			36. Leadership	
			37. Budgetary Efficiency	
			38. Supervisory Control	
			39. Career Counseling	
			40. Property Responsibility	
			41.	

EMPLOYEE: I certify that this report has been discussed with me. I understand my signature does not necessarily indicate agreement.  
 I wish to discuss this report with the reviewer.  
 Comments:

*[Signature]* 6/1/06  
 EMPLOYEE'S SIGNATURE DATE

*[Signature]* Lt. Supervisor 060106  
 REVIEWER'S SIGNATURE TITLE DATE

IN LINE REVIEW:  
*[Signature]* 6/7/06 *[Signature]* 6-7-06  
 SIGNATURE SIGNATURE

CHECKS IN COLS. 1 AND 2 MUST BE EXPLAINED IN SECTION D. CHECKS IN COL. 4 REQUIRE AN EXPLANATION IN SECTION B. Use an attached page if necessary.

SPECIALIZED TRAITS					COMMISSIONED SPECIFIC SPECIALIZED TRAITS				
1	2	3	4	SECTION A	1	2	3	4	SECTION A
UNACCEPTABLE	SOME IMPROVEMENT NEEDED	MEETS EXPECTATIONS	EXCEEDS EXPECTATIONS		UNACCEPTABLE	SOME IMPROVEMENT NEEDED	MEETS EXPECTATIONS	EXCEEDS EXPECTATIONS	
									<b>Texas Highway Patrol</b>
				42. Perseverance					70. Accident Investigation
				43. Concentration					71. Pursuit Driving Skills
				44. Speed of Learning					72. Criminal Law Enforcement
				45. Grammar & Spelling					73. Traffic Management Techniques
				46. Instruction Skills					74. Report Writing
				47. Troubleshooting Skills					75. Court Testimony & Coordination
		X		48. Technical Knowledge					76. Service Technical Skills
		X		49. Knowledge of Legal Requirements					77. DWI Enforcement
		X		50. Report Writing/Comm. Skills					78.
		X		51. Attention to Details					79.
				52. Quality of Typing/Data Entry					
				53. Analyzing Work					<b>Administration</b>
				54. Knowledge of DPS Policies					90. Knowledge of Hds. Op./Per.
				55. Program Evaluation					91. Writing and Correspondence Skill
				56. Operation of Special Equipment					92. Active Knowledge of Field Op.
				57. Knowledge of Internal Operation					93. Knowledge of Special Programs
				58. Perceptual Vigilance					94. Intra-Departmental Liaison
				59. Driving Skills					95.
				60. Verbal Persuasiveness					96.
				61. Personal Org. & Expression					97.
				62. Investigative Thoroughness					98.
				63. Report Keeping & Reporting					99.
				64. Knowledge of Methods					
		N		65. Courtroom Testimony and Management					<b>Audit &amp; Inspection</b>
		N		66. Crime Scene Search and Management					110. Audit/Inspection Report Writing
				67.					111. Planning Skills
				68.					112. Interdepartmental Liaisons
				69.					113. Leg. Bill Analysis/Fiscal Note
									114.
									115.
									116.
									117.
									118.
									119.
									120.
									121.
									122.
									123.
									124.
									125.
									126.
									127.
									128.
									129.
CHECKS IN COLS. 1 AND 2 MUST BE EXPLAINED IN SECTION D. CHECKS IN COL 4 REQUIRE AN EXPLANATION IN SECTION B. Use an attached page if necessary.									
<b>RATER'S COMMENTS - CONTINUED FROM SECTION B, C, D, AND E</b>									
65. and 66. N=not applicable									
<b>REVIEWER'S COMMENTS</b>									



**Texas Department of Public Safety  
PROGRESS REPORT FOR PROBATIONARY EMPLOYEE**

EMPLOYEE SOCIAL SECURITY NUMBER  
[REDACTED]

REPORT NO. 2  
REGION/DISTRICT/CO

EMPLOYEE NAME (LAST) (FIRST) (INITIAL)  
**Salvador Jonathan B.**

I.D. No.  
**11959**

MAJOR DIVISION  
THP CLE ADM TR DL  
**X**

**Region II**

JOB TITLE  
**Forensic Scientist I**

SERVICE  
**Laboratory**

SECTION OR BUREAU  
**Houston**

FOR PERIOD ENDING  
**02/28/2006**

1	2	3	4	5
UNACCEPTABLE	SOME IMPROVEMENT NEEDED	MEETS EXPECTATIONS	EXCEEDS EXPECTATIONS	DOES NOT APPLY
				SECTION A
				TRAIT CHECKLIST Immediate Supervisor Must Check Each Trait in the Appropriate Column
		X		1. Observance of Work Hours
		X		2. Attendance
		X		3. Grooming and Dress
		X		4. Compliance with Rules
		X		5. Safety Practices
		X		6. Public Contacts
		X		7. Suspect/Violator Contacts
		X		8. Interpersonal Relations
		X		9. Job Knowledge
		X		10. Work Judgments
			X	11. Planning and Organizing
			X	12. Job Skill Level
			X	13. Quality of Work
			X	14. Volume of Acceptable Work
			X	15. Meeting Deadlines
			X	16. Accepts Responsibility
			X	17. Accepts Direction
		X		18. Accepts Change
		X		19. Performance Under Stress
		X		20. Appearance of Work Area
		X		21. Operation & Care of Equip.
		X		22. Work Coordination
		X		23. Initiative
		X		24. Energy Conservation
				25. Recruiting Effort NA
		X		26. Work Attitude
		X		27. Understand & Follow Instruct.
		X		28. Character (Professional)
				29.
				30.

