IN THE SUPREME COURT OF THE STATE OF DELAWARE

DESIREE A. ARICIDIACONO,	:	
et al.,	:	
Defendants Below,	:	
Appellants,	:	
	:	**ID No. 718, 2014**
	:	
v.	:	
	:	
STATE OF DELAWARE,	:	
	:	
Plaintiff Below,	:	
Appellee.	:	

APPELLANTS' REPLY BRIEF

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The Court Must Estop The State From Arguing That Because Petitioners Admitted To Committing A Drug Offense Their Guilty Pleas Cannot Be Vacated

In ours and several other post-conviction cases where the petitioners' moved to vacate their guilty pleas due to the misconduct at the OCME drug lab, the State argues that the guilty pleas cannot be vacated because the petitioners "knowingly and voluntarily" admitted to committing a drug offense. Yet, in *State v. Eric Young*,[1] the State requested that the petitioner's guilty plea be vacated due to OCME misconduct even though Young had "knowingly and voluntarily" admitted to committing a drug offense. As Justice Souter once observed, "serious questions are raised when the sovereign itself takes inconsistent positions in two separate criminal proceedings against two [or more] of its citizens."[2] Here, the State has taken inconsistent positions in two seperate criminal proceedings against separate individuals. Thus, the Court must estop the State from continuing to argue that Appellants' guilty pleas cannot be vacated because they admitted guilt.

"The primary concern of the doctrine of judicial estoppel is to protect the integrity of the judicial process."[3] Some factors that courts consider to determine if judicial estoppel is appropriate include: (1) whether the party's later position is clearly inconsistent with its earlier position; (2) whether the party persuaded a

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[1] *State v. Young*, ID#1206010872.
[2] *Jacobs v. Scott*, 513 U.S. 1067, 1070 (1995), Souter, J., dissenting.
[3] *Banther v. State*, 977 A.2d 870, 884-885 (Del. 2009).

court to "accept that party's earlier position, so that judicial acceptance of an inconsistent position in a later proceeding would create the perception that either the first or the second court was misled;" and (3) "whether the party seeking to assert an inconsistent position would derive an unfair advantage or impose an unfair detriment on the opposing party if not estopped."[4] These circumstances are not "inflexible prerequisites or an exhaustive formula for determining the applicability of judicial estoppel. Additional considerations may inform the doctrine's application in specific facts."[5]

On May 20, 2015, the State advanced a position inconsistent with that taken in this case when it persuaded Superior Court to vacate Eric Young's "knowing and voluntary" guilty plea. Eric Young and Jermaine Dollard were co-defendants. The State relied upon the same evidence to obtain both Dollard's conviction at trial and Young's conviction through a guilty plea.[6] Young waived certain rights when he entered his guilty plea in 2013. During the colloquy, the judge asked, "Are you knowingly and voluntarily entering into this plea because you are guilty of Drug

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[4] *New Hampshire v. Maine*, 532 U.S. 742, 750-51 (2001) (internal quotation marks omitted).
[5] *Id.*
[6] C32, 36.

Dealing and Conspiracy Second Degree?" Young responded, under oath, "Yes, sir."[7]

In late 2014, retesting of the evidence, ordered in Dollard's case, led to the conclusion that there were no illegal drugs.[8] Before the retesting, there was no evidence (clear, convincing or otherwise) linking any OCME misconduct to either of the co-defendants' cases. Young had admitted that he and Dollard engaged in drug dealing. And, as Judge Graves noted, as part of his defense theory at trial, Dollard's attorney instructed the jury to "find him guilty of the stuff at [sic] the car."[9] It was that "stuff" that the judge ordered retested.[10] And, it was that "stuff" that turned out not to be cocaine.

The State *nolle prossed* Dollard's convictions and, with respect to Young, "[t]he State and the defense" asked the court to "vacate the previous plea to Drug Dealing and Conspiracy Second to allow Mr. Young to enter the plea agreement that's in front of [the court] which would be a plea to Count 88, Conspiracy in the Second Degree."[11] The court granted this request. The State's request is

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[7] C13, 19-20.
[8] A1948.
[9] A1941-1942.
[10] A1944.
[11] C32.

inconsistent with the following assertions it has previously made in this and other OCME cases:

