

Firearm Toolmark Discovery Request
Forensic Defense Strategies, LLP (June 2020)

This is a request for disclosure of materials pertaining to firearm toolmark analysis performed in Case [REDACTED]. A list of several key [REDACTED] report numbers associated with the case are as follows: [REDACTED]. However, there may be additional reports and numbers associated with the case. We request any and all associated materials with the analysis done on any item of firearm related evidence in this case.

This request applies to all firearm toolmark analysis that has been, is currently being, or will be performed in the above-captioned case. The request is ongoing. In the event that new materials responsive to this request are produced, discovered, or otherwise come into possession of the prosecution or its agents, said materials should be provided without delay.

We further request the following specific materials that should be kept in the ordinary course of any firearm toolmark analysis:

1. Case File: Please provide a complete copy of the case file (also known in some laboratories as the litigation packet, litigation file, analyst file, etc.) including all records made by the laboratory or laboratories in connection with this case. If the file includes color entries, we request a copy in color of those pages. Furthermore, if the file includes photographs, please include photographic quality copies.
2. Bench Notes: Please provide a copy of all bench notes recorded by firearm toolmark examiners in the course of analyzing any and all evidence in this case. Bench notes may include but are not limited to worksheets, diagrams, checklists or notes kept in the course of analyzing evidence.
3. Protocols: Please provide a copy of all Firearm/Ballistics (or otherwise named units) Quality Assurance and Training Guidelines and Protocols (also called Standard Operating Procedures or SOPs) used in the laboratories that analyzed firearm related evidence in this case. To minimize any burden of duplicating these items, we invite you to provide them in electronic form.
4. Chain of Custody and Current Disposition of Evidence: Please provide copies of all records that document the treatment and handling of firearm toolmark evidence in this case, from the initial point of collection up to the current disposition.
5. Software: Please provide a list of all Integrated Ballistic Identification Systems (IBIS) used in this case, including name of the software program, manufacturer and version(s) used in this case.

6. Data Files:

- a. Shell casing and bullet images: All electronic images of any and all “toolmark” impressions
- b. Search Results: Hard copy printout or electronic output in easily readable format of the results of any and all IBIS searches run in connection with this case. Information provided should include, but is not limited to:
 - i. Ranked list of “candidate matches”
 - ii. Identification numbers of all images appearing on the “candidate list”
- c. Candidate matches: Electronic images of all items appearing on the candidate list in standard format

These files should include all necessary data to either independently reanalyze the raw data and reconstruct the analysis performed in this case.

7. Digital Enhancement: If the Firearm Toolmark evidence in this case was digitally enhanced at any time for any reason, please provide:

- a. A list of all software used for digital enhancement in this case, including the name of the software program, manufacturer and version used in this case.
- b. Any existing validation studies of the software.
- c. Documentation that the enhancement process complies with accepted standards in the field.

8. Documentation of Corrective Actions for Discrepancies and Errors: Please provide a copy of documented corrective actions maintained by the laboratory that are associated with any of the analysis involved in this case. Also, any corrective actions associated with errors ever caused by any analysts involved in this case within the past 10 years. If the laboratory does not document corrective actions or errors, it is sufficient to respond: “The laboratory does not document corrective actions or errors.”

9. Accreditation: Please provide copies of all licenses or other certificates of accreditation in firearm toolmark analysis by the laboratories involved in this case.

10. Laboratory Personnel: Please provide background information about each person involved in conducting or reviewing the firearm toolmark analysis in this case, including:

- a. Current resume/CV
- b. Copy of any current certifications (also disclosure of any failed attempts at certification)
- c. Job Description
- d. All proficiency test results
- e. A summary with dates, case names and court locations where the analyst has testified in the last 10 cases