

**APPENDIX TO THE PETITION  
FOR A WRIT OF CERTIORARI**

## APPENDIX CONTENTS

Appendix A: Arizona Supreme Court’s Order Denying Discretionary Review (Jan. 6, 2023) .....	1a
Appendix B: Court of Appeals of Arizona, Division One, Memorandum Decision Affirming Conviction (July 14, 2022) .....	2a
Appendix C: Excerpt of Trial Court Judgment (Oct. 8, 2021) .....	17a
Appendix D: Trial Court Order Denying Motion for New Trial on Confrontation Clause Grounds (Sept. 22, 2021) .....	24a
Appendix E: Excerpt of Motion for New Trial Based on Confrontation Clause Grounds (Sept. 10, 2021) .....	25a
Appendix F: State’s Amendment to Final Pre-Trial Conference Statement (Aug. 11, 2021) .....	26a
Appendix G: Excerpt of Transcript of Proceedings Before Trial Court .....	27a
Appendix H: Scientific Examination Report of Arizona Department of Public Safety (DPS) Analyst Elizabeth Rast (Feb. 11, 2021) .....	85a
Appendix I: Laboratory Notes of DPS Analyst Elizabeth Rast (Feb. 11, 2021) .....	88a
Appendix J: Non-DPS Agency Request for Scientific Examination (Feb. 1, 2021) .....	127a

**APPENDIX A**



**Supreme Court**  
STATE OF ARIZONA

ROBERT  
BRUTINEL  
Chief Justice

ARIZONA STATE COURTS  
BUILDING  
1501 WEST WASHINGTON  
STREET, SUITE 402  
PHOENIX, ARIZONA 85007  
TELEPHONE: (602) 452-3396

TRACIE K.  
LINDEMAN  
Clerk of the Court

January 6, 2023

**RE: STATE OF ARIZONA v JASON SMITH**  
Arizona Supreme Court No. CR-22-0202-PR  
Court of Appeals, Division One No. 1 CA-CR 21-0451  
Yuma County Superior Court No. S1400CR201901251

GREETINGS:

The following action was taken by the Supreme Court of the State of Arizona on January 6, 2023, in regard to the above-referenced cause:

**ORDERED: Unopposed Motion to Supplement the Record on Appeal = GRANTED.**

**FURTHER ORDERED: Petition for Review = DENIED.**

Tracie K. Lindeman, Clerk

\* \* \*

2a

**APPENDIX B**

---

\* \* \*

**IN THE  
ARIZONA COURT OF APPEALS  
DIVISION ONE**

---

STATE OF ARIZONA, *Appellee*,

*v.*

JASON SMITH, *Appellant*

No. 1 CA-CR 21-051

FILED 7-14-2022

---

Appeal from the Superior Court in Yuma County

No. S1400CR201901251

The Honorable Brandon S. Kinsey, Judge

**AFFIRMED**

---

COUNSEL

Arizona Attorney General's Office, Phoenix

By Celeste Kinney

*Counsel for Appellee*

Yuma County Public Defender's Office, Yuma

By Robert Trebilcock

*Counsel for Appellant*

[\*2] STATE v. SMITH

Decision of the Court

---

**MEMORANDUM DECISION**

Judge Paul J. McMurdie delivered the Court’s decision, in which Presiding Judge Brian Y. Furuya and Judge Jennifer B. Campbell joined.

---

**McMURDIE**, Judge:

¶1 Jason Smith appeals from his convictions and sentences for possessing dangerous drugs, marijuana for sale, narcotic drugs, and drug paraphernalia. First, he argues the superior court fundamentally erred by failing to give a mere-presence jury instruction. Next, he asserts the admission of drug-analysis testimony violated his confrontation rights because the testifying expert relied on data generated by a non-testifying expert. Finally, he contends the prosecution presented insufficient evidence to support his convictions. We find no reversible error and affirm.

**FACTS<sup>1</sup> AND PROCEDURAL BACKGROUND**

¶2 Around 6:30 a.m. in December 2019, law-enforcement officers with the Yuma County Narcotics Task Force arrived at Smith’s father’s residence to execute a search warrant. A double-wide trailer, two travel trailers, and a shed were on the property. When the officers approached the shed, they immediately noticed an “overwhelming odor of fresh marijuana and burnt marijuana.” The officers knocked on the shed’s door and announced their presence, but no one answered.

---

<sup>1</sup> We view the facts in the light most favorable to upholding the verdicts. *State v. Mendoza*, 248 Ariz. 6, 11, ¶ 1, n.1 (App. 2019).

Smith opened the door after the officers knocked and announced again.

¶13 After the officers ordered Smith to turn around and put his hands behind his back, an officer had to remove him from the shed forcibly. When the officers later took Smith to the ground to detain him, he initially refused to put his hands behind his back, yelling that the officers were “illegally trespassing” and “harassing” him. He continued shouting until the officers placed him in a patrol vehicle. The officers ultimately detained 11 individuals from the property, including two who had been in the shed [\*3] with Smith and Smith’s “medically compromised” father. Smith’s father passed away before the trial.

¶14 Once inside the shed, the officers saw that the area had been turned into a “makeshift room” containing a bed, a couch, a workbench, a cabinet, a small refrigerator, and scattered clothes. In their ensuing search, the officers found six pounds of marijuana on a “drying shelf” in the ceiling, ten grams of marijuana in a dish, marijuana in various jars, marijuana and a meth pipe on the couch, marijuana in a baggie near a stereo, a marijuana flower, marijuana on a bench, marijuana and a joint located on a plate, two scales and cannabis wax near the bed, methamphetamine inside a jacket on the couch, and cannabis wax inside the refrigerator.

¶15 The State charged Smith with possessing dangerous drugs (methamphetamine) for sale, a class two felony (Count One); possessing marijuana for sale, a class two felony (Count Two); possessing narcotic drugs (cannabis wax) for sale, a class two felony (Count Three); and two counts of possessing drug paraphernalia, class six

felonies (Counts Four and Five). At the trial, the State called Department of Public Safety (“DPS”) forensic scientist Gregory Longoni, who testified that the seized substances were methamphetamine, marijuana, and cannabis. Although Longoni offered his independent opinions, he reached his conclusions based on his review of testing conducted by former DPS forensic scientist Elizabeth Rast, who did not testify. The State did not offer Rast’s opinions or reports as evidence.

¶6 After the State presented its case-in-chief, the superior court denied Smith’s motion for judgments of acquittal under Arizona Rule of Criminal Procedure 20. Smith elected not to testify and did not call any witnesses. Smith had filed a pretrial notice listing mere presence as a defense, but he neither requested a mere-presence jury instruction nor objected to its omission in the final instructions. In the closing argument, defense counsel asserted that Smith had only been caring for his ill father when the officers arrived and was uninvolved in the illegal activity on the property.

The reason a son may be visiting his father in a small, modest home in the foothills that has ten occupants other than him can be inferred in a real positive way. He’s checking on his father who’s failing.

\* \* \*

[\*4] You can infer . . . that [Smith] is just simply checking on these people who are squatting on his father’s home. That’s the natural inference. We have two, four, six, seven with [Smith], and other people, three other people squatting on the property.

The inference might be that these people are taking advantage of the elderly gentleman and his faith. The person who gets arrested is the mouthy one.

¶17 The jury found Smith guilty as charged on Counts Two, Four, and Five and guilty of the lesser-included offenses of simple possession on counts One and Three. The jury also found that the marijuana's value was \$20 per gram. After granting the State's motion to dismiss Count Four, the superior court sentenced Smith to an aggregate term of four years' imprisonment on the remaining counts. Smith appealed, and we have jurisdiction under A.R.S. §§ 12-120.21(A)(1), 13-4031, and -4033(A)(1).

## DISCUSSION

### **A. The Superior Court Did Not Fundamentally Err by Omitting a Mere-Presence Instruction.**

¶18 Smith argues the superior court should have independently given a mere-presence instruction. As he acknowledges, our review is limited to fundamental, prejudicial error because he did not request such an instruction or object to the given instructions. *State v. Escalante*, 245 Ariz. 135, 140, ¶ 12 (2018). To prevail on fundamental-error review, Smith must show trial error exists, and the error (1) went to the foundation of his case, (2) deprived him of a right essential to his defense, or (3) was so egregious that he could not possibly have received a fair trial. *Id.* at 142, ¶ 21. Under prongs one and two, Smith must also make a separate, fact-intensive showing of prejudice. *Id.* "To prove prejudice, [Smith] must show that a reasonable, properly instructed jury 'could have reached a different result.'" *State v. Dickinson*, 233 Ariz.



527, 531, ¶ 13 (App. 2013) (quoting *State v. James*, 231 Ariz. 490, 494, ¶ 15 (App. 2013)).

¶19 We assess jury instructions in their entirety to determine whether they accurately reflect the law. *State v. Hoskins*, 199 Ariz. 127, 145, ¶ 75 (2000). Although parties are generally entitled to an instruction on any reasonably supported theory, courts need not give an instruction “when its substance is adequately covered by other instructions.” *State v. Rodriguez*, 192 Ariz. 58, 61, ¶ 16 (1998). A court fundamentally errs when it fails to independently instruct on a matter “vital to a proper consideration of the [\*5] evidence,” and reversible error occurs when the given instructions could have misled the jurors. *State v. Johnson*, 205 Ariz. 413, 417, ¶¶ 10–11 (App. 2003) (quoting *State v. Avila*, 147 Ariz. 330, 337 (1985)). “[I]n evaluating the jury instructions, we consider the instructions in context and in conjunction with the closing arguments of counsel.” *Id.* at ¶ 11.

¶10 “‘Mere presence’ means more than a lack of criminal intent. It refers to ‘passivity and nonparticipation’ in the crime.” *State v. Doerr*, 193 Ariz. 56, 65, ¶ 36 (1998) (quoting *United States v. Perkins*, 926 F.2d 1271, 1283–84 (1st Cir. 1991)). A mere-presence instruction typically provides:

Guilt cannot be established by the defendant’s mere presence at a crime scene, mere association with another person at a crime scene or mere knowledge that a crime is being committed. The fact that the defendant may have been present, or knew that a crime was being committed, does not in and of itself make the defendant guilty of the crime charged. One who is merely present is a

passive observer who lacked criminal intent and did not participate in the crime.

Rev. Ariz. Jury Instr. Stand. Crim. 43 (mere presence) (5th ed. 2019). Smith asserts the lack of such an instruction prohibited the jury from “know[ing] that the State was required to show more than [his] mere proximity to the illegal substances and items in the shed, or his association with others at the scene.” We disagree.

¶11 The superior court instructed the jury that the charged offenses required proof that Smith knowingly possessed the contraband. The court also instructed that (1) “knowingly” meant Smith had “acted with awareness of the existence of conduct or circumstances constituting an offense,” and (2) “possession” meant he “knowingly had direct physical control over an object” or “knowingly exercised dominion or control over [an object], either acting alone or through another person.”

¶12 Presuming the jurors followed those instructions, as we must absent evidence to the contrary, *State v. Payne*, 233 Ariz. 484, 518, ¶ 151 (2013), their finding that Smith knowingly possessed the shed’s illegal contents negates his claim that the convictions could have unlawfully resulted from his passive observation of the crimes. See *State v. Crain*, 250 Ariz. 387, 397, ¶ 33 (App. 2021). Furthermore, in the closing arguments, counsel clarified any potential ambiguity. The State reminded the jurors that the State “ha[d] to prove knowledge, [and] ha[d] to prove possession” [\*6] to convict Smith. And as noted above, Smith explained that the jurors could not find him guilty simply because he was at the crime scene.