- When people admit and know what they did wrong, why should they get the benefit of someone else's activities later. They knew part of the plea process is knowing that you are giving up your right to challenge the evidence against you. That is part of the plea colloquy, it is something they are informed of. You cannot challenge the evidence if you plea. And they acknowledge that as part of the plea agreement.[12]
- Admitting guilt to a drug charge establishes the defendant knew what the substance was and that the defendant admits to having possessed, delivered, etc., that substance.[13]
- [T]he defendants here waived the opportunity to challenge the State's evidence when they pled guilty and told this Court that they possessed illegal drugs."[14]
- Because the defendants voluntarily elected to waive their trial rights, they have no valid claims based on a challenge to the State's evidence."[15]

Subsequent to taking its inconsistent position in Young's case, the State, in its Response Brief, again asserts:

> This Court has consistently found that defendants, including those raising claims regarding the OCME, are "bound by the statements [they] made to the Superior Court before [their] plea[s] w[ere] accepted." These cases are no different. Here, the defendants made admissions and informed the court that they had committed the offenses to which they were pleading guilty."[16]

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[12] A1898.
[13] C58.
[14] C60.
[15] C61.
[16] Resp.Br. at 18-19.

The State goes on in its response to address the specific Appellants in our case and asserts they cannot get relief because:

- they "made admissions and informed the court that they had committed the offenses to which they were pleading guilty."[17]
- "counsel did not dispute that the defendants made admissions regarding the drug offenses to police or in their plea colloquies"[18]
- "None of the defendants claim actual innocence."[19]
- They failed "to provide the court with any evidence that the misconduct at OCME directly impacted [their] decision to plead guilty[.]"[20]
- They "did not provide any evidence to support the inference that the misconduct at the OCME (or the lack of knowledge about that misconduct) induced the appellants' guilty pleas."[21]
- They received "considerable benefits" by entering their guilty pleas.[22]

Yet, just about a month earlier, the State asked the court to vacate Young's guilty plea even though:

- **Eric Young** "made admissions and informed the court that [he] had committed the offenses to which [he was] pleading guilty."
- **Eric Young**'s "counsel did not dispute that [he] made admissions regarding the drug offenses to police or in [his] plea colloqu[y.]"
- **Eric Young** did not "claim actual innocence."
- **Eric Young** failed "to provide the court with any evidence that the misconduct at OCME directly impacted [his] decision to plead guilty[.]"

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[17] Resp.Br. at p.19.
[18] Resp.Br. at p.18.
[19] Resp.Br. at p.19.
[20] Resp.Br. at p.19.
[21] Resp.Br. at p.20.
[22] Resp.Br. at p.23.

- **Eric Young** "did not provide any evidence to support the inference that the misconduct at the OCME (or the lack of knowledge about that misconduct) induced [his] guilty plea[]."
- **Eric Young** received a "considerable benefit" by entering his initial plea agreement.[23]

The State's request to vacate Young's plea was made after Judge Graves ordered retesting in a case where: the defendant had admitted he had possessed cocaine; and the defendant provided no evidence linking any OCME misconduct to his case. But for this retesting, Young would not have had any more evidence than Appellants regarding OCME misconduct when his initial plea was vacated. However, both the State and the Court have ignored Appellants' specific requests for discovery or evidentiary hearings.[24]

Once the State learned that evidence at the lab had been compromised, it "had a duty to conduct a thorough investigation to determine the nature and extent of [the] misconduct, and its effect both on pending cases and on cases in which defendants already had been convicted of crimes involving controlled substances[.]"[25] The "investigation" which the State conducted is akin to that in *Commonwealth v. Ware* in its lack of thoroughness.

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[23] C11, 16, 24.

[24] *See, e.g.,* A122, 385, 448, 670. A18, 30, 157, 315, 481, 828, 1097, 1125, 1188, 1309, 1876.

[25] *Commonwealth v. Ware*, 27 N.E.3d 1204 (Mass. 2015) (finding Commonwealth had duty to conduct investigation into pending and post-conviction cases).