SECTION B: Record job strengths, superior performance, progress achievements, checks in Col. 4.  
 11. Jonathan is well organized and neat. His workbooks and materials are always in order and complete. He has begun supervised work on marijuana cases and does careful thorough work.  
 15. Jonathan continues to quickly complete training modules and promptly request exams and new materials upon completion. He performs outstandingly on test material and samples.  
 17. Jonathan accepts directions and instructions readily and commences work immediately upon assignment. He is always willing to offer assistance in other areas as needed. He assisted commendably in the destruction of evidence.

SECTION C: Record specific goals or improvement programs to be undertaken during next evaluation period.  
 1. Continue to seek out and complete additional or new training and reading of new literature as it becomes available.  
 2. Begin extraction and analysis techniques for drugs other than marijuana. Complete the last modules of the training manual with an effort toward approval for independent case work.  
 3. Assist in preparations for ASCLD/LAB ISO accreditation by reviewing and following criteria including any new S.O.P. requirements.

SECTION D: Record specific work performance DEFICIENCIES or job behavior requiring improvement or correction.  
 (Explain checks in the unacceptable and improvement needed columns.)

RATER: I certify this report represents my best judgment.  I DO  
 I DO NOT recommend this employee be granted permanent status.

RATER'S SIGNATURE: *Severo Lopez, Jr.* TYPED NAME: Severo Lopez, Jr. TITLE: Drug Sec. Suprv. DATE: 3/8/06

EMPLOYEE: I certify that this report has been discussed with me. I understand my signature does not necessarily indicate agreement.  
 I wish to discuss this report with the reviewer.

Comments: **RECEIVED**  
 MAR 28 2006  
 HUMAN RESOURCES  
 3/8/06  
 DATE

REVIEWER: *Ket A Del* TYPED NAME: Ket A Del TITLE: Supervising For Sci DATE: 030806

IN LINE REVIEW: *W. A. Johnson* 3-22-06 SIGNATURE: *J. R. Wilkerson* 3-23-06 SIGNATURE

CHECKS IN COLS. 1 AND 2 MUST BE EXPLAINED IN SECTION D. CHECKS IN COL. 4 REQUIRE AN EXPLANATION IN SECTION B. Use an attached page if necessary.



# EXHIBIT J



TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

Quality Action Plan

LAB-QA-04 Rev.03 (09/2008)

NC2

QA#441

Lab	Houston	Discipline	Controlled Substance	Incident Date	7/27/11	Page 1 of 1
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**Manner of Identification**

Observation     Audit     Complaint     Other

**Area(s) Impacted (Check All That Apply):**

Evidence     Safety     Reagent     Contamination     Quality Control  
 Equipment     Test Result     Proficiency     Process     Client Relations  
 Other

**Incident Description:**  
 During administrative review it was noticed that one of the drugs detected and suspected was not reported. The compound mass spectra were not printed and the peaks were marked with an asterisk, an indication that they were not of analytical value. There is no documentation that this was noticed during technical review.

Requestor Severo Lopez Jr. *[Signature]* Date 9/22/11

**Explanation/Root Cause:**  
 Analyst marked peaks of interest with an asterisks, indicating that he had evaluated them and concluded that they were of no analytical value. Mass spectra for the peaks that were marked with asterisks were not printed. The technical reviewer did not note that the peaks with asterisks were where acetaminophen and hydrocodone normally elute, which were compounds that were suspected by the submitting officer. When the spectra for the peak were printed it was weak for acetaminophen and hydrocodone, when returned to the analyst and concentrated the identification was made.

Investigator Severo Lopez Jr. *[Signature]* Date 09/22/11

**Action Plan:**  
 Approximately 10 cases reviewed by the same technical reviewer were selected and technically reviewed again. Approximately 10 cases by the analyst were selected and reviewed for the correct use of the asterisk. Analysts were reminded of the importance of thorough technical review, the requirements for review stated by LOG were emphasized and the definition of the asterisk was reviewed.

