

Supervisor Testimony

Larkin v. Yates, No. 09-2034, 2009 U.S. Dist. LEXIS 60106 (C.D. Cal. July 9, 2009) (unpublished) (denying application for writ of habeas corpus on confrontation issue where lab supervisor, testifying as expert witness, relied on result of tests performed by a non-testifying analyst, because the state courts did not unreasonably apply clearly established federal law)

People v. Rutterschmidt, 98 Cal. Rptr. 3d 390 (2009) (distinguishing Melendez-Diaz where expert witnesses testified about scientific analyses in which they did not participate, but DNA test report was not introduced into evidence)

People v. Johnson, 2009 Ill. App. LEXIS 1103 (Ill. App. Ct. Sept. 18, 2009) (same)

People v. Gutierrez, (California Court of Appeals 9/9/2009) (report containing nontestifying analyst's contemporaneous observations not "testimonial")

Pendergrass v. State, 913 N.E.2d 703 (Ind. 2009) (upholding admission of DNA test without testimony of analyst who performed the test because the defendant "had the opportunity to confront at trial two witnesses who were directly involved in the substantive analysis," and because the "laboratory supervisor who took the stand did have a direct part in the process by personally checking [the analyst]'s test results")

State v. Galindo, 683 S.E.2d 785 (N.C. Ct. App. 2009) (finding admission of drug test lab report was harmless error where testing analyst did not testify, but supervisor testified about procedures and equipment and other evidence adequately established the composition and quantity of the drugs)

People v. Brown (New York appellate court) (11/19/2009)(report of DNA testing by private subcontractor was "raw data" that was not "testimonial" and could be admitted through testimony of the medical examiner who subsequently reviewed the data).

The trend continues -- 2010 cases:

U.S. v. Turner, 591 F.3d 928 (7th Cir. Wisconsin) 1/12/2010

U.S. v. Boyd, (U.S. District Ct. Southern District of N.Y.) 3/1/2010

Carolina v. State, (Georgia Court of Appeals) 1/13/2010

State v. Hough, (North Carolina Court of Appeals) 3/2/2010

State v. Lopez, (Ohio Court of Appeals) 3/1/2010