In *Ware*, after the discovery of misconduct in the crime lab, police spent a few days looking for missing evidence, searching an analyst's vehicle, interviewing her colleagues, conducting an inventory of the facility and searching a tote bag that had been seized from a work station. The "precise timing and scope" of the wrongdoing at the crime lab remained unclear.[26] It came to light several months later that four more cases were compromised. Evidence from those cases was retested. The results in some cases revealed the absence of illicit drugs.[27]

The *Ware* Court concluded that because "the magnitude and implications of the problem ha[d] not been ascertained" and the Commonwealth had failed "to pursue a thorough investigation into the matter" the defendant was entitled to post-conviction discovery.[28] On the other hand, the State's position in our case requires reliance upon the following circular reasoning:

> The petitioner entered a voluntary guilty plea and admitted to committing the underlying offense. There is no clear and convincing evidence of OCME misconduct related directly to his case. Thus, he is not entitled to discovery (including retesting) in order to determine whether there is clear and convincing evidence of OCME misconduct that would render his guilty plea involuntary.

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[26] *Id.* at 1211.
[27] *Id.* at 1212.
[28] *Id.*

In the end, it appears that the real distinction between Young and the appellants is that Young was "lucky enough" to have a co-defendant obtain retesting in contravention of the Superior Court's own decisions and the State's own position.

Procedural Irregularities Create The Appearance That The State Did Not Want The Public To Know It Chose To Take An Inconsistent Position In Young's Case

Upon reviewing the circumstances surrounding the State's position in Young's case, counsel discovered: a lack of docket entries in Young's case; a lack of documentation of the parties' communication with the court; and anomalies in the May 20, 2015 court calendar. Counsel is unable to explain these variances from the standard court procedures. When taken together, however, they create an appearance that the State sought to minimize the publicity of the fact that it took a position in Young's case that was inconsistent with the one it has taken in an effort to prevent hundreds of other similarly situated petitioners from obtaining relief.

On November 13, 2014, Judge Graves specially assigned himself to Eric Young's case.[29] The following month, Judge Graves, assigned to handle all OCME post-conviction motions in Sussex County, issued the decision in this case holding that, by virtue of entering a plea agreement, the appellants "personally admitted and acknowledged his or her guilt" and are "bound by his or her representations to the Court absent clear and convincing evidence to the

[29] C7, 51.

contrary."[30] About two weeks later, the same judge ordered the retesting in a case where the defendant (Dollard) had admitted guilt of drug possession and where there was no evidence linking OCME misconduct to the defendant's case.[31]

In January, 2015, it became publicly known that the State *nolle prossed* Dollard's case after court-ordered retesting.[32] Also that month, Judge Graves summarily dismissed more post-conviction motions because each of the "defendants pled guilty thereby admitting to the contents of the charging document."[33] Days later, Young's defense counsel informed Judge Graves that, "in the coming weeks," the State would have its position on resolving the case.[34] The judge told counsel to "advise the Court of any developments."[35]

On February 12, 2015 and April 10, 2015, Judge Graves dismissed two more "batches" of OCME post-conviction motions because the defendants "admitted their guilt and are, therefore, bound by their representations."[36] Around that same time, Judge Graves issued a briefing schedule in Young's case.[37]

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[30] Ex.A attached to Opening Brief.
[31] A1944-1945.
[32] C63.
[33] Ex.A attached hereto.
[34] C52.
[35] C55.
[36] Exhibits B and C, attached hereto.
[37] C8.

On April 20, 2015, Judge Witham, assigned to handle all the OCME post-conviction motions in Kent County, dismissed several motions because, "the defendants knowingly, intelligently, and voluntarily waived their rights, including any complaints about the chain of custody of the drug evidence in their cases."[38] Judge Witham dismissed three more post-conviction motions in early May.[39]

Meanwhile, briefing in Young's case appears to have been completed as of April 16, 2015. The next entry in the docket relating to the post-conviction motion, is the May 20, 2015 proceeding.[40]

There are also anomalies in the Kent County Superior Court calendars for May 20, 2015. According to the case calendar list obtained through the court's intranet cite, Eric Young was on the trial calendar that day listed as "TP" (i.e. "Trial Calendar/Plea Hearing").[41] The trial calendar appears to have been presided over by Judge Witham.[42] Judge Young presided over a Violation of Probation calendar. However, even though Eric Young was not on that calendar, Judge

[38] Exhibit D at p.8, attached hereto.
[39] Exhibits E, F and G, attached hereto.
[40] It appears that, in the midst of briefing, Young filed, *pro se*, a motion for habeas corpus which was summarily dismissed by Judge Witham. C9.
[41] C69.
[42] C69-72.

Young handled his proceeding.[43] There is nothing in the record indicating how or why the plea ended up in front of Judge Young.