Investigator Severo Lopez Jr. *[Signature]* Date 09/22/11

**Approval**  
 Quality Manager *[Signature]* Date 9/22/11

Additional Comments:  
 Quality Assurance *[Signature]* Quality Assurance Coordinator Date 10/26/11

**Walters, Vanessa**

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**From:** Lopez, Severo  
**Sent:** Thursday, September 22, 2011 9:43 AM  
**To:** Davis, Fayth; Gardiner, Andrew; Nacu, Brian; Nguyen, Minh; Prince, Robert; Salvador, Jonathan; Stafford, Camille; Walters, Vanessa; Wilutis, Kimberly; Yaklin, Haley  
**Cc:** Gibson, Keith  
**Subject:** Technical Review

Attention all:

Analysts are reminded to review and comply with *LOG-03-03*

[http://hqcr1s002:8090/system/LABS/\\$system/DRN/ LOG/LOG-03-03%20Case%20Review.pdf](http://hqcr1s002:8090/system/LABS/$system/DRN/ LOG/LOG-03-03%20Case%20Review.pdf)

in regard to case review. Thorough technical review is the first line of quality control in our laboratory after the initial analysis and must be the approached with utmost diligence. Analyst must make every effort to address and satisfy technical concerns brought to their attention regarding their case work.

Please read and review the section in the LOG above.


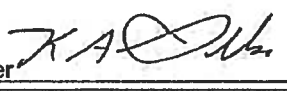


*Severo Lopez Jr.*  
Drug Section Supervisor  
Texas Department of Public Safety  
Regional Laboratory  
Houston, Texas  
(281) 517-1384



TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

**Quality Action Plan**

LAB-QA-04 Rev.03 (09/2006)

Lab	Houston	Discipline	Controlled Substances	Incident Date	11/18/11	Page 1 of 1
<b>Manner of Identification</b>						
<input type="checkbox"/> Observation <input type="checkbox"/> Audit <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Other Re-exam						
<b>Area(s) Impacted (Check All That Apply):</b>						
<input checked="" type="checkbox"/> Evidence <input type="checkbox"/> Safety <input type="checkbox"/> Reagent <input type="checkbox"/> Contamination <input checked="" type="checkbox"/> Quality Control <input type="checkbox"/> Equipment <input checked="" type="checkbox"/> Test Result <input type="checkbox"/> Proficiency <input type="checkbox"/> Process <input checked="" type="checkbox"/> Client Relations <input type="checkbox"/> Other						
<b>Incident Description:</b>						
During the re-analysis related to Quality Action Plan Incident 01/26/12, L2H-220627 was re-analyzed. The re-analysis chemist found that exhibit 2 does contain visually identifiable marijuana contrary to what was originally reported by Forensic Scientist Jonathan Salvador.						
Requestor <u>Andrew Gardiner, Forensic Scientist</u>  Date <u>03/02/12</u>						
<b>Explanation/Root Cause:</b>						
L2H-220627 is a pipe containing charred plant matter. Forensic Scientist Jonathan Salvador's initial analysis was reported as 0.02grams containing tetrahydrocannabinol. During the re-examination, the analyst was able to remove 0.46grams of charred plant matter that has sufficient features to identify marijuana.						
Investigator <u>Keith Gibson, Quality Manager</u>  Date <u>04/11/12</u>						
<b>Action Plan:</b>						
Forensic Scientist Jonathan Salvador was removed from casework. A Supplemental report was issued and the District Attorney's office contacted.						
Investigator <u>Keith Gibson, Quality Manager</u>  Date <u>04/11/12</u>						
<b>Approval</b>						
Quality Manager <u>Keith A. Gibson, Quality Manager</u>  Date <u>04/11/12</u> Additional Comments: <u>Houston Quality Assurance Specialist</u> <u>4/13/12</u>						
Quality Assurance _____ Date _____						



TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

Quality Action Plan

LAB-QA-04 Rev.03 (09/2006)

Lab	Houston	Discipline	Controlled Substances	Incident Date	12/03/11	Page 1 of 1
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**Manner of Identification**  
 Observation     Audit     Complaint     Other Re-exam

**Area(s) Impacted (Check All That Apply):**  
 Evidence     Safety     Reagent     Contamination     Quality Control  
 Equipment     Test Result     Proficiency     Process     Client Relations  
 Other

**Incident Description:**  
 During the re-analysis related to Quality Action Plan Incident 01/26/12, L2H-221614 was re-analyzed. The re-analysis chemist found that exhibit 2 does not contain marihuana as was originally reported by Forensic Scientist Jonathan Salvador.

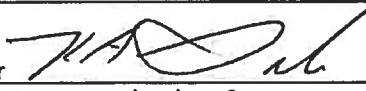
Requestor Andrew Gardiner  Date 02/03/12

**Explanation/Root Cause:**  
 Forensic Scientist Jonathan Salvador failed to properly identify the plant substance as NOT marihuana. His worksheet indicates he identified THC via a color test, but the test results were "faint", not consistent with what would be expected from marihuana, and not identified through mass spectral data.

Investigator Keith Gibson, Quality Manager  Date 04/02/12

**Action Plan:**  
 Forensic Scientist Jonathan Salvador was removed from casework. A Supplemental report was issued and the District Attorney's office contacted.