¶13 Yet Smith argues *State v. Aro*, 188 Ariz. 521 (App. 1997), *State v. Noriega*, 187 Ariz. 282 (App. 1996), and

*State v. Dominguez*, 192 Ariz. 461 (App. 1998), still entitle him to a mere-presence instruction. While he may have been entitled to the instruction if he asked for it, his reliance on those cases—when he must establish fundamental error—is misplaced. *Aro* and *Noriega* support the proposition that courts must give a mere-presence instruction when the evidence supports it in accomplice-liability prosecutions. *Aro*, 188 Ariz. at 524–25; *Noriega*, 187 Ariz. at 284–85; *see also Doerr*, 193 Ariz. at 65, ¶ 37 (noting the *Noriega* court “expressly limited its analysis to a prosecution for accomplice liability”). That proposition does not apply to Smith’s case because the State did not charge him as an accomplice, nor did the superior court give an accomplice-liability instruction.

¶14 Smith’s reliance on *Dominguez* is just as unavailing. In that case, we held that “failing to instruct the jury on mere presence is not fundamental error when the instruction would not advance the assertion of misidentification.” 192 Ariz. at 464, ¶ 12. Smith cites no authority for his contention that the *Dominguez* holding implicitly compels courts to give a mere-presence instruction “when [it] is central to a defendant’s case,” and nothing in *Dominguez* suggests the instruction’s absence, under those circumstances, is fundamental error. *See also State v. Bible*, 175 Ariz. 549, 572 (1993) (“[T]he same error may be fundamental in one case but not in another.”). Thus, the superior court committed no error, much less fundamental, by not sua sponte giving the instruction.

¶15 Moreover, even if Smith could establish fundamental error under prongs one or two, he fails to show prejudice. To support his prejudice claim, he asserts the jurors could have drawn “an unlawful inference” that his “mere association” with the contraband or the other

detained individuals was sufficient for them to return guilty verdicts. But the given instructions explained that the State had to prove beyond a reasonable doubt that Smith knowingly possessed the contraband. Smith identifies no record evidence suggesting the instructions misled or confused the jurors. Without more, he has not carried his burden to show a reasonable jury could have reached a different result had they received a mere-presence instruction. *See Dickinson*, 233 Ariz. at 531, ¶ 13 (Defendants “must affirmatively ‘prove prejudice’ and may not rely upon ‘speculation’ to carry [their] burden” on fundamental-error review.) (quoting *State v. Munninger*, 213 Ariz. 393, 397, ¶ 14 (App. 2006)). Nor has he otherwise [\*7] shown that the instruction’s absence rendered his trial unfair under prong three of the fundamental error analysis.

**B. The Admission of Longoni’s Testimony Did Not Violate Smith’s Confrontation Rights.**

¶16 Smith next argues the superior court violated his confrontation rights by admitting Longoni’s testimony because Longoni formed his opinions by relying on a non-testifying expert’s analysis. We review de novo evidentiary rulings implicating a defendant’s confrontation rights. *State v. Ellison*, 213 Ariz. 116, 129, ¶ 42 (2006).

¶17 We rejected a similar argument in *State ex rel. Montgomery v. Karp*, 236 Ariz. 120 (App. 2014). In *Karp*, the criminalist who had determined the defendant’s blood alcohol concentration (“BAC”) was unavailable to testify at the trial. *Id.* at 122, ¶¶ 2, 4. As a result, before the trial, the State moved to admit a different criminalist’s independent BAC opinion based on her review of the non-

testifying criminalist's notes, reports, and quality assurance procedures. *Id.* at ¶ 3. The State did not seek to introduce the original criminalist's documents into evidence. *Id.*

¶18 Finding the proposed testimony did not violate the defendant's confrontation rights and was therefore admissible, we concluded that an expert may offer an independent opinion "when the basis of [the] independent opinion are forensic reports prepared by a non-testifying expert, if the testifying expert reasonably relied on these facts and data to reach [the] conclusions," and the testifying expert does not serve as a "mere conduit" for the non-testifying expert's opinions. *Karp*, 236 Ariz. at 122, 124–25, ¶¶ 1, 12–13, 17–18. We reasoned:

when an expert gives an independent opinion, the expert is the witness whom the defendant has the right to confront. In such cases, the Confrontation Clause is satisfied if the defendant has the opportunity to fully cross-examine the expert witness who testifies against him, allowing the factfinder to understand the basis for the expert's opinion and determine whether that opinion should be found credible.

*Id.* at 124, ¶ 14.

¶19 Here, as in *Karp*, Longoni presented his independent expert opinions permissibly based on his review of Rast's work, and he was subject to Smith's full cross-examination. Longoni thus did not act as a "mere conduit" for her conclusions. *See also Karp* at 124, ¶ 13 (finding no hearsay [\*8] violation when an expert testifies "to otherwise inadmissible evidence, including the substance of a non-testifying expert's analysis, if such

evidence forms the basis of the expert’s opinion”). Nor did the State introduce Rast’s opinions or any of her work-product documents into evidence. Had Smith sought to challenge Rast’s analysis, he could have called her to the stand and questioned her, but he chose not to do so. *See Williams v. Illinois*, 567 U.S. 50, 58–59 (2012) (A defendant “who really wishes to probe the reliability of the . . . testing done in a particular case” may subpoena those involved in the testing process and question them at trial.). Given these circumstances, Smith was not deprived of his confrontation rights.

¶20 Even so, Smith asserts three United States Supreme Court cases—*Bullcoming v. New Mexico*, 564 U.S. 647 (2011), *Melendez-Diaz v. Massachusetts*, 557 U.S. 305 (2009), and *Williams*—require the exclusion of Longoni’s testimony. *Bullcoming* and *Melendez-Diaz* do not apply here because those cases involved the unconstitutional admission of testimonial documents prepared by non-testifying witnesses. *Bullcoming*, 564 U.S. at 663–65; *Melendez-Diaz*, 557 U.S. at 307–11. Nor does *Williams* entitle Smith to relief, given that *Williams* informed our analysis in *Karp*. 236 Ariz. at 124, ¶¶ 11–14. Moreover, “*Williams* is a plurality decision and has limited if any precedential value,” *State v. Ortiz*, 238 Ariz. 329, 341, ¶ 52 (App. 2015), so it provides “no binding rule for determining when reports are testimonial.” *State v. Medina*, 232 Ariz. 391, 406, ¶ 60 (2013). Thus, the superior court did not err by admitting Longoni’s testimony.

### C. Substantial Evidence Supports the Convictions.

¶21 Smith further argues the superior court erroneously denied his Rule 20 motion, asserting the State failed to present sufficient evidence to prove the

knowledge and possession elements of the charged offenses. We review the court's ruling de novo. *State v. West*, 226 Ariz. 559, 562, ¶ 15 (2011). Because Smith does not challenge the remaining elements of his convictions, we do not address them. See *State v. Bolton*, 182 Ariz. 290, 298 (1995) (“Failure to argue a claim on appeal constitutes waiver of that claim.”).

¶22 Rule 20(a)(1) directs courts to enter a judgment of acquittal “if there is no substantial evidence to support a conviction.” Substantial evidence “is such proof that ‘reasonable persons could accept as adequate and sufficient to support a conclusion of defendant’s guilt beyond a reasonable doubt.’” *State v. Mathers*, 165 Ariz. 64, 67 (1990) (quoting *State v. Jones*, 125 Ariz. 417, 419 (1980)). “[T]he relevant question is whether, after [\*9] viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *Id.* at 66 (quoting *Jackson v. Virginia*, 433 U.S. 307 (1979)). “Reversible error based on insufficiency of the evidence occurs only where there is a complete absence of probative facts to support the conviction.” *State v. Soto-Fong*, 187 Ariz. 186, 200 (1996) (quoting *State v. Scott*, 113 Ariz. 423, 424–25 (1976)). “When reasonable minds may differ on inferences drawn from the facts, the case must be submitted to the jury, and the trial judge has no discretion to enter a judgment of acquittal.” *State v. Lee*, 189 Ariz. 590, 603 (1997). We do not reweigh conflicting evidence or assess credibility in our review. *State v. Buccheri-Bianca*, 233 Ariz. 324, 334, ¶ 38 (App. 2013).

¶23 “Criminal intent, being a state of mind, is shown by circumstantial evidence. [A] [d]efendant’s conduct and

comments are evidence of his state of mind.” *State v. Bearup*, 221 Ariz. 163, 167, ¶ 16 (2009) (quoting *State v. Routhier*, 137 Ariz. 90, 99 (1983)). “Possession may be actual or constructive.” *State v. Gonsalves*, 231 Ariz. 521, 523, ¶ 9 (App. 2013). It need not be “[e]xclusive, immediate and personal.” *Id.* (quoting *State v. Carroll*, 111 Ariz. 216, 218 (1974)). Actual possession occurs when a defendant exercises direct, physical control over the property. *Id.* “Constructive possession exists when the prohibited property ‘is found in a place under [the defendant’s] dominion [or] control and under circumstances from which it can be reasonably inferred that the defendant had actual knowledge of the existence of the [property].” *State v. Cox*, 214 Ariz. 518, 520, ¶ 10 (App. 2007) (quoting *State v. Villalobos Alvarez*, 155 Ariz. 244, 245 (App. 1987)). Dominion means “absolute ownership”; control means to “have power over.” *Id.* at ¶ 9 (quoting *State v. Tyler*, 149 Ariz. 312, 316 (App. 1986)).

¶24 Here, the uncontroverted evidence established that Smith was occupying a furnished room on his father’s property early one morning when he eventually opened the door in response to the officers’ repeated knock-and-announce attempts. Officers had to pull Smith out of the shed while he asserted that the officers were trespassing on the property and harassing him. Inside the shed, the officers readily discovered over 2700 grams of marijuana, having an approximate street value of \$54,000; methamphetamine; cannabis; and drug paraphernalia.

¶25 Based on the time of day, the shed’s inhabited appearance, and Smith’s relationship with the property owner, jurors could rationally conclude Smith was residing in the “makeshift room.” The jury could also reasonably conclude that Smith’s combative,



uncooperative behavior [\*10] implicitly exposed his knowledge of the contraband and that his immediate trespassing-and-harassing accusations constituted a tacit acknowledgment that he owned or controlled the shed's contents. The conspicuous locations of the illicit items and the strong odor of marijuana emanating from the shed bolster those inferences.

¶26 Smith counters that (1) his antagonistic behavior “was no more than protesting any contact with law enforcement,” (2) the evidence did not establish his “actual knowledge of any of the several of the items that were in ‘plain view’ in the shed,” (3) the others in the shed could have asked him to answer the door, and (4) his presence in a room at his father’s residence does not amount to ownership or control of the contraband. But even assuming Smith’s asserted inferences are reasonable, he has merely shown that rational minds could differ in assessing the evidence and determining guilt. Nor do we find merit to Smith’s contention that the prosecutor unreasonably argued the contrary inferences to the jury. *See United States v. Waldemer*, 50 F.3d 1379, 1384 (7th Cir. 1995) (An inference is reasonable when the evidence, viewed in context, “bears logical and proximate connection to the point the prosecutor wishes to prove.”). Moreover, because we resolve evidentiary conflicts against Smith, his alternative accounts—which he argued to the jury—fail to provide grounds to vacate his convictions.