While not specifically ruled upon in Delaware, plea agreements have traditionally been open to the public.[44] The right of public access to plea agreements and hearings "enhances both the basic fairness of the criminal [proceeding] and the appearance of fairness so essential to public confidence in the system.'"[45] It tends to serve "the important function of discouraging either the prosecutor or the court from engaging in arbitrary or wrongful conduct."[46] To ensure public access, there must be proper notice which can be achieved through docket entries.[47] In fact, even when a court intends to "seal a plea agreement" there must be a docket entry made "reasonably in advance" so as to give the public an

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[43] C68.

[44] *Oregonian Pub. Co. v. United States Dist.Ct.*, 920 F.2d 1462, 1465 (9th Cir. 1990). *See Gannett Co. v. State*, 571 A.2d 735, 742 (Del. 1990) (acknowledging right to access to criminal trials, selection of jurors and preliminary hearings); *In re 2 Sealed Search Warrants*, 710 A.2d 202 (Del.Super.Ct. 1997) (recognizing a right to access to pre and post trial hearings); *King v. McKenna*, 2015 Del.Super. LEXIS 323 (Del.Super.Ct. June 29, 2015) (Young, J.) (recognizing right to access to pre and post trial hearings).

[45] *Id.* at 1465 (*quoting Press-Enterprise I*, 464 U.S.501, 508 (1984)). *See United States v. Haller*, 837 F.2d 84, 86-87 (2nd Cir. 1988); *In Re Washington Post*, 807 F.2d 383, 389 (4th Cir. 1986); *Washington Post v. Robinson*, 935 F.2d 282, 288 (D.C. Cir. 1991).

[46] *In re Washington Post Co.*, 807 F.2d at 389.

[47] *Hartford Courant Co. v. Pellegrino*, 380 F.3d 83, 93 (2d Cir. 2004) (noting that docket sheet must be made available as it alerts the public to events in the case such as, in that case, the entry of a sealing order).

opportunity to intervene and present any objections to the court.[48] Further, specific findings must be articulated on the record if the plea agreement is sealed.[49]

Here, the record reflects a lack of public notice that the State was going to ask that Young's initial guilty plea be vacated. There is nothing in the record indicating whether, when or how either of the parties "advise[d] the Court of any developments" as they had been directed. There is nothing that indicates whether the court calendar accurately reflected when and where the proceeding was going to take place. There is nothing in the record explaining why neither of the judges assigned to handle OCME post-conviction motions, one of whom was specially assigned to Young's case, was the one who vacated the plea. The only insight provided is the prosecutor's statement at the beginning of the proceeding, "Thank you for agreeing to hear this plea today."[50]

The circumstances in this case are similar to those in *United States v. Alcantara*.[51] In that case, a plea hearing was moved from the courtroom to the robing room as was the judge's customary practice. This frustrated the notice

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[48] *Washington Post*, 807 F.2d at 390. *See Haller*, 837 F.2d at 87; *Oregonian Pub. Co.*, 920 F.2d at 1466; *Washington Post*, 807 F.2d at 390-91. Delaware Courts have also issued public decisions explaining why certain documents would be sealed. *See, e.g., In re 2 Sealed Search Warrants*, 710 A.2d 202.

[49] *See Oregonian Pub. Co.*, 920 F.2d at 1466; *Haller*, 837 F.2d at 87; *Washington Post*, 807 F.2d at 391.

[50] C32.

[51] 396 F.3d 189, 201-203 (2d Cir. 2005).

requirements because those interested in the case would not have known where or when the proceeding was taking place. Even though transcripts were later made available, the lack of notice infringed on the public's "ability to see and to hear a proceeding as [it] unfolds[.]"[52]

The lack of notice that Young's plea was going to be vacated is troublesome given the State's awareness that the public had an interest in the disposition of Young's case. On April 2, 2015, the *Delaware News Journal* reported that a DOJ spokesman had mistakenly stated that the State would not withdraw the charges against Young.[53] However, the spokesman later said that the State, at that time, had not yet made a decision. The article explained the State's conundrum by reporting that, unlike Dollard, Young had entered a guilty plea. This was apparently problematic for the State given this Court's recent ruling in *Brown v. State*.[54] The article also stated that Judge Graves would "eventually have to decide Young's fate."