Investigator Keith Gibson, Quality Manager  Date 04/10/12

**Approval**  
 Quality Manager Keith A. Gibson, Quality Manager  Date 04/10/12

Additional Comments: Houston Quality Assurance specialist Janessa Walter 4/13/12

Quality Assurance \_\_\_\_\_ Date \_\_\_\_\_



TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

**Quality Action Plan**

LAB-QA-04 Rev.03 (09/2006)

Lab	Houston	Discipline	Controlled Substances	Incident Date	01/17/12	Page 1 of 1
<b>Manner of Identification</b>						
<input type="checkbox"/> Observation <input type="checkbox"/> Audit <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Other Re-exam						
<b>Area(s) Impacted (Check All That Apply):</b>						
<input checked="" type="checkbox"/> Evidence <input type="checkbox"/> Safety <input type="checkbox"/> Reagent <input type="checkbox"/> Contamination <input checked="" type="checkbox"/> Quality Control <input type="checkbox"/> Equipment <input checked="" type="checkbox"/> Test Result <input type="checkbox"/> Proficiency <input type="checkbox"/> Process <input checked="" type="checkbox"/> Client Relations <input type="checkbox"/> Other _____						
<b>Incident Description:</b>						
During the re-analysis related to Quality Action Plan Incident 01/26/12, L2H-222395 was re-analyzed. The re-analysis chemist found that both items do not contain hydrochloride as was originally reported by Forensic Scientist Jonathan Salvador. One item is cocaine base.						
Requestor <u>Andrew Gardiner, Forensic Scientist</u> Date <u>03/09/12</u>						
<b>Explanation/Root Cause:</b>						
L2H-222395 contains two plastic bags with suspected cocaine. The submitting officer also requested a test for the base form of cocaine. Forensic Scientist Jonathan Salvador failed to visually note the difference in the two samples and performed a composite analysis. His results indicated cocaine hydrochloride. During re-analysis it was noted that one sample was white and the other beige. The analyst sub-exhibited as required by policy and found that one item was cocaine base and the other cocaine hydrochloride.						
Investigator <u>Keith Gibson, Quality Manager</u> Date <u>04/11/12</u>						
<b>Action Plan:</b>						
Forensic Scientist Jonathan Salvador was removed from casework. A Supplemental report was issued and the submitting officer contacted.						
Investigator <u>Keith Gibson, Quality Manager</u> Date <u>04/11/12</u>						
<b>Approval</b>						
Quality Manager <u>Keith A. Gibson, Quality Manager</u> Date <u>04/11/12</u> Additional Comments: <u>Houston Quality Assurance Specialist Janessa Walker</u> <u>4/13/12</u>						
Quality Assurance _____ Date _____						





TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

Quality Action Plan

LAB-QA-04 Rev.03 (09/2006)

Lab	Houston	Discipline	Controlled Substances	Incident Date	01/26/12	Page 1 of 1
<b>Manner of Identification</b>						
<input checked="" type="checkbox"/> Observation <input type="checkbox"/> Audit <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Other						
<b>Area(s) Impacted (Check All That Apply):</b>						
<input checked="" type="checkbox"/> Evidence <input type="checkbox"/> Safety <input type="checkbox"/> Reagent <input type="checkbox"/> Contamination <input checked="" type="checkbox"/> Quality Control <input type="checkbox"/> Equipment <input checked="" type="checkbox"/> Test Result <input type="checkbox"/> Proficiency <input type="checkbox"/> Process <input checked="" type="checkbox"/> Client Relations <input type="checkbox"/> Other						
<b>Incident Description:</b>						
<p>Forensic Scientist Andrew Gardiner indicated that he had some concerns about the validity of testing on L2H-222396 exhibit – 1. On 01/26/12 he was looking for high molecular weight sample to run on his instrument as a check and noted that Forensic Scientist Jonathan Salvador's instrument was currently running an alprazolam sample. He consulted the screen and noted that L2H-222396-1 should be in vial location 18 but when he went to retrieve the vial, a vial marked for L2H-222403 exhibit 7.2 was in its place. Further examination of the sample tray did not reveal a vial marked for L2H-222396. He waited until the cases were awaiting administrative review then he retrieved them and noted that the spectral data for the two cases was remarkably the same including the Total Ion Chromatogram and total counts. Management was notified. Drug Section Supervisor Severo Lopez retrieved the case files and related evidence and retested the samples. While both case samples contained alprazolam, L2H-222396 contained a significant amount of impurities not present in Salvador's spectral data.</p>						
Requestor <u>Severo Lopez, Drug Section Supervisor</u> <i>Severo Lopez</i> Date <u>02/03/12</u>						
<b>Explanation/Root Cause:</b>						
<p>The sample vial from L2H-222403 was substituted for L2H-222396. Whether it was intentional or accidental is uncertain. During an interview, Forensic Scientist Jonathan Salvador would not admit that the event had occurred and made statements leading the investigator to believe that Forensic Scientist Salvador was aware of the switch but failed to correct it.</p>						
Investigator <u>Keith Gibson, Quality Manager</u> <i>KA Gibson</i> Date <u>02/09/12</u>						
<b>Action Plan:</b>						
<p>Forensic Scientist Jonathan Salvador was removed from casework. His cases in process were withheld and re-analyzed. 90 days of cases were re-analyzed and supplemental reports issued. The affected District Attorneys and the Forensic Science Commission were notified by Deputy Assistant Director D. Pat Johnson. Affected jurisdictions were advised that his cases would be re-analyzed if requested or needed for other purposes. The re-analysis revealed poor documentation, poor technique, and poor decision making. A summary spreadsheet was prepared. Three reporting errors were discovered and are subjects of other action plans. A new policy regarding the re-examination of evidence has been prepared.</p>						
Investigator <u>Keith Gibson, Quality Manager</u> <i>KA Gibson</i> Date <u>4/13/12</u>						
<b>Approval</b>						
Quality Manager <u>Keith A. Gibson, Quality Manager</u> <i>KA Gibson</i> Date <u>4/13/12</u>						
Additional Comments: <u>Houston Quality Assurance Specialist</u> <i>Houston Quality Assurance Specialist</i> Date <u>4/13/12</u>						
Quality Assurance _____ Date _____						