¶27 Likewise, the purported absence of physical evidence connecting him to the contraband does not invalidate his convictions. *See State v. Gill*, 248 Ariz. 274, 278, ¶ 10 (App. 2020) (“[A] lack of fingerprints or DNA is hardly determinative, as a conviction ‘may rest solely’ on

circumstantial evidence.” (quoting *State v. Nash*, 143 Ariz. 392, 404 (1985)). And even if others at the property used or possessed the contraband, that fact would not nullify Smith’s guilt. See *State v. Jensen*, 114 Ariz. 492, 493–94 (1977) (defendant possessed drugs found in a shared apartment’s hallway under the theory of constructive possession). Thus, the superior court correctly allowed the jury to decide the case, and we abide by its conclusion.

[\*11] **CONCLUSION**

¶28 We affirm.

\* \* \*

**APPENDIX C**

---

[Bar Code]

SUPERIOR COURT OF ARIZONA

YUMA COUNTY  
YUMA, AZ

[Filed  
2021 OCT-8 AM 10:18]

Six  
Division

Brandon S. Kinsey  
Judge

October 8, 2021  
Date

No. S1400CR2019-1251

STATE OF ARIZONA

vs.

County Attorney  
By: **JOSHUA DAVIS-SALSBURY**

**JASON SMITH**

Attorney for Defendant  
By: **RAYMOND HANNA**

DATE OF BIRTH: [DATE]

**SENTENCE OF IMPRISONMENT**

8:40 a.m. The state is represented by the above-named Deputy County Attorney; the defendant is present with counsel named above.

The Court Reporter is present.

The Court Clerk is present

Pursuant to A.R.S. §13-607, the court finds as follows:

**JURY VERDICT** The determination of guilt was based upon a verdict of guilty after a Jury Trial.

**IT IS THE JUDGMENT OF THIS COURT** that the Defendant is guilty of the following crime(s), that upon due consideration of all the facts, law and circumstances relevant here, the Court finds that suspension of sentence and a term of probation are not appropriate and that a sentence of imprisonment with the Department of Corrections is appropriate.

[\*2] **THE COURT FINDS** the Mitigated term appropriate.

**AS PUNISHMENT, IT IS ORDERED** that the Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

**CHARGES: Lesser Count One: Possession of a Dangerous Drug, A Class Four Felony, in violation of A.R.S. 13-3407 (A) (2), 13-3407 (B) (2), 13-3407 (D), 13-3407 (E), 13-3407 (F), 13-3407 (H), 13-3407 (I), 13-3407 (J), 13-3407, 13-3401, 13-603 (I), 13-701, 13-801, AND 13-804 committed on or about the 10th day December, 2019.**

**SENTENCE:** One and one half years (1.5)

X MITIGATED X NONDANGEROUS  
X NONREPETITIVE

This sentence is to date from October 8, 2021. The Defendant is to be given credit for Seventy-Eight (78) days served prior to sentencing. **This sentence to be served concurrently to the sentences imposed for all other counts.**

**And**

**THE COURT FINDS** the Mitigated term appropriate.

**AS PUNISHMENT, IT IS ORDERED** that the Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

**CHARGES: Count Two: Possession of Marijuana for sale, A Class Two Felony, in violation of A.R.S. 13-3405 (A) (2), 13-3405 (B) (6), 13-3405 (C), 13-3408 (D), 13-3405 (E), 13-3405, 13-3401, 13-603 (I), 13-701, 13-801, AND 13-804 committed on or about the 10th day December, 2019.**

[\*3] **SENTENCE:** Four years (4)

X MITIGATED X NONDANGEROUS  
X NONREPETITIVE

This sentence is to date from October 8, 2021. The Defendant is to be given credit for Seventy-Eight (78) days served prior to sentencing. **This sentence to be served concurrently to the sentences imposed for all other counts.**

**And**

**THE COURT FINDS** the Mitigated term appropriate.

**CHARGES: Lesser Count Three: Possession of a Narcotic Drug, A Class Four Felony, in violation of A.R.S. 13-3408 (A) (2), 13-3408 (B) (2), 13-3408 (D), 13-3408 (F), 13-3408 (G), 13-3408 (H), 13-3408, 13-3401, 13-603 (I), 13-701, 13-801, AND 13-804 committed on or about the 10th day December, 2019.**

**SENTENCE:** One and one half years (1.5)

X MITIGATED X NONDANGEROUS X  
NONREPETITIVE

This sentence is to date from October 8, 2021. The Defendant is to be given credit for Seventy-Eight (78) days served prior to sentencing. **This sentence to be served concurrently to the sentences imposed for all other counts.**

[\*4] And

**AS PUNISHMENT, IT IS ORDERED** that the Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

**THE COURT FINDS** the Presumptive term appropriate.

**AS PUNISHMENT, IT IS ORDERED** that the Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

**CHARGES: Count Five: Possession of Drug Paraphernalia, A Class Six Felony, in violation of A.R.S. 13-3415 (A), 13-3415 (D), 13-3415 (E), 13-3415 (F), 13-3415,13-3401, 13-603 (J), 13-701, 13-801, AND 13-804 committed on or about the 10th day December, 2019.**

**SENTENCE:** One half (0.5)

*[Mitigated]*

X ~~PRESUMPTIVE~~ X NONDANGEROUS  
X NONREPETITIVE

This sentence is to date from October 8, 2021. The Defendant is to be given credit for Seventy-Eight (78) days served prior to sentencing. **This sentence to be served concurrently to the sentences imposed for all other counts.**

**IT IS ORDERED** Within 15 working days after being released from the Arizona Department of Corrections, the defendant shall report to or contact the Judicial Assistance Unit (JAU) at 168 South Second Avenue, Yuma, Arizona, 85364, telephone number (928) 817-4150, to execute a payment contract for restitution assessed in this matter. Payments shall commence on the first day of the second month following the defendant's release from [\*5] custody and are to be paid at a monthly rate established by JAU. The restitution shall be paid in full by the completion of defendant's sentence.

**IT IS ORDERED** the defendant shall pay the following fines, fees and/or assessments:

**FEES, FINES AND ASSESSMENTS**

Financial Assessment/ Surcharge	Amount	Start Date
Attorney Fee	\$750.00	First day of the second month following release from prison
Superior Court Enhancement	\$40.00	First day of the second month following release from prison
Victim Rights Enhancement X5	\$10.00	First day of the second month following release from prison
Victim Rights Enhancement Fee X5	\$45.00	First day of the second month following release from prison

Probation Assessment (Fines)	\$20.00	First day of the second month following release from prison
Time Payment Fee (Fines/Rest)	\$20.00	First day of the second month following release from prison
L-CT 1 Fine/Surcharge= 1,000.00	\$1000.00	First day of the second month following release from prison
CT 2 Fine/Surcharge= 108,862.20	\$180,862.20	First day of the second month following release from prison
L-CT 3 Fine/Surcharge= 2,000.00	\$2,000.00	First day of the second month following release from prison

All payments shall commence on the first day of the second month following defendant's release from custody and are due and payable on the first of the month thereafter until paid in full. All payments are to be made to the office of Yuma County Clerk of Superior Court through the Judicial Assistance Unit.

**[\*6] COMMUNITY SUPERVISION**

**IT IS ORDERED** the defendant shall serve a term of community supervision consecutive to the term(s) of imprisonment ordered herein pursuant to A.R.S. §13-603(1).

The defendant is advised concerning rights of appeal or post conviction and written notice of those rights is provided.

**IT IS ORDERED** authorizing the Sheriff of Yuma County to transport the defendant to the Arizona



Department of Corrections and authorizing the Department of Corrections to carry out the term of imprisonment set forth herein.

**IT IS ORDERED** that the Clerk of the Court send to the Department of Corrections a copy of this order together with all presentence reports, probation violation reports, medical reports and mental health reports relating to the defendant and involving this cause.

**U.S. CITIZENSHIP AND IMMIGRATION SERVICES**

**IT IS ORDERED** the Clerk of the Superior Court shall transmit to the regional office of the U.S. Citizenship and Immigration Services, Phoenix, Arizona, at no expense and no fee, within thirty (30) days, a certified copy of the minute order of conviction and sentencing, including the entry of judgment of guilt as to all charges and sentence(s) imposed, and the original Indictment.

**[\*7] IT IS ORDERED exonerating any bond.**

Let the record reflect that the defendant's fingerprint is permanently affixed to this sentencing order in open court.

8:40 a.m. Hearing Concludes

\* \* \*

Signed on the 8th day of October 2021

[*fingerprint*]

	<u>[/s/ signed]</u>			
(right index fingerprint)	JUDICIAL	OFFICER	OF	THE
	SUPERIOR COURT			

\* \* \*

**APPENDIX D**

---

*[Stamped as filed 09/22/2021]*

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YUMA

---

STATE OF ARIZONA	
Plaintiff,	<b>Case No. S1400CR2019-1251</b>
vs.	<b>ORDER</b>
JASON SMITH	<i>Hon. Brandon S. Kinsey,</i>
Defendant.	<i>Division Six</i>

---

Pursuant to the Defendant's Motion for New Trial filed on September 10, 2021 and the State's Response filed on September 14, 2021,

**IT IS ORDERED** that the Defendant's Motion for New Trial is denied.

*[s/ signed]*

---

JUDGE OF THE SUPERIOR COURT

\* \* \*

**APPENDIX E**

---

[*Counsel listing*] [Stamp as filed 09/10/2021]

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YUMA

STATE OF ARIZONA  
Plaintiff,

vs.

JASON SMITH  
Defendant.

Case No. S1400CR2019-1251  
**DIVISION SIX**  
**HON. BRANDON S. KINSEY**

**MOTION FOR NEW TRIAL:**  
**RULE 24.1**

Defendant, **JASON SMITH**, by and through undersigned counsel, respectfully moves this court to Order a new trial as the Court erred in allowing a different forensic expert to testify to the findings of a different forensic expert., over the objections of the defendant, in violation of the Confrontation Clause. *Bullcoming v. New Mexico*, 564 U.S. 647 (2011)

This motion is supported by the attached Memorandum of Points and Authorities.

RESPECTFULLY SUBMITTED this 10th day of September 2021.

*[/s/ signed]*

\_\_\_\_\_  
Raymond Hanna  
Deputy Public Defender

\* \* \*

**APPENDIX F**

---

[*Counsel listing*] [Stamp*ed as filed 08/11/2021*]

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YUMA

STATE OF ARIZONA Plaintiff,	No. S1400CR2019-1251 Division VI: (KINSEY)
vs.	<b>STATE'S AMENDMENT TO: FINAL PRE-TRIAL CONFERENCE STATEMENT</b>
<b>JASON SMITH</b> Defendant.	

---

The State of Arizona, through the Office of the Yuma County Attorney, submits this amendment to the final pretrial conference statement.

Expert Witnesses

1. ~~Elizabeth Rast~~
2. Gregory Longoni, forensic scientist (substitute expert)
  - a. Mr. Longoni will provide an independent opinion on the drug testing performed by Elizabeth Rast. Ms. Rast will not be called. He is expected to have the same conclusion.