The public knew what had happened in Dollard's case. They knew that Young's case had not been resolved. They knew the State was contemplating an inconsistent position. Yet, there was no notice to the public when a resolution was

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[52] *Id.* (*quoting ABC Inc. v. Stewart*, 360 F.3d 90, 95 (2nd Cir. 2004)).
[53] C65.
[54] 108 A.3d 1201 (Del. 2015).

reached and when it was consummated. Thus, a reasonable person could conclude that the State knew that it was taking an inconsistent position in Young's case and that it did not want the public to be aware of it. In fact, it was not until about a month later and after Young was released from custody that the public became aware of what happened.[55]

Allowing The State To Continue To Argue That Appellants Cannot Obtain Relief Compounds The Incredible Harm To The Criminal Justice System's Integrity and The Court's Ability To Do Justice Created The OCME Misconduct

Despite its significant resources, the State never uncovered the scope of the misconduct. In fact, since the filing of the Opening Brief in this case, the number of possibilities as to which and how many employees of OCME engaged in misconduct. Accordingly, the number of cases likely to have been affected by misconduct has grown. Disappointingly, the State has failed to hold anyone criminally responsible for the misconduct that damaged the integrity of evidence stored at OCME.

In April, it became known that Patricia Phillips, a chemist who worked on innumerable criminal cases at OCME and was retained by the State in the newly formed Division of Forensic Science, engaged in misconduct involving evidence

[55] "The press does not simply publish information about trials but guards against the miscarriage of justice by subjecting the police, prosecutors, and judicial processes to extensive public scrutiny and criticism." *Sheppard v. Maxwell*, 384 U.S. 333, 349-350 (1966).

from criminal cases. In fact, corrective action reports point to 3 separate incidents of mishandling and possible theft of evidence by Phillips.[56] Significantly, the third corrective action report reveals the flaw in the reliance by the Superior Court and this Court on a presumption that no drug evidence was added to evidence packages.[57] A review of these documents provided with the report reveals there were 23 more bags of heroin found in the recount of evidence that Phillips handled than was delivered to the lab by police.[58]

Richard Callery, the former Chief Medical Examiner, was permitted to leave his employment with a hefty "golden parachute." In May, he was permitted to enter into a plea agreement that did not involve admitting guilt to involvement in the OCME misconduct. James Woodson also entered into a plea agreement that permitted him, like Farnam Daneshgar, to escape responsibility for the probable role he played in damaging the integrity of the suspected drug evidence used to secure thousands of convictions.

Woodson escaped responsibility due to the State's reasoning that, based on circumstances surrounding the misconduct at the lab, the "interests of justice"

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[56] C110-127.

[57] *See, e.g, State v. Absher*, 2014 WL 7010788 (Del. Super. Dec. 3, 2014) ; *Brown v. State*, 108 A.3d 1201 (Del. 2015).

[58] Appellants incorporate by reference supplemental filings made in pending cases regarding Patricia Phillips. C97.

were "best served" by a plea agreement with Woodson.[59] The State concluded that there was an unlikelihood of conviction of the drug charges due to: "the absence of supervision and procedures;" "inconsistent versions of facts, policies and procedures" provided by lab employees; discrepancies in the chain of custody that were "inexplicable;" and the impact the misconduct might have upon a jury.[60] It is precisely the infirmities that prevented the State that exist in Petitioners' cases and require relief from their convictions.

As the court told Woodson at his sentencing, the misconduct at OCME had "done an incredible harm to the criminal justice system's integrity and [the court's] ability to do justice[.]"[61] Surely, misconduct that does "incredible harm" to the integrity of the criminal justice system and to the "ability to do justice" is a wrong against an institution that cannot "be tolerated consistently with the good order of society."[62] Allowing the State to quietly deviate from its well-publicized position taken against hundreds of Delaware citizens compounds the harm to the integrity of Delaware's criminal justice system. It would permit the State to pick and choose

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[59] Appellants incorporate by reference supplemental filings made in pending cases regarding James Woodson. C128.
[60] C140.
[61] C145.
[62] *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 246 (1944) .

when it will stand behind the rampant nature of the misconduct to prevent petitioners from obtaining relief as a result of that misconduct.