## **EVIDENCE RE-EXAMINATION**

### **1 Scope**

Establish re-examination frequency for the Houston Crime Laboratory

### **2 Policy**

#### **2.1 Controlled Substances**

- A. The Controlled Substances section will be subject to re-examination every quarter with a goal of every month.

### **3 Supporting Documentation**

- A. A re-examination log will be maintained.

---

Effective Date:

Case Discrepancies

Assessment\Impact

From Amanda Ramos

L2H-221610

On case I found weight discrepancies between my results and Jonathan's results.

Jonathan's results:

- EX. 0.001 Tare weight: 8.0 lbs Net weight 40.40 lbs of Marijuana
- EX. 0.002 Tare weight: 0.18 lbs Net weight 3.32 lbs of Marijuana
- EX. 0.003 Tare weight: 6.0 lbs Net weight 26.30 lbs of Marijuana
- EX. 0.004 Tare weight: 20.14 grams Net weight 445.90 grams of Marijuana

Amanda's results:

- EX. 0.001 Tare weight: 8.0 lbs Net weight 41.70 lbs of Marijuana
- EX. 0.002 Tare weight: 0.2124 lbs Net weight 3.19 lbs of Marijuana
- EX. 0.003 Tare weight: 6.0 lbs Net weight 26.90 lbs of Marijuana
- EX. 0.004 N Tare weight: 23.76 grams Net weight 438.78 grams of Marijuana

JS total weight lower

Poor technique

From Minh Nguyen

Out of 29 cases of JS for re-analysis, 22 cases were analyzed up to today and no significant discrepancy was detected.

From Brian Nacu

Case #	Discrepancy	
219750	Did not note repackaging on worksheet, extra peaks in his PCP	poor technique
220606	extra peaks in JS spectra	Dirty solvent or injection port
220609	extra peaks in JS spectra	Dirty solvent or injection port
220610	extra peaks in JS spectra	Dirty solvent or injection port
220611	extra peaks in JS spectra	Dirty solvent or injection port
220612	extra peaks in JS spectra	Dirty solvent or injection port
220613	extra peaks in JS spectra	Dirty solvent or injection port
220614	extra peaks in JS spectra	Dirty solvent or injection port
220624	weight discrepancy	??
220635	extra peaks in JS spectra, scott doesn't match	Poor documentation;
220643	fewer peaks in JS spectra	Not significant

220734	Did not note repackaging on worksheet	Poor documentation
220821	weight discrepancy, scott documentation different from observed, extra peaks in spectra	Poor documentation
221233	Did not note repackaging on worksheet, extra peak in JS spectra	Dirty solvent or injection port; Poor documentation
221331	Ex 2-1, 2-3 wt., extra peaks in JS spectra	
221604	Ex 3-1 wt. discrepancy	
221605	Scott documentation from observed	Poor documentation
221608	Scott documentation from observed	Poor documentation
221641	Did not note repackaging	Poor documentation
221645	Did not note repackaging	Poor documentation
222387	weight discrepancies	??
222401	Extra peak in Ex 2-3 spectra	
222402	Extraction procedure incorrect	Poor documentation
From Haley Yakin		
		Dirty solvent or injection port; Poor documentation
220615	JS has extra peak at 6.5, did not note repackaging	Dirty solvent or injection port
220616	JS has multiple extra peaks in his spectrum	Dirty solvent or injection port
220617	JS has extra peak at 6.5	Dirty solvent or injection port
220618	JS has extra peak at 6.5	Dirty solvent or injection port
		Dirty solvent or injection port; Poor documentation
220620	JS has extra peak at 6.5. JS noted that exhibit was repackaged but it was not	Dirty solvent or injection port
220632	JS has extra peak at 6.5	Dirty solvent or injection port; Poor documentation
220634	JS has extra peak at 6.5 on both exhibits, small weight discrepancy	Dirty solvent or injection port; Poor documentation
220636	large weight discrepancy	???
220638	JS has extra peak at 6.5, did not note repackaging	Dirty solvent or injection port; Poor documentation
220645	JS has extra peaks in Carisoprodol exhibit, Cocaine found on one of the Hydrocodone tablets	
220663	did not note repackaging on exhibit 2-5	Poor documentation
220751	tablets were clandestine Alprazolam and he called them pharm and only analyzed one tablet, mine had extra peaks in each spectrum and his didn't	Poor observation