RESPECTFULLY SUBMITTED this 11th day of August 2021.

JON R. SMITH  
YUMA COUNTY ATTORNEY

[/s/ signed]

---

JOSHUA K. DAVIS-SALSBURY  
DEPUTY COUNTY ATTORNEY

**APPENDIX G**

*[Stamped as filed 11/09/2021]*

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YUMA

STATE OF ARIZONA	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. S1400-CR-2019-1251
	)	
JASON SMITH A/K/A JASON	)	1 CA-CR 21-0451
R. SMITH	)	
(true name)	)	
	)	
Defendant.	)	
	)	

---



---

BEFORE THE HONORABLE BRANDON KINSEY  
 JUDGE OF THE SUPERIOR COURT  
 DIVISION 6  
 YUMA, ARIZONA

---

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Jury Trial, Day Two

September 2, 2021

\* \* \*

[\*2] APPEARANCES

JOSHUA DAVIS-SALSBURY  
Attorney for the State

RAYMOND A. HANNA  
Attorney for the Defendant

\* \* \*

[\*28] THE COURT: We are back on the record in S1400-CR-2019-1251, State of Arizona versus Jason Smith.

The Court notes the presence of the defendant, counsel for the parties, and the jury.

Is the State ready to call its next witness?

MR. DAVIS-SALSBURY: Yes, Your Honor.

THE COURT: You may call your next witness.

MR. DAVIS-SALSBURY: The State calls forensic examiner Gregory Longoni.

THE CLERK: Would you state and spell your full name for the record?

THE WITNESS: Gregory, G-R-E-G-G-O-R-Y, Longoni, L-O-N-G-O-N-I.

**GREGGORY LONGONI,**

having been duly sworn, testified as follows:

THE COURT: Mr. Longoni, if you could take off your face mask during your testimony.

[\*29] And you may proceed, Mr. Davis-Salsbury.

MR. DAVIS-SALSBURY: Thank you.

**DIRECT EXAMINATION**

BY MR. DAVIS-SALSBURY:

Q Could you please introduce yourself to the jury?

A Yes, my name is Gregory Longoni, and I'm a forensic scientist for the Arizona Department of Public Safety Crime Laboratory in Phoenix.

Q Can you tell me a little bit about your training and expertise?

A I received a Bachelor of Science degree in biochemistry and molecular physics from the University of Arizona in December of 2010. I then received a job at the Arizona Department of Public Safety Crime Lab in April of 2012 where I've received extensive and intensive training in the respective units that I've worked in.

Q You got that from the crime lab itself?

A Correct.

Q Now, is that for your role at the crime lab, that training?

A Yes, it is.

Q You said forensic scientist?

A That is correct, yes.

Q Do all forensic scientists have to go through [\*30] that same type of training?

A Yes, they do.

Q What do you have to do in order to become a forensic scientist at the crime lab in Arizona?

A So for specifically at the Arizona Department of Public Safety, I have to have a minimum of 30 chemistry hours as well as a Bachelor of Science in a hard science such as biology, chemistry, biochemistry, which I received mine in biochemistry.

Q And then before you're permitted to examine anything, is there additional qualifications that all forensic scientists will have to do?

A Yes. So in order to perform casework, one has to go through training in the specific unit they work in, and it has to be signed off, like in a memo form, that our quality assurance department ensures that everything has been followed, that this analyst is ready to be in casework.

Q And what is the unit that you're assigned to?

A I am assigned to the controlled substances unit.

Q Drugs?

A Yes.

Q And is there anything additional you have to do to be in that unit?

A In addition to the training that the unit that I [\*31] work in assigns, assigns any analyst going through to become an analyst in the controlled substance unit has to go through the quality assurance guidelines and protocols to ensure that the analyst is capable of doing the casework, as well as every year I have to go through training, like a webinar or a hands-on training, that certain entities outside the laboratory put on just to make sure that I am keeping up-to-date with all the research and whatnot in my unit of work.



Q There are sometimes advances in science?

A Absolutely.

Q And you have to stay up-to-date with all of that?

A Yes, I do.

Q Are there any permits or certifications that you need to have?

A No, but the laboratory that I work in is an accredited laboratory.

Q And what does that mean?

A So an accredited laboratory is where a group of scientists come up with guidelines and kind of like an instruction booklet on what an accredited laboratory should follow.

So what happens is with an accredited laboratory, an outside entity comes in, makes sure that these guidelines that are set out by this other entity -- that the laboratory [\*32] is following those. So as long as those guidelines are being followed by the laboratory, it is an accredited laboratory, which in this case, Arizona Department of Public Safety Crime Lab is an accredited lab.

Q Have you ever had to examine controlled substances or drugs before?

A Only since I've been in the controlled substance unit, so for about four and a half years, I've been doing that.

Q Can you describe how often you would be asked to do something like that?

A I do multiple cases in a day, so I would say 10 to 15 different types of analyses a day.

Q Over four and a half years, 40 hours a week?

A Correct.

Q All right. Let's get into some finer details.

When a law enforcement agency submits suspected drugs for testing and the lab receives a package like that, what is the general process for what happens?

A So what happens is a Request for Scientific Analysis Request Sheet is made where things like a department record number, an item number, a description of the item is written down on a sheet, as well as the evidence that is being submitted for analysis.

So what that does is when the request sheet is [\*33] submitted, that's for the forensic science part of the building to take that sheet and say okay. This -- this item of evidence needs a certain analysis done. And then the evidence itself stays in our property and evidence unit so that it's safe and secure, and that when it comes time to do the analysis, I can say, for example, I can go down and get an item of evidence, check it out, and proceed with analysis with that item.

Q So to paraphrase a bit, when you first get an item, there's a step to just check the contents?

A Correct.

Q Make sure the case number is right?

A Yes.

Q That whatever they say they sent you -- if they say they sent you five bags, that there's five bags in there?

A Correct.

Q All right. Is there a record kept of things like that?

A Yes, there is.

Q And is that standard policy within the crime lab at DPS?

A Yes, it is.

Q And is that just the one you work at or is that all of DPS's crime labs? [\*34]

A All DPS crime labs.

Q Now, very generally, how may -- what was the process for testing a drug, not specifics for a particular one, but what kind of testing is done preliminary, like what are we talking about?

A So first thing I would do with the evidence, I would take a weight and then followed by something called a presumptive test, which gives me a general idea of what that item might be, followed by a confirmatory test to confirm what the presumptive test was leading me to believe it is.

Q What's the purpose of a presumptive test?

A The purpose of a presumptive test is to help me determine what route of testing I want to do for the confirmatory test, so it essentially saves time in the future as to -- I don't want to do a confirmatory test that might not tell me what the drug is -- or is or not, so a presumptive test actually aids me in giving me an idea of what it is and also determining what that item might be.

Q After you get an idea from this presumptive test, you mentioned a confirmatory test?

A Yes.

Q And what is the purpose of that?

A That is to confirm if there is a presence or [\*35] absence of a controlled substance with that item of evidence.

Q Now, this process of weighing, presumptive test, confirmatory test, is that standard across the crime labs in Arizona?

A Yes, it is.

Q Let's go a little more specific. For suspected marijuana, how might that sample be tested?

A So this -- marijuana is a little bit different to where two tests are still done, but they're not considered necessarily a presumptive or confirmatory. They are trying to meet certain guidelines in the Arizona statutes.

Q What are those guidelines?

A So those guidelines in the statutes are if the plant material is from the genus cannabis, which is a way of classifying plants, and then if there is marijuana resin present.

Q How do you determine the answers to those questions?

A So there are two tests I do that will tell me if those two guidelines are met. There are two specific tests that I do.

Q What are those tests?

A One is a microscopic examination and the other is a chemical color test. [\*36]

Q What are you looking for with a microscopic test?

A So what I do is I take the plant material, I look underneath the microscope, and I'm looking for two specific things. One is something called a cystolithic hair, which is a bear claw-looking hair, kind of like a hook, and it's -- I'm looking on it for one side of the leaf, and then if -- on the other side, I'm looking for something called a clothing hair, which is a long and skinny hair. And if I find

those hairs in those correct orientations on the leaves, then I can confirm that it is a marijuana plant.

Q Those two types of hairs, the synthetic clothing hair, that's part of the plant itself. Is that right?

A Correct.

Q Now, if you find those two things with your microscopic test -- actually, you mentioned a color change test. Is that right?

A That is correct, yes.

Q And what are you looking for there?

A So what I'm looking for there is I add part of the evidence to a test tube. I then add a couple reagents. I observe to see if there's a color change. And then I add a final third reagent, and if I see that color change, it separates in two layers, kind of like if you guys let Thousand Island dressing sit -- Italian [\*37] dressing, I should say, where they separate into two layers, that's what happens with this chemical color test. So I'm looking for a color change and two separate layers with the color change.

Q This method of testing for the presence of marijuana, is that something that's recognized in the scientific community?

A Yes, it is.

Q Is it widely accepted?

A Yes, it is.

Q And is that the policy and procedure of the crime lab?

A Yes, it is.

Q For all crime labs in Arizona, DPS crime labs?

A Yes.

Q Are there any safeguards in place to ensure quality assurance or prevent contamination?

A Yes, there is.

Q What are those?

A So one thing I do is do something called a blank. So I take an empty test tube, and I just put the reagents in and check to make sure that there's no contamination of any kind. So if there is a color change with nothing in there, what I would do is I would change out my reagents, perform a blank again, and to ensure that if there is no [\*38] color change, that my reagents are not contaminated as well as the glassware that I use.

Q And then using gloves?

A Yes, using gloves, personal protective equipment as well, changing those gloves between cases, working cases one at a time so that I'm not cross-contaminating cases when I'm working -- when I'm working cases throughout the day.

Q Are you ever worried about exposing yourself to any of the drugs that are being tested?

A I'm not necessarily worried because I'm taking proper measures and following protocols to where I'm not concerned with any hazards from the evidence I'm working with.

Q Are those the same things that you just described or are there more?

A I think -- I can't think of anything else off the top of my head that I am missing in terms of safety protocols.

Q If you received suspected cannabis, how would that be tested?

A So it would be the color test I've talked about before, same color test, but then it is followed by a confirmatory test.

Q And tell me about those confirmatory tests that [\*39] would be done.

A So confirmatory tests would be a gas chromatograph mass spectrometer or GC-MS for short, and what this does is I put the sampling onto the instrument. The instrument is able to determine a -- it gives me a picture or a spectra, and I compare that spectra to a known standard, and that tells me what this item of evidence could be or what that item is.

Q Are these spectrums that you get from the GC-MS unique to individual items or drugs?

A Yes.

Q How unique?

A I would like to consider it as a molecular fingerprint, so they should match exactly.

Q By looking at those graphs, could you tell if there was a second sample that was in there?

A Looking at the -- so there's the GC-MS, there's the GC part to tell me if there are other components as well.

Q This method of testing and using a GC-MS, is that widely accepted in the scientific community?

A Yes, it is.

Q And, in fact, is that actually used in other areas of science?

A Yes, it is. [\*40]

Q Can you name some?

A Not off the top -- well, actually toxicology, a unit at DPS also uses a mass spec or GC-MS.

Q What about hospitals?

A I do not know. I'm sure much of the scientific community does, but off the top of my head, I can't tell you.