Appellants Have Provided An Adequate Basis To Support Their Claims

The State has waived any argument regarding potential procedural bars.[63] Instead, it claims that Appellants did not provide an adequate factual basis to support their claims.[64] To the contrary, the records and filings set forth the following essential facts of Appellants' legal argument that their guilty pleas are involuntary: there was government misconduct at OCME; the appellants pled guilty to a drug offense during the period in which misconduct took place; and the appellants were not aware of the misconduct at the time. Thus, Appellants have satisfied their duty under *Rule* 61(b) (2) to present relevant facts in "summary form."[65]

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[63] *See* Resp.Br. at 15.

[64] The State listed specific cases in its response at footnote 11. Nicole Fulmer (case #1002000292) and William Hutson (case #1310009560) have both been discharged from their sentences. C75, 83. Similarly, Christine Fox, (case#1202008240) appears to have completed her sentence. C86. Justin Battaglino (case #1302011795) was inadvertently listed on the caption as he was not convicted of a drug offense. C73. With respect to Michael Drummond (case#1310009560) and James Sheppard (case#1301021440), they did not file a motion in their cases. However, the court asserted jurisdiction over those cases and denied them relief. Thus, they should be permitted to be heard on appeal.

[65] Additionally, Appellants have complied with *Murphy v. State*,632 A.2d 1150 (Del. 1993).

Regardless Whether The Appellants Saw Their Lab Report Before Entering Their Guilty Plea, The Pleas Must Be Deemed Involuntary Because They Were Not Fairly Secured By The State

The State misses the mark by relying heavily on whether and when lab tests were performed in our cases. The State seems to erroneously believe that to be involuntary, the petitioner must have seen the lab report before entering a guilty plea. Rather, it is the fairness with which the plea agreement was secured that is a significant factor. This Court has recognized that the application of the implied covenant of good faith is important in the context of a plea agreement because the State has a "superior ability to control implementation of the agreement's terms."[66] A defendant is not expected to bear the risk of any misapprehension created by the State's impermissible conduct.[67] Thus, the court must look to "all the relevant circumstances surrounding the plea[.]"[68]

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[66] *Cole v. State*, 922 A.2d 354, 359-60 (Del. 2005).

[67] *Ferrara,* 456 F.3d at 291.

[68] *Santobello v. New York*, 404 U.S. 257, 261 (1971). *See Ferrara v. United States*, 456 F.3d 278, 290 (1st 2006) ("The ultimate aim, common to every case, is to ascertain whether the totality of the circumstances discloses a reasonable probability that the defendant would not have pleaded guilty absent the misconduct"); *United States v. Fisher*, 711 F.3d 460, 467 (4th Cir. 2012) (the court must consider "all of the relevant circumstances" surrounding the plea). *See also* The State correctly pointed out that Appellants incorrectly cited to *Washington, v. Wilson*, 2005 WL 6564211 (Wash.Super.) as a court opinion. Counsel apologizes for this unintentional error. However, the Washington Court of Appeals has concluded that even without bad faith, simple mismanagement attributable to crime

To the extent the lab reports are relevant, the State fails to note that much of the evidence in our cases were purportedly tested by individuals whose credibility has been seriously called into question.[69] The State also fails to point out that absent a chain of custody report, there is no way to even begin to determine whether Woodson, Bailey or any other "bad actors" handled the evidence in each case. This, again, supports a conclusion that the State must do further investigation into each case.

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lab employees can create a basis for dismissal. *State v. Gieselman*, 2004 Wash.App.LEXIS 484, *2-5 (Wash.Ct.App. March 22, 20014).

[69] Farnam Daneshgar purportedly tested the substances in the following cases:

Gerald Boyce, 13010009639
Bryan Evans, 1204012408
Jessica Hudson, 1103027031
Edwin Martinez, 1001008451
Eltoria Thompson, 1201018829
Cameron Wilson, 1010021660

B57, 146, 327, 361, 477, 581.

Patricia Phillips purportedly tested the substances in the following cases

Brent Cierkowski, 1301011317
Joseph Dickerson, 1305011177
Charles Hammond, 1103009953
Eric Howell, 1310002807
Karam Mosley, 1308009510
Joshua Ward, 1303000691

B93, 128, 272, 305, 405, 498.

Irshad Bajwa purportedly tested the substances in the following cases

Brandon Barnes, 0911018529
Vincent Davis, 1101018584
Stephon Tankard, 1310006837
Curtis Williams, 0912010676

B51, 122, 468, 543.

CONCLUSION

For the foregoing reasons and upon the authority cited herein, the undersigned respectfully submits that the Superior Court's decision be reversed.

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