221075	large weight discrepancy, JS did not note plastic bags that were found with each exhibit	Poor documentation
221581	weight discrepancy (I had more than he originally had)	Poor technique
221593	weight discrepancy (I had more than he originally had on one exhibit)	Poor technique
221597	did not note repackaging	Poor documentation
221632	did not note repackaging of cigar, weight discrepancy (he may have included the cigar paper but didn't not it)	Poor documentation
221674	did not note Ziploc (not sure if this was originally there or if he repackaged into it)	Poor documentation
222392	UV looks slightly different, JS has extra peaks in his spectrum	Poor technique
222404	weight discrepancy on exhibit 2-2	Poor technique
222417	JS called it Heroin and wrote that he say +p on Marquis but the Marquis is actually +y from the Diphenhydramine interference	Poor observation
222629	JS wrote bbb on Co(SCN)2 test and it is actually +pb	Poor observation
<b>From Andrew Gardiner</b>		
L2H-220627	JS reported 0.02g THC. I was able to scrape 0.46g out of the same pipe and was able to get a microscopic exam. Weight Change from .02 to .46. Result change from THC to Marijuana	Poor effort to scrape residue from pipe
L2H-221614	JS called exhibit 2 marijuana. Exhibit 2 is NOT marijuana	Unexplainable
L2H-222395	JS reported both bags of cocaine as cocaine HCl. One bag was cocaine base	poor observation - exhibits were visibly different
L2H-220622	JS ran vial 32 for tablet 2 and tablet 5. One of my tablets was positive for Heroin. None of his were. Possibly hiding the Heroin to avoid questions.	poor technique - did not identify or comment on dark stain - did note it;



TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

**Quality Action Plan**

LAB-QA-04 Rev.03 (09/2006)





Lab	Houston	Discipline	Controlled Substances	Incident Date	02/03/12	Page 1 of 1
<b>Manner of Identification</b>						
<input type="checkbox"/> Observation <input checked="" type="checkbox"/> Audit <input type="checkbox"/> Complaint <input type="checkbox"/> Other _____						
<b>Area(s) Impacted (Check All That Apply):</b>						
<input type="checkbox"/> Evidence <input type="checkbox"/> Safety <input type="checkbox"/> Reagent <input type="checkbox"/> Contamination <input checked="" type="checkbox"/> Quality Control <input type="checkbox"/> Equipment <input type="checkbox"/> Test Result <input type="checkbox"/> Proficiency <input checked="" type="checkbox"/> Process <input type="checkbox"/> Client Relations <input type="checkbox"/> Other _____						
<b>Incident Description:</b>						
During the investigation related to Quality Action Plan Incident 01/26/12, it was discovered that during the Technical Review of L2H-222396 the reviewer failed to note that the mass spectrum data on the bottom of the printed copy did not come from the Total Ion Chromatogram (TIC) displayed on the top portion of the printed copy.						
Requestor		Keith Gibson, Quality Manager			Date 02/03/12	
<b>Explanation/Root Cause:</b>						
While preparing the spectral data for printing, the analyst failed to double click the peak of interest to retrieve the mass spectral data. When he printed, the TIC was from the current case and the mass spectrum was from another case.						
Investigator		Keith Gibson, Quality Manager			Date 02/03/12	
<b>Action Plan:</b>						
The proper TIC and mass spectrum were produced and placed in the case file. The staff were reminded at the February staff meeting to make sure they review all printed copies of data for completeness and to make sure they know what they are reviewing. The current case was used as an example.						
Investigator		Keith Gibson, Quality Manager			Date 02/10/12	
<b>Approval</b>						
Quality Manager		Keith A. Gibson, Quality Manager			Date 02/10/12	
Additional Comments: Processed 04/11/12 Houston Quality Assurance Specialist						
4/11/12						
Quality Assurance		_____			Date _____	



TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

**Quality Action Plan**

LAB-QA-04 Rev.03 (09/2006)