Q If you received a sample that you suspected to be methamphetamine, how would you test that?

A So I would do a presumptive test, in this case a color test, but not the same color test I was talking about before, a different color test, followed by a confirmatory test, which I would also use a GC-MS.

Q And the picture you'd get from the GC-MS, that would also be unique to methamphetamine?

A Correct.

Q And this different color test and the GC-MS again, widely accepted in the scientific community?

A Yes.

Q And for both cannabis and methamphetamine, these standards that you use, are those consistent with the policies and practices of the Arizona Crime Lab?

A Yes, they are.

Q And is that consistent across all Arizona crime labs? [\*41]

A Yes, for DPS, absolutely.

Q Would there be a record kept of what the test -- what test was done, what items were used, what instruments were used?

A Yes.

Q And is that standard practice as well?

A Yes, it is.

Q Is there someone that's responsible for confirming or double-checking results?



A Yes, there is.

Q And is that standard practice?

A Yes, it is.

Q Before you came in today, did you have the opportunity to review any records that might pertain to this particular case?

A Yes, I did.

Q Did that include the request from law enforcement to have the drugs examined?

A Yes.

Q Did that include the intake records?

A Yes.

Q The records of what instruments were used, what chemicals were used?

A Yes.

Q Did it include what tests were done on those [\*42] drugs?

A Yes.

Q The results of those tests?

A Yes.

Q Turn your attention to Item 26. I'm going to hand you what's been marked as State's Exhibit 98.

Did your review help how State's Exhibit 26 was tested in this case?

THE WITNESS: May I review the report, Your Honor?

THE COURT: You may.

THE WITNESS: What was the question again, Counsel? I'm sorry.

BY MR. DAVIS-SALSBURY:

Q Did you review how State's Exhibit 26 was tested in this case?

A Yes.

Q When you reviewed it, did you notice whether the policies and practices that you have just described were followed?

A Yes.

Q Were they followed?

A Yes.

Q When you looked at the intake records, did you verify that the typical intake process was followed? [\*43]

A Yes.

Q Do you know who was responsible for intake?

THE WITNESS: If I may refer to the report again, Your Honor?

THE COURT: You may.

THE WITNESS: Yes, I do know who that individual is.

BY MR. DAVIS-SALSBURY:

Q Who are they?

A They are employees of the Arizona Department of Public Safety Crime Lab in Lake Havasu.

Q What are their names?

A One of them is Jonathan Noble and another is Elizabeth Rast.

Q And do you know of them and what their roles are within the crime lab?

A Yes.

Q And what are their roles?

A Jonathan Noble is a lab manager, and Elizabeth Rast is a former forensic scientist for the Arizona Department of Public Safety.

Q As a forensic scientist, would she have done the same things that you would have done?

MR. HANNA: Objection. Not something within his knowledge. [\*44]

THE COURT: Why don't you rephrase the question.

BY MR. DAVIS-SALSBURY:

Q You indicated all forensic scientists would have to have certain qualifications, like a Bachelor of Science in hard science?

A Yes.

Q Are there ever any exceptions that are made to that?

A Not that I know of, no.

Q You mentioned other qualifications like they would have to do several hours of casework and then be trained in that unit and then signed off by a quality assurance person, right?

A That is correct, yes.

Q Do you know if Ms. Rast was also responsible for testing controlled substances?

A Yes, she was.

Q From your review of the lab notes in this case, can you tell me what scientific method was used to analyze Item 26?

A Yes.

Q And what was used?

A The microscopic examination and the chemical color test.

Q And that's the test where you're looking for the [\*45] bear claw-like fiber and the clothing fiber?

A For the microscopic test, yes.

Q That was done in this case?

A Yes, it was.

Q Was there a blank done to prevent contamination, make sure everything was clean?

A According to the notes, yes.

Q In reviewing these notes, in reviewing what was done to the sample, the intake records, the instruments used, the chemicals used, can you form an independent opinion about what the identity of Item 26 is?

A Yes, I can.

Q And what is that opinion?

MR. HANNA: Your Honor, may we have a sidebar?

THE COURT: Sure.

(Proceedings held at the bench out of the hearing of the jury.)

MR. HANNA: Judge, he's a custodian of the record, and I understand, but he didn't test these articles, and he never had anything to do with this testing.

THE COURT: Okay.

MR. HANNA: I think we should have leeway on cross-examination to explore that.

THE COURT: Mr. Davis-Salsbury. [\*46]

MR. DAVIS-SALSBURY: Well, he's certainly able to ask questions that are relevant on cross-examination, but he's acting as a substitute expert, and he can form an

independent opinion on the identity, so it should be admitted, and he should be allowed to testify to it.

MR. HANNA: May we have him on voir dire before he offers an opinion?

THE COURT: To review?

MR. HANNA: How he formed an opinion.

THE COURT: Any objection?

MR. DAVIS-SALSBURY: I think that's better handled on cross. I've laid all the foundation that's necessary for him to give an opinion. I've laid all the stuff that's needed for 702. I'm sure Mr. Hanna can get into that he did not test the drugs himself, and he can do that on cross, but I don't see a reason to interrupt the direct at this point for that.

MR. HANNA: The reason is, Judge, is because it rings a bell that cannot be unring. If he knows he can't offer an opinion independently, he should say so. If he's -- if I'm wrong, he'll tell me I'm wrong.

THE COURT: I'll allow him to voir dire him.

(Proceedings in the presence of the jury panel.)

THE COURT: We're going to have Mr. Hanna ask a few questions of this witness before direct examination [\*47] resumes.

You may proceed, Mr. Hanna.

MR. HANNA: Thank you, Your Honor.

#### **VOIR DIRE EXAMINATION**

BY MR. HANNA:

Q Good morning, sir.

A Good morning, Counsel.

Q So the report that you're referring to is Elizabeth Rast's report?

A That is correct, yes.

Q Did you confer with her regarding your testimony today?

A No.

Q Have you ever spoke to her about this case?

A No.

Q And other than her notes and reading a report that she prepared, how do you have an opinion?

A Based on the notes that she took and the scientific analysis and the analytical protocols that we follow is how I feel like I have an opinion on what it could -- what it is.

Q Would you agree with me that the jury is entitled to get an opinion from somebody who tested this?

A Yes. [\*48]

MR. DAVIS-SALSBURY: Objection. Calls for legal conclusion.

THE COURT: Sustained.

BY MR. HANNA:

Q Would you agree with me that the defendant is entitled to challenge the report?

MR. DAVIS-SALSBURY: Objection. Calls for legal conclusion.

THE COURT: Sustained.

BY MR. HANNA:

Q What is your purpose in testifying on Elizabeth Rast's report?

MR. DAVIS-SALSBURY: Objection. Argumentative.

He's not testifying as to her report.

MR. HANNA: That's exactly what he's doing, Your Honor.

THE COURT: I'll overrule that objection.

THE WITNESS: Could you say it again?

BY MR. HANNA:

Q I'll break it down so it's less objectionable to the State. You never tested anything in this case, did you?

A No, I did not.

Q And you never personally conferred with Ms. Rast regarding her case, did you? [\*49]

A I did not.

Q And you never had any quality assurance with her to assure yourself that her report was correct, right?

A Could you rephrase that, Counsel? I'm sorry.

Q Sure. Did you do any quality assurance with Ms. Rast to confirm or corroborate her report?

A No, I did not.

Q Where is Ms. Rast employed today?

A I do not know.

Q Do you know when she left the employ of the Department of Public Safety?

A It was earlier this year.

MR. HANNA: Same objection, Your Honor.

THE COURT: The objection is overruled.

You may resume your examination, Mr. Davis-Salsbury.

**DIRECT EXAMINATION (Resumed)**

BY MR. DAVIS-SALSBURY:

Q Let me be clear. You're not testifying as to her report, you're testifying as to review of lab notes?

A Correct.

Q In reviewing what was done, your knowledge and training as a forensic scientist, your knowledge and experience with DPS's policies, practices, procedures, your knowledge of chemistry, the lab notes, the intake [\*50] records, the chemicals used, the tests done, can you form an independent opinion on the identity of Item 26?

A Yes.

Q What is that opinion?

A That is a usable quantity of marijuana.

Q Did you also review the testing of Item Number 20?

A Yes, I did.

Q How is Item Number 20 tested?

THE WITNESS: If I were to review the notes again real quick, Your Honor?

THE COURT: You may.

THE WITNESS: So Item 20 was actually two items, 20A and 20B.

BY MR. DAVIS-SALSBURY:

Q There were two baggies in there?

A Yes.

Q How -- in reviewing the records, do you know what method was used to test Item Number 20A and 20B?

A Yes.

Q What method was used?



47a

A A chemical color test as well as a GC-MS.

Q Is that consistent with the test that you described previously when testing suspected methamphetamine? [\*51]

A Yes.

Q Was a blank run?

A Yes.

Q Did you see any issues with the blanks being run?

A No.

Q In your opinion, was this sample tested consistent with the policies and practices of the DPS Crime Lab and general principles of chemistry?

A Yes.

Q Do you have an independent opinion on the result of what Item 20A is?

A Yes.

Q What is that opinion?

A That it is a usable quantity of methamphetamine.

Q And likewise for 20B?

A Yes.

Q And what is that?

A A usable quantity of methamphetamine.

Q Now, when DPS receives a single item that actually has two items inside, what is the policy or practice?

A So if I receive two separate plastic bags that have no contact with each other or are unable to contact with - - contaminate each other, I will separate those two items, so that is why, say, for example, a 20A and a 20B [\*52] would be done.

Q Was GC-MS done on Items 20A and 20B?

A Yes.

Q Did you see the graphs that were made as a result of that testing?

A Yes.

Q And are you familiar with whether or not those graphs confirm that the item is methamphetamine?

A Yes.

Q And it is?

A Yes.

Q Did you also look at what was done to Item 28?

THE WITNESS: Again, can I refer to the report, Your Honor?

THE COURT: You may.

THE WITNESS: Okay.

BY MR. DAVIS-SALSBURY:

Q What kind of testing was done on Item 28?

A A chemical color test and a GC-MS.

Q And is that, again, consistent with the test you described for testing suspected cannabis?

A Yes.

Q Did you note whether or not the policies and practices of the lab and principles of chemistry were followed in this case? [\*53]

A Yes.

Q Were they followed?

A Yes.

Q Can you form an independent opinion based on your review of the records, the notes, the chemicals used, the graphs that were made on what Item 28 is?

A Yes.

Q And what is Item 28?

A A usable quantity of cannabis.

Q Was there a case number that was associated with this from the task force?

A Yes.

Q What is that case number?

THE WITNESS: If I may refer to the notes again.

THE COURT: You may.

THE WITNESS: Thank you, Your Honor.  
2019TF000383.

BY MR. DAVIS-SALSBURY:

Q And do you know who submitted those items for testing?

A No, I do not.

MR. DAVIS-SALSBURY: I have no other questions, Your Honor.

THE COURT: Mr. Hanna. [\*54]

MR. HANNA: Thank you, Your Honor.

**[CROSS-EXAMINATION]**

BY MR. HANNA:

Q I think I know the answer, but did you say you didn't know when these items were submitted to DPS for analysis?

A I do not know off the top of my head, but the chain of custody would tell me.

Q And do you have that chain of custody in your report?

A I do.

Q And can you please refer to your report and tell us when it was received by DPS?

A Yes, I can. It was February -- excuse me. I'm sorry. It was February 1st of 2021, of this year.

Q And if you know, what was the date these articles were obtained by the referring agency?

A I do not know that.

Q Do you know where those items were held before February 1 of 2021?

A No, I do not.

Q And do you know who received those items at the Department of Public Safety? [\*55]

THE COURT: Can you say that one more time, Counsel? I'm sorry.

BY MR. HANNA:

Q Do you know who received those articles at the Department of Public Safety?

A Yes, I do.

Q Who was that individual?

A That was Jonathan Noble.

Q Is Jonathan Noble still in the employ of DPS?

A Yes, he is.

Q And there's nothing in your independent opinion that would tell you who possessed those articles before they were seized in Yuma, is there?

A No, no opinion.

Q What other -- well, the Department of Public Safety and the lab you work at is located in the Encanto area of Phoenix?

A Yes.

Q And you have a satellite lab in Lake Havasu, I believe?

A Yes.

Q And where else in Arizona?

A Tucson and Flagstaff.

Q And what other scientific testing does the Department of Public Safety perform? [\*56]

A Firearms, trace analysis.

Q If I may slow you down just a little bit. What is trace analysis?

A Trace analysis is like the examination of very small particles such as looking to see if something is a hair or a strand. That's as far as my understanding goes of what trace analysis is.

Q And firearms would be identifying bullet slugs to firearms?

A That sounds accurate, yes.

Q And what other -- other than those two, what else does DPS do?

A There is latent prints, DNA analysis, blood alcohol analysis, and toxicology is what I can think of off the top of my head.

Q What is the difference between toxicology and blood analysis -- you called it a BAQ?

A Blood alcohol analysis.

Q Analysis.

A Yeah.

Q What's the difference between those two?

A From my understanding, it is one measures the amount of alcohol in a blood tube, and then blood toxicology analyzes specific drugs that can be in the blood. [\*57]

Q Is -- you're not qualified to testify with regard to trace analysis, are you?

A Not at all, no.

Q And the same would be true of latent fingerprints?

A That is correct, I cannot.

Q And DNA, are you qualified to test DNA samples?

A No, not anymore.

Q You said "not anymore"?

A Correct.

Q You were at one time?

A I was in the mitochondrial DNA unit as well as the nuclear DNA unit before I had switched units.

Q How many people work in your lab?

A I would say at the Phoenix lab, around 70, 75 people. Actually, I'm sorry. I misspoke. Probably about 50.

Q You received the request, if I believe correctly, on February 1 of 2021 for an opinion on the samples you're testifying to?

A I did not receive the request on February 1st of 2021, no, I did not.

Q Correct me. When did the lab receive a request to test these items?

A So the lab requested them, you are correct, on [\*58] February 1st of 2021.

Q Okay. Well, I want to be accurate. And I don't mind you correcting me if I'm wrong. Miss Rast was no longer in the employ of DPS. Is that correct?

A Ms. Rast is no longer, that is correct.

Q And how difficult would it have been for you to retest these items after February 1 of 2021?

A Based on the time constraints and the staffing, it would have been, I think, difficult to do before it was needed.

Q From February 1 until present date, you do 10 to 15 samples a day?

A Yes.

Q And of those 10 to 15 -- well, what percentage of the cases you -- how many times a year do you testify?

A I would say eight to 12 times a year.

Q And I'm assuming you work about 200 days a year. Is that correct?

A Yeah, that sounds accurate.

Q Would you agree with me that this looks like less than 5 percent of the cases that you test that you testify on?

A That's accurate, yes.

Q And if you were to retest the items that you testified to independently, would it have taken you more [\*59] than an hour?

A Based on the number of items, it probably would take me more than an hour.

Q Less than two hours?

A I would say a little bit more than two hours.

Q But less than three hours?

A I would say that's accurate, yeah.

MR. HANNA: Thank you, sir.

THE WITNESS: Uh-huh.

THE COURT: Mr. Davis-Salsbury, any redirect?

MR. DAVIS-SALSBURY: Yes.

**REDIRECT EXAMINATION**

BY MR. DAVIS-SALSBURY:

Q With regard to testing drugs at the crime lab, did DPS recently have a policy change on when they're going to be doing those testing?

A Could you say that one more time, Counsel? I'm sorry.

Q Let me rephrase. How many samples are sent to the crime lab?

A A lot.

Q Would you consider yourself underworked, overworked, or just right?

A Overworked, yeah. [\*60]

Q Did DPS in about 2019, I think, change their policy on when they would test drugs for particular cases?

A Yes.

Q And what was that policy change, if you know?

A If I remember correct, it was something called a threshold processing to where I would, as well as my colleagues would, not analyze more than a certain amount of drugs or suspected drugs in a case based on getting cases out in a timely manner and staffing issues. Also, of court dates, if there were no court dates, a different type



of analysis was done in order to, again, get cases out in a timely manner.

Q Is there a backlog?

A Yes, there is a very large backlog.

MR. DAVIS-SALSBURY: I have no further questions.

THE COURT: Okay. Thank you. You may step down.

THE WITNESS: Thank you, Your Honor.

\* \* \*

[\*62] MR. HANNA: Your Honor, I have to feel obliged to bring a Rule 20 motion. Can I do it quickly?

THE COURT: Yes, you can do it now, if you like.

MR. HANNA: Your Honor, may it please the Court: The standard for Rule 20 is pretty low, which means the State, in my view, can get away with an awful lot without getting a directed verdict, but none of the officers were completely absolute on many of the details that the Court should consider and I hope the jury is being mindful of.

And with regard to the lab expert, it's really not independent if it's not independent, and it probably goes to the weight of the evidence, and we have a lot to say about that to the jury.

But things that could have been done that weren't [\*63] done, the State can probably pass the buck by saying there's no need for that, that's a jury question. The standard is pretty low, but we would move for a directed verdict on all counts of not guilty.

THE COURT: Would you like to respond,

Mr. Davis-Salsbury?

MR. DAVIS-SALSBURY: Yes.

THE COURT: Okay.

MR. DAVIS-SALSBURY: For the witnesses, the State has established that the defendant was present inside the shed. The shed is where the majority of the marijuana was discovered. There was also some methamphetamine that was Item Number 20 and some cannabis that was Item Number 28. We have lab results for those establishing that they are cannabis and methamphetamine. The marijuana in that shed is in excess of five pounds. That is clearly a sales quantity.

We heard testimony that it's valued at about \$20 a gram, that it was everywhere in that room, and that when the officers approached, they smelled the burning smell of marijuana.

With all of that, I think there's clearly enough to show a knowing knowledge in this case. There's location and just where everything was. Possession because he was in that room. There was the burning smell and everything else that [\*64] we just described. And then sales based on the quantity and the value along with the scales that were present.

With all that said, I think we've met our burden, and the Court should deny the request.

THE COURT: Mr. Hanna, any reply to that?

MR. HANNA: Your Honor, I have great respect for the Court, and the State's been professional in the whole case, but I don't have to think about it. These jurors should not receive this case. This is too serious of a matter to leave to chance and makeshift decisions and attention, so we would urge the Court to grant the request.

THE COURT: As you stated in your motion, the threshold is not obviously beyond a reasonable doubt, it's much lower than that.

The Court finds that the State has presented enough evidence that the jury could find the defendant guilty of the crimes charged. This is not an opinion on the -- as to what the jury will do, but just that they could come to that conclusion, and so the defense's motion is denied.

When we come back -- we'll reconvene at 1:30.

\* \* \*

[\*69] MR. HANNA: Yes, sir, and then I'd like to renew my Rule 20 motion, if I may.

THE COURT: Any additional arguments?

MR. HANNA: Yes, Your Honor. Is this the time?

THE COURT: Go ahead -- or I guess -- since you're going to rest, any objection to the defense doing that now?

MR. DAVIS-SALSBURY: I don't have the rule in front of me, but I think it's only if new evidence is presented.

THE COURT: I think you're right, but out of an abundance of caution, I don't think there's any harm doing it now.

MR. DAVIS-SALSBURY: No objection.

THE COURT: Go ahead.

MR. HANNA: I'd like to provide the State and the Court a copy of the *Bullcoming* case, if I may approach.

THE COURT: Yes.

MR. HANNA: If it please the Court, we objected to the expert's testimony on him testifying as to another analyst's opinion, and the *Bullcoming* case is right on point. It's a Ruth Bader Ginsburg opinion, and it has to do with Farmington, New Mexico, a man name Bullcoming rear-ended a trucker. The trucker told his wife, "Call the police officer, it doesn't look right." And

blood [\*70] analysis was taken place through a lab in the State of New Mexico. This comes after the *Crawford* opinion and before another opinion on point with regard to the testimonial admission of scientific data from another expert.

And the issue in the case squarely, Your Honor, is whether the testimony of an expert can come in via another expert, and, fortunately, the ruling of the Court is it may not as long as it is really testimonial and not just the work of the scribe writing down the reports of another, and two things come to mind:

One is if we were looking at a radar gun, and both officers saw it, one was holding the gun, and the other one testified and said, "I saw 65," the other person said, "I saw 65," there's no human contact or expertise of the experts.

In this case, there is some analysis in consideration other than reading the notes.

Now, the escape valve in the *Bullcoming* case is if they have previously been confronted under oath, like a deposition.

Another example might be a prior trial, I suppose, or a grand jury where -- not a grand jury, but a preliminary hearing, which we never do anymore, but where the defense has had the opportunity to cross-examine the expert, and the Court specifically talked about things that happened that the [\*71] jury should -- particularly Mr. Smith, and it's hard to be good to people who are not always good to other people with their time, but he should be allowed to challenge the incompetence, evasiveness, or dishonesty of an expert, also why that person is no longer employed at the Department of Public Safety. May be for a good reason, may be for a bad reason. But hypothetically what we're talking about is interpretation and independent judgment of the expert,

and the opinion talks about it doesn't matter if the scientific prowess is the same as Madam Curie or the veracity of Mother Teresa. The defendant has a Sixth Amendment right to confront witnesses against him.

And I looked for some Arizona opinions that might echo the *Bullcoming* case, but you can imagine this was something that happened in Northern New Mexico some time ago.

It should have been retested, Your Honor. What they did is they tried to save one, two, or three hours, depending on how long it would have taken them to do it, and the issue is not whether I could have tested it. That could have happened, but the State is entitled to present their case on their own and not be told how to do it, and they did it, and I think the Court would agree that even the officers have gotten a little rusty in a year and a half of not testifying, but the *Bullcoming* case controls, Your Honor. It's the supreme law of the land, and it talks about Sixth Amendment [\*72] confrontation.

So we renew our objection to the admission of the lab analysis and urge the Court to direct the verdict of not guilty under Rule 20.

THE COURT: Okay. Mr. Davis-Salsbury.

MR. DAVIS-SALSBURY: Unfortunately, I have to disagree with Mr. Hanna. *Bullcoming* is not the law of the land. The most recent Supreme Court of the United States opinion is actually *Williams V. Illinois*, 132 Supreme Court 221. That's a 2012 opinion. And in that case, they upheld the admission of testimony just like the one from Mr. Longoni. I can never say his name.

THE COURT: I think it's Longoni.

MR. DAVIS-SALSBURY: Longoni. If the Court wants Arizona opinions, the most recent one on point is

*State versus Joseph*. That is a 2012 opinion as well, also postdating *Bullcoming*. That's 230 Arizona 296.

The essence of this question is, can the expert testify on his own? Is it an independent opinion? In so doing, he's allowed to rely on notes, he's allowed to rely on his experience and expertise, just like any expert can rely on materials and treatises and scientific journals and other kinds of things. It is no different than any other expert relying on another person's work. That's something that experts do routinely in the scientific community. You cannot [\*73] be a doctor without relying on the work of other doctors who have determined causes for different diseases, injuries, or what have you.

Based on these opinions, he is more than able to talk about his own independent opinion, which he clearly established, and was testified to and admitted to.

As far as questions on Ms. Rast, the defense was more than able to call her. They're still able to call her. She was listed on my list early on before it was changed to Mr. -- to Gregory. There's no confrontation issue there, and the Supreme Court opinion in *Williams* and the *Joseph* opinion in the Arizona Supreme Court both talk about those issues.

THE COURT: What's the *Williams* cite again?

MR. DAVIS-SALSBURY: The *Williams* cite is 132 Supreme Court 221.

And there's other cases I can direct the Court to as well such as *State V. Pesqueira*, 234 Arizona 470. That's a Court of Appeals opinion, 2014, as well as the main case that kind of started this whole thing, *State v. Rogavich*, 188 Arizona 38, 1997, and that's a Supreme Court of Arizona case.

THE COURT: Mr. Hanna.

MR. HANNA: Your Honor, well, the 197 and the 214 case precede the *Bullcoming* case, Your Honor, so I differ.

I would like to read the supreme court case, 132 [\*74] Supreme Court 221, and I suggest that the parties brief the matter to the Court because it's better to spend a few hours of our time doing that. We moved the case along pretty quickly, but the *Bullcoming* case -- not just the *Bullcoming* case, but the idea of sufficiency of the evidence, Rule 20, and there are a number of articles or amicus briefs that were filed with regard to the proposal to change Rule 20. There's only two states that don't have Rule 20. That's Nevada and Louisiana. Rule 20 tests the sufficiency of the State's case, and it also makes it pretty clear that the defendant doesn't have to present any evidence before Rule 20 is invoked. It can be done before, after, or during. It can be done on the Court's own motion. And Rule 20 tests the sufficiency of the State's case without the defendant having to make a decision to testify or, as they say in a brief I read, to affirmatively defend his case. The decision to testify or not testify is based on his decision, but he has assistance of counsel to tell him what they think, and in this case, the State has missed it, Your Honor.

I'll read the State Supreme Court that the State has cited, but I don't think it overrules Justice Ginsburg's opinion, and I think Justice Ginsburg's opinion is pretty on point with the facts. It's a blood analysis, it's not simply reading a meter and writing down the numbers. It requires some independent judgment and decisions on the part of the [\*75] person testifying in this case. It was inconsistent with what he testified to, Your Honor, so I mean, I'm willing to listen, I hope the Court is as well. It's hard to give the attention, but we moved the case along

very quickly, and we've made our decision not to provide an affirmative defense based on the merits of the Rule 20 motion and our objection to the lab expert.

THE COURT: Okay. The Court finds this case is distinguished from the *Bullcoming* case in that the expert testimony from the witness in this case, Mr. Longoni, testified of his own opinion as to what the nature of the substances was that was tested, and, therefore, it does not violate the confrontation clause of the Constitution, and, therefore, the defendant's renewed Rule 20 is denied.

Okay. With that, we'll take a brief recess as we put these packets together, and then we'll bring the jury back in for closing arguments and instructions.

\* \* \*

**[STATE'S CLOSING ARGUMENT]**

[\*91] MR. DAVIS-SALSBURY: Yes, Your Honor.

THE COURT: You may proceed.

MR. DAVIS-SALSBURY: Ladies and gentlemen of the jury: This is now the time for closing argument, and opening statement, what I'm allowed to do is give you an outline of the case, but closing argument is where I get to actually argue the facts and try and present you one side of the story.

When we started this case, I told you that this was a case about someone that was caught in the act.

And why is that? You heard from Sergeant Hemstreet yesterday that when they approached this residence that morning in December, that they knocked on the door, they announced themselves. Nobody answered. They knocked again, and Jason Smith came to the door.



You heard that he resisted, that he was told to move, that he did not, that he was told to put his hands behind his back, he did not, and that he had to be taken to the ground and forcibly arrested.

You heard that he was argumentative with the officers, that he was yelling, that he told people at the scene that they were trespassing, that the officers were trespassing, that the officers were harassing them.

That testimony you heard from Investigator Callahan [\*92] yesterday.

When you heard from Oxendine, Special Agent Oxendine with HSI, you saw all the things that were in that shed, the same one that the defendant was found in.

And so when I present to you today that he was caught in the act, what did he get caught in the act of? And the charges in this case are possession of a dangerous drug for sale, possession of marijuana for sale, and possession of a narcotics drug for sale, cannabis.

So some things to start with. You have a packet of jury instructions in front of you. One of those is Jury Instruction 28 on page 5. And Jury Instruction 28 is the absence of other participants. You heard about a lot of other people that were in this residence; two in that shed and several others that were in the actual house. This instruction is important. Whatever's going on with them, whether it's something or nothing, should not concern you. The only thing that's in front of you today is Mr. Jason Smith. What your duty today is to decide whether he is guilty of these crimes.

So what are the elements of this? Let's talk about possession for sale. For all three of these offenses, whether it's possession of a dangerous drug for sale, marijuana for sale, or a narcotic drug for sale, you have to

know the same three things: There has to be knowledge. [\*93] There has to be possession. And there has to be evidence of sale.

So let's talk about knowledge. Is there any doubt that when he was in that shed that he knew that these drugs were there?

I'm showing you State's Number 4. This was the shed that he was found in, right?

State's Number 17. When you look to the right, there was a monkey statue that had marijuana inside of it.

State's 22. Item Number 15. There are these jars that were on one of those tables, and those jars are marijuana inside of those.

State's 30. The couch that was in there. There was marijuana just laying out right in front of it, just on the couch. It wasn't in a bag. It wasn't stored anywhere. It was just resting on top.

State's 37. We see a pipe that was on the couch as well.

State's 39. There was clothing on the couch. You can see a bag sticking out of the pockets.

State's 40. We see a white crystalline substance in those bags, a substance that the criminalist testified and told you was methamphetamine. And you know that that substance weighed about 5.4 grams, State's Exhibit 42.

When you continue along the residence, you find one [\*94] of these in State's 45. This is the next item. I believe it was 18 found in the Tupperware container on one of the shelves.

When you move to the bed, you have State's 50. You have plates that are on the bed, you have marijuana that's on the sheets, you have marijuana on the plate, you

have a rolled up marijuana cigarette that's in the middle of all of that.

State's 57. Right next to the bed we have a case. Inside that case we see two scales, we see a lighter.

And then when you proceed around the room, there's another table at the stereo system now to the left. If you're looking in the shed, it's on the left-hand side. And right next to that stereo system, just right on the table, in a Ziploc bag, is more marijuana, State's Exhibit 62.

Perhaps most importantly, State's 68, Item Number 26, is the five pounds of marijuana that was just hanging from the ceiling. And you can see in this picture and the ones there after that.

State's 70 when it was taken off the roof.

And you know that that was weighed, State's 74, about 5.9 pounds.

As far as the narcotic drug goes, you have State's 75, the two jars found in front of the fridge.

You have State's 79, the item that was found inside [\*95] the fridge. That was Item Number 28. The criminalist testified and told you that that was cannabis.

State's 80. I don't know if this one was actually shown to you, but it's an admitted photograph. You're allowed to consider it.

And State's 82, weighing the substance. Now, the weight of this one, it includes that jar, so take that with a grain of salt.

Also by that stereo was the plant, the marijuana that was just sticking out of the vase in State's Exhibit 84.

And near the sofa, State's 87 was a tote bag that had marijuana shavings.

All of that tells you that in this case, everybody in that shed knew the marijuana was there. There can be no real doubt about that. From the five pounds that was on the ceiling to the amount that was on the bed to the amount that was on the couch to the amount that was on each of the tables, there can be no real doubt that everyone in that shed knew it was there is.

So you have to prove knowledge, you have to prove possession.

Now, when we talked about possession early on, we talked about actual possession, constructive possession, joint possession.

In your instructions you have Criminal Jury [\*96] Instruction 37, and that instruction, they also tell you that it's about power and control. And they tell you that possession can be sole or it can be joint. So who possessed the drugs that were in the shed? And I submit to you, and I argue to you today, that Mr. Smith possessed it.

Why do I say that? When you go through, first of all, it's all over the place. Right? It's everywhere in there. All three of them possessed it.

But let's go further than that. The evidence in this case shows you that this was his room. No one said that. But that's something you can infer. Why? Well, to start, this is the defendant's house. The defendant's dad's house. I said that twice now. This is the defendant's father's house. At 6:30 in the morning in December we heard it was dark, and when the police approached, who answered the door to that shed? The testimony was that Jason Smith answered. Not the other two people? Not Mr. Mendoza who was in there, not the woman who was in there. Mr. Smith came to the door and answered.

When we talk about what Investigator Callahan told you, what was he saying to the officers? He told them that they were trespassing. How can they be trespassing -- how can he tell them if they were trespassing if he didn't live there?

When the officers told him to remove himself from [\*97] the shed, he refused. Why? Because it's his shed. This is his room. This is where he's staying. That's why he's being combative with these officers. That's why he's arguing with them at this time.

What was he doing inside the room? Now, the instruction says that you're not supposed to speculate. You're allowed to infer the evidence from other facts. That's circumstantial evidence, but you can't speculate. But what was he doing inside the shed?

You heard testimony from Special Agent Oxendine and from Investigator Gary Hamilton that when they approached the shed, they smelled the odor of marijuana. And Gary Hamilton told you that in his experience, it was burning marijuana, marijuana that you found in that monkey statue that looks an awful lot like an ashtray. This was 6:30 in the morning. Most people would be asleep or preparing to go to work. What was happening inside that shed?

If you look at those photographs, you will see that there's not a board game open. There's not a chess set that was in motion. No one was playing Candy Land or Scrabble. You will not see a book that was open or a bookmark placed. You will not see a television that was on. What you see is marijuana everywhere. And the evidence shows you the defendant was in this room inside of a closed room.

That's how you know that this was his place. That's [\*98] how you know that it was his room. And that's how

you know that the stuff in there he had power and control over. Whether it was only his or whether it belonged to him and them. It doesn't matter.

The last element is sales. The testimony that you heard was that this marijuana was worth about \$20 a gram. And I want you to take note of that, and I want you to look through your notes that you took of the testimony because you're going to have to answer how much the marijuana was worth on the verdict forms.

You know that there was over five pounds of it that was found. Five pounds. If any of you have smoked marijuana, you would know that that's a lot.

You found a scale inside the residence. We saw they were operable, we saw they were next to the bed, we saw that the box was open, scales that will be used to measure, scales that make it easier to distribute, just like the tote bag that was sitting on the floor with marijuana shavings.

The quantity of marijuana that was in this house, the fact that there was the scales open and ready to use with two other people inside shows you this was sales.

But all three of those factors, the State reiterates that this was a defendant that was caught in the act.

You're going to receive verdict forms in this case. The first verdict form is going to talk to you about [\*99] possession of a dangerous drug for sale. You have an instruction that a dangerous drug includes methamphetamine. There's a lot of different things that could be dangerous drugs, but methamphetamine is what we're talking about.

If for some reason you do not believe that this methamphetamine was for sale, you have possession of methamphetamine that you can do as an alternative. And

if for some reason you don't believe that he possessed that, you can vote not guilty.

When it goes to the marijuana, you'll have a similar instruction, but for the marijuana offense, you're going to have to consider the weight, and you're going to have to consider the value, and you're going to be asked about that on the verdict form, and if you find him guilty of marijuana for sale, you're going to have to answer, was this under two pounds, between two and four pounds, or over four pounds?

If there's any question, I'd ask that you take these pictures back and that you look at them again. And you'll see that it was over five pounds.

It will ask you about value. The only testimony that's been presented is that it was worth about \$20 a gram. For that instruction as well, if you do not believe it was for sale, you also have possession of marijuana. You'll also be asked about value, and you'll also be asked about amount.

Likewise, for possession of a narcotic drug, and in [\*100] this case that narcotic drug is cannabis.

But because this defendant was caught in the act, because at 6:30 in the morning, he came to the door, he's the one that answered, he told people that they were trespassing, and he was in that shed with all the drugs inside, I ask you to follow your common sense.

In the beginning of this trial I asked you how do you prove what's in somebody's head? The only way to do it is with circumstantial evidence. That's what we have in this case. We have someone that was found in the shed with all that stuff with no reasonable explanation.

The defense does not have to present you with any evidence, they don't have to argue anything to you, and I'm not saying they do. Don't get me wrong.

What I'm saying is when you look at those photographs, there's no board games out, there's no television on, there's no other thing that they could be doing in that shed, and when the officers come and they smell marijuana and you see it all over the place, how could he deny? How could you not find knowledge? How could you not find possession and sale?

And so I'd ask you to return a verdict of guilty.

**[DEFENSE'S CLOSING ARGUMENT]**

THE COURT: Mr. Hanna.

MR. HANNA: Your Honor, and counsel for the State, ladies and gentlemen, may it please the Court:

[\*101] In the beginning of the trial, we moved around rather quickly. I'm comfortable with you simply avowing that you can follow the Court's instructions because this really is something you've had a part of doing whether you realize it or not. You had a lot to do with electing judges, you have a lot to do with electing the elected official who runs the Yuma County Attorney's Office, and you have a lot to do with the election of our officials that make our law, including the rules that we are governed by in court, and so I would suggest to you what most lawyers don't even realize is that the rules that we were operating under, we have input on. We have committees where we talk about the rules of criminal procedure, we make recommendations to our High Court, and they accept or reject our recommendations. And that's not necessarily wrong. We're a representative republic where we don't get to decide everything on our



terms and only our terms, but it's a collective effort, like the jury, it's a collective effort.

The jury instructions make it perfectly clear that you are the ultimate finder of fact in this area, and I would urge you not to abandon your independence in this mission.

The reason a son may be visiting his father in a small, modest home in the foothills that has ten occupants other than him can be inferred in a real positive way. He's checking on his father who's failing. And a father who's [\*102] failing in our makeshift case -- and I use that example, makeshift case. One of the officers described the shed as a makeshift room, a modular home, west, east, north, travel trailer, and another article people are living in.

And the people who are most obstinate, argumentative are in this master bedroom, the very place that the homeowner should be living out his last days in some peace and comfort in his own bedroom.

Instead another couple was occupying that room, and the other room, two ladies are occupying that room, and then there are people in the makeshift room, with Jason in the morning, who's fully dressed, wide awake, the first one to the door, 6:30 in the morning.

You can infer from that he is just simply checking on these people who are squatting on his father's home. That's the natural inference. We have two, four, six, seven with Jason, and other people, three other people squatting on the property.

The inference might be that these people are taking advantage of the elderly gentleman and his faith. The person who gets arrested is the mouthy one. The person who's confronted with a firearm and the use of

force they described in the master bedroom, the one individual who -- and I kind of understand this at 6:30 in the morning. These people don't appear to be going to work, ladies and gentlemen. They [\*103] appear to be squatting in his father's home.

It isn't as Mr. Davis-Salsbury suggests to you, that they are good people that are just there in the presence of other accomplices doesn't necessarily mean -- well, the instruction is clear.

But what I will suggest to you is that their presence can tell you a lot of things about what they're doing in this modest home in the foothills.

I'm not sure it's even legal to live in those trailers in a home in the foothills, but that's not the point.

The point is, what are they doing in his master bedroom of the homeowner? There were articles found in the modular home that were brought to your attention, and I won't belabor the fact that there was something going on there that wasn't right.

So if Jason was a little mouthy, I ask you to understand that people sometimes act that way when they're worried about people they care for.

During voir dire the State's attorney suggested to you that remember the first time somebody lied to you, and then you realized that they lied to you? Yeah, it hit me like a lightning bolt too.

I also realize over the course of 60 years, I remember when somebody lied to me or I was absolutely [\*104] convinced that somebody lied to me and I accepted it as a lie and then I realized I was wrong about my perception and that I'd done something based on what I thought was a lie to me.

There was an innocent little lie in this trial. When the officer testified to putting the articles into the locker locally and then impounding them into evidence. And so what happened? They stayed there until today essentially. I'm not saying it word for word. He said well, not exactly, until it was shipped to DPS, but if you would have stopped the testimony right then and there, that would have been a misrepresentation of what happened. Not a lie. Because to call somebody a lie is offensive. Lawyers get in trouble. He's lying. He's lying about this, he's lying about that. Sometimes it's a perception.

What I will suggest to you, the natural inclination of law enforcement, and my view of it, and I hope yours, is their obligation is do as much as possible to prove innocence as guilt.

Now, that's -- I hope that resonates. It's their obligation to prove innocence as well as guilt. Because if you prove innocence, you're more likely to find the wrongdoer instead of the mouthy kid who gets charged.

In this makeshift room, I invite you to look at your own memory of what the officers testified. They didn't know who was there. There were a variety of description of how [\*105] many people were at that residence. Their names. What people in what room.

Now, I understand the search team goes in different directions, but if you're part of the breach team, the entry team, in that makeshift room, you should know who's there because proving the innocence of one person helps prove the guilt of the more responsible person.

There is no audio or video recording of what occurred in this case. That's what I believe Officer Hamilton testified to. One officer correctly said that there were 11 suspects or at least he didn't disagree that that was true. Another officer suggested it was not his job

when things got difficult to tell you certain things, and that's not a slam against that officer.

The truth of the matter is, it's been a long time since 2019, and people forget things, but the report is there for that purpose so that they can review the report before they come to court and be prepared to testify to what they saw, not what their general feeling is based on the task force meaning before and after months later.

Officer Callahan. She was part of the -- I guess I would call it her obligation was to herd people together, to keep them in sight, to keep them comfortable, and at 6:30 in the morning, in December, so you can imagine it's dark and cold, people are sitting out there on the wall or in chairs [\*106] that they gave to them, but they're cold. One person she acknowledged said that -- Stevens, I believe, if memory serves me correctly. She talked about socking an investigator and killing herself.

Another of the investigative leads there, part of the elite group of 11, talked about having chest pain, and medical was called for that witness. I'm sorry. That person at the scene. People weren't really following orders there, and the more mouthy people were treated how mouthy people are treated. He was segregated in a car, Smith, and if memory serves me correctly, the male in the master bedroom was segregated because he was mouthy as well.

So people in that situation, I understand the need to have control. I prefer to call the officers' request lawful requests. It's not a command or an order. I mean, that's what we call them, and I guess we accept that as the norm. It's all a matter of language. If a police officer says, "Please give me your license and registration," that's a lawful request under some circumstances, and we accept that. And it's a polite way of inviting positive response.

Of course, it was done here with a Taser and a beanbag gun. They got his attention.

Now, as much as the State will tell you you can use circumstantial or direct evidence, I accept that. I live [\*107] with the rules that I'm given. That's what I believe we live with the rules that we're given. We had input into that.

Any lawyer, any citizen in Arizona, I will suggest, has input in the rules. Anybody can file a petition with the Arizona Supreme Court, and the supreme court can say no, yes, that's our process. We all have input in this thing. You have input on a much greater level here.

And I ask you not to lose your independence in this situation and not lose track that sometimes the mouthy kid gets arrested. Sometimes the mouthy kid who is there for good is not doing something evil, he's not there doing something, as they said, possession. There was nothing on his body or they would have told you that. That's a fact. Nobody said they pulled it out of his pocket. Nobody said he admitted anything. That's a fact. It's an undisputed fact.

So the State has to go around that and use what they call circumstantial evidence, and I think you'll agree that all the photographs, no objection. We want you to see that. That's how the scene looked, the little makeshift room for a makeshift case. And I urge you not to abandon your independence for a makeshift case. You'd want the same thing for you or your family. You'd want the same safeguards that Mr. Smith is entitled to.

May I suggest that there are many credible things missing in this case? In fact, at one point the State's attorney asked the officer the opinion that it's not [\*108] reasonable to do certain things. That's when this case was going right in the toilet. Because they're admitting things

aren't right. When they tell you it's not reasonable to do it in all these cases, wouldn't you want the same thing for your kid? I would.

Now, knowing what we know about the science, what the custodian of these records at DPS testified to how they test these things, he went into some detail. Now, mind you, he didn't do any of these things. He's reading off of notes of somebody else who's not here.

I'm going to suggest to you that you're entitled to see the person who tested these items. I'm suggesting that you're entitled to weigh their credibility and not just get somebody to read a report to you. But that's a decision you get to make, and I have to abide by the rulings of the Court and the rules of criminal procedure and the jury instructions.

I'm going to suggest to you that the suggestion that fingerprint analysis is not always appropriate is baloney. I'm not going to call it a lie because that's an offensive way of putting it, but when fingerprint evidence is used, it was better than DNA because a layperson can learn how to do latent print retrieval pretty easily. In fact, I think a couple of the officers were street cops at one point, and they testified to doing such. And you can use your own [\*109] common experience and background. If a house is breached at night and there's nobody around, fingerprint analysis could be very important in suggesting who was there and who was not there. The same is true in these photos. If you see a jar, if you see a workbench, if you see anything like a crystalline substance in a little bag that was somewhere in that makeshift room, fingerprint analysis is not expensive. Because it requires a latent print to be removed, and once we have that image, all we need to do is go to anybody who may be a suspect, which includes ten other people in that house.

Was not done here. Was a makeshift excuse to you that was not reasonable. That was an opinion from the officer at the request of the State's attorney. It was not something that he volunteered on his own or something that he suggested that we do our examination this way, as the lab technician testified that somebody else did. This is something they drew because the case was going in the toilet. It's not going well.

Nobody can really tell you exactly when they arrived, although some acknowledge that it was right at 6:30, but nobody of the three officers that testified yesterday could tell you what time they left, which is important. Because the first thing I think I would like to hear is this person, this person, and this person said it's all mine or part of it's mine. The State's attorney wants [\*110] you to infer that.

You'd want more for your own kids. No fingerprint analysis. No testimony or evidence of a hand-to-hand sale.

Now, one officer acknowledges, the street cop, if somebody is at Circle K at 2:00 in the morning every morning and they meet somebody at 