Lab	Houston	Discipline	Controlled Substances	Incident Date	02/03/12	Page 1 of 1
<b>Manner of Identification</b>						
<input type="checkbox"/> Observation <input checked="" type="checkbox"/> Audit <input type="checkbox"/> Complaint <input type="checkbox"/> Other _____						
<b>Area(s) Impacted (Check All That Apply):</b>						
<input checked="" type="checkbox"/> Evidence <input type="checkbox"/> Safety <input type="checkbox"/> Reagent <input type="checkbox"/> Contamination <input type="checkbox"/> Quality Control <input type="checkbox"/> Equipment <input type="checkbox"/> Test Result <input type="checkbox"/> Proficiency <input type="checkbox"/> Process <input type="checkbox"/> Client Relations <input type="checkbox"/> Other _____						
<b>Incident Description:</b>						
During the investigation related to Quality Action Plan Incident 01/26/12, it was discovered that the analyst still had the evidence in an unsealed condition in his temporary evidence storage location.						
Requestor <u>Keith Gibson, Quality Manager</u>  Date <u>02/03/12</u>						
<b>Explanation/Root Cause:</b>						
The analyst failed to seal the evidence and return it to evidence storage as required by policy. A week had elapsed and the evidence was not returned to the vault.						
Investigator <u>Keith Gibson, Quality Manager</u>  Date <u>02/03/12</u>						
<b>Action Plan:</b>						
The staff was reminded at the February staff meeting to make sure that evidence is properly sealed and returned to the vaults when they have completed their analysis. The current case was used as an example.						
Investigator <u>Keith Gibson, Quality Manager</u>  Date <u>02/10/12</u>						
<b>Approval</b>						
Quality Manager <u>Keith A. Gibson, Quality Manager</u>  Date <u>02/10/12</u>						
Additional Comments: Processed 04/11/12 <u>Houston Quality Assurance Specialist</u> <u>Danessa Walter</u> <u>4/13/12</u>						
Quality Assurance _____    Date _____						



TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

Quality Action Plan

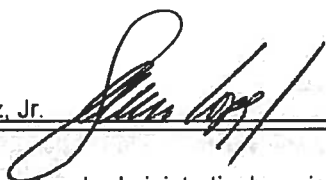
LAB-QA-04 Rev.03 (09/2006)

Lab	Houston	Discipline	Controlled Sub.	Incident Date	10/10/2012	Page 1 of 1
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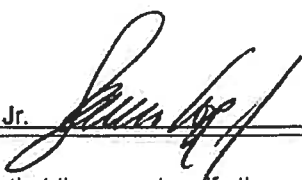
**Manner of Identification**  
 Observation     Audit     Complaint     Other Re-test

**Area(s) Impacted (Check All That Apply):**  
 Evidence     Safety     Reagent     Contamination     Quality Control  
 Equipment     Test Result     Proficiency     Process     Client Relations  
 Other


**Incident Description:**  
 Upon re-testing L2H-201443, it was discovered that the weight reported on the original report was incorrect by a difference of 1.06 kg. The error was due to a mathematical error and not a weighing or loss error. The report was released to the requesting agency with the erroneous weight.

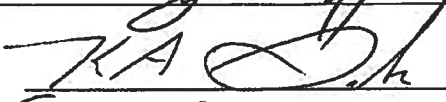
Requestor Severo Lopez, Jr.  Date 11/07/2012

**Explanation/Root Cause:**  
 The case was technically reviewed and administratively reviewed. Both reviewers failed to verify that the weights were calculated correctly.

Investigator Severo Lopez, Jr.  Date 11/07/2012

**Action Plan:**  
 An email reminding all reviewers that they must verify the math used for weight determination on all reported items as part of the review process before approving a report for release. The case has been re-tested for quality assurance purposes and the supplemental report with the correct weight has been distributed. The Section Supervisor will spot check cases for compliance.

Investigator Severo Lopez, Jr.  Date 11/07/2012

**Approval**  
 Quality Manager  Date 11-16-12  
 Additional Comments: Jonathan Salvador case

Quality Assurance \_\_\_\_\_ Date \_\_\_\_\_





STEVEN C MCCRAW  
DIRECTOR  
DAVID G BAKER  
CHERYL MacBRIDE  
DEPUTY DIRECTORS

# TEXAS DEPARTMENT OF PUBLIC SAFETY

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COMMISSION  
A CYNTHIA LEON CHAIR  
CARIN MARCY BARTH  
ADA BROWN  
ALLAN B POLUNSKY  
JOHN STEEN

## Supplemental Controlled Substance Analysis Laboratory Report

Issue Date: October 10, 2012

Paul Kohleffel  
Texas Highway Patrol  
7710 Will Clayton Parkway  
Humble, TX 77338

Laboratory # L2H-201443  
Agency # TX100KOFXK007  
County: Chambers  
Offense Date: 01/20/2010

**Suspect(s):** Drayton, Natasha Latrice DOB 01/14/1980

**Requested Analysis:** Examine for the presence of Controlled Substances

**Submission Information:**

2: 11x12x15 Brown Box on January 22, 2010 by Shipley

**Evidence Description, Results of Analysis and Interpretation:**

2: 11x12x15 Brown Box

**2-01: Clear plastic heat seals with compressed white powder and packaging (tape, plastic, wrappings)**

- Contains Cocaine
- Quantitation: 65% (a composite of the items sampled was used)
- 6.95 kilograms net weight
- 7 of 7 items were sampled for analysis

Note: The evidence in this exhibit was reexamined for quality assurance purposes. This result replaces the original result reported on May 19, 2010.

This report has been electronically prepared and approved by:

Severo Lopez, Jr.  
Drug Section Supervisor  
Texas DPS Houston Crime Laboratory

**Lopez, Severo**

---

**To:** Houston Drug Section  
**Subject:** Verifying Math on worksheets

Analyst are reminded that verifying all calculations including weight determination is part of the technical review process. I will be spot checking case folders for this.

*Severo Lopez Jr.*  
Drug Section Supervisor  
Texas Department of Public Safety  
Regional Laboratory  
Houston, Texas  
(281) 517-1384



TEXAS DEPARTMENT OF PUBLIC SAFETY  
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**Quality Action Plan**

LAB-QA-04 Rev.03 (09/2006)

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**Manner of Identification**

Observation     Audit     Complaint     Other Re-test

**Area(s) Impacted (Check All That Apply):**

Evidence     Safety     Reagent     Contamination     Quality Control  
 Equipment     Test Result     Proficiency     Process     Client Relations  
 Other \_\_\_\_\_

**Incident Description:**

Upon re-testing L2H-221085, The items described as mushrooms were confirmed to contain psilocin. The original analyst was unable to identify the drug upon the initial analysis.

Requestor Severo Lopez, Jr.  Date 11/07/2012

**Explanation/Root Cause:**

The analyst merely performed a methanol dry extraction method on the mushrooms on the first attempt. Then, using the acid to base to chloroform method did not use sufficient sample to obtain good spectral data. Extracting in methanol is approved for the UV or TLC but requires further extraction or a different extraction for running on the GC/MS. However, the SOP is confusing because at first glance and if one fails to read further, it leads the analyst to believe that he/she may proceed to GC/MS analysis after a dry methanol extraction. It is also difficult to tell if sufficient sample was used in the original analysis, if it was properly agitated for the proper amount of time or if it was concentrated.

Investigator Severo Lopez, Jr.  Date 11/07/2012

**Action Plan:**

Analysts must properly perform a prescribed SOP method with sufficient sample amount for the sample. Sufficient sample must be used with filtering and concentrating the extract. Analysts were reminded via e-mail to use approved methods. A recommendation to more clearly word the SOP has been made to the advisory board.

Investigator Severo Lopez, Jr.  Date 11/07/2012

**Approval**

Quality Manager  Date 12/19/12

Additional Comments: Johnathan Salvador case

Quality Assurance \_\_\_\_\_ Date \_\_\_\_\_



See also  
# 501  
504  
637

→ cross reference to Jonathan Salvador  
TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

Quality Action Plan  
LAB-QA-04 Rev 03 (09/2008)

✓ 3/4/13  
NCR # 702

Lab	Houston	Discipline	Controlled Sub.	Incident Date	01/29/2013	Page 1 of 1
<b>Manner of Identification</b> <input type="checkbox"/> Observation <input type="checkbox"/> Audit <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Other Re-test						
<b>Area(s) Impacted (Check All That Apply):</b> <input type="checkbox"/> Evidence <input type="checkbox"/> Safety <input type="checkbox"/> Reagent <input type="checkbox"/> Contamination <input checked="" type="checkbox"/> Quality Control <input type="checkbox"/> Equipment <input checked="" type="checkbox"/> Test Result <input type="checkbox"/> Proficiency <input type="checkbox"/> Process <input checked="" type="checkbox"/> Client Relations <input type="checkbox"/> Other						
<b>Incident Description:</b> Upon re-testing L2H-189382, it was discovered that the weight reported on the original report was incorrect by a difference of 32.67g. The error was due to a transcription error and not a weighing or loss error. The report was released to the requesting agency with the erroneous weight.						
Requestor <u>Severo Lopez, Jr.</u> <i>[Signature]</i> Date <u>01/29/2013</u>						
<b>Explanation/Root Cause:</b> The case was technically reviewed and administratively reviewed. Both reviewers failed to verify that the weights were transcribed correctly.						
Investigator <u>Severo Lopez, Jr.</u> <i>[Signature]</i> Date <u>01/29/2013</u>						
<b>Action Plan:</b> An email reminding all reviewers that they must verify the values and mathematical calculations used for weight determination on all reported items as part of the review process before approving a report for release. The case has been re-tested for quality assurance purposes and the supplemental report with the correct weight has been distributed. The Section Supervisor will spot check cases for compliance.						
Investigator <u>Severo Lopez, Jr.</u> <i>[Signature]</i> Date <u>01/29/2013</u>						
<b>Approval</b> Quality Manager <i>[Signature]</i> Date <u>02-25-13</u> Additional Comments W 2/26/13 Quality Assurance <u>Valerie Turner</u> System QA Specialist Date <u>3/4/13</u>						

Prosecutor advised that case was dismissed due to lack of probable cause, per attached email.



TEXAS DEPARTMENT OF PUBLIC SAFETY  
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Quality Action Plan Supplement

LAB-QA-4A Rev.00 (09/2006)

Lab	Houston	Discipline	Controlled Substances	Incident Date	01/29/13	Page 1 of 1
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**Supplemental Information (Additional Actions/Follow-up):**

QAP-L2H-2013-0129-CS-702

Correspondence from the District Attorney's office indicates the case was dismissed due to a lack of probable cause and the misreported weight was not a factor.

Investigator

Severo Lopez

Date 03/06/13

**Approval**

Quality Manager

Keith Gibson

Date 03/08/13

Additional Comments:

Quality Assurance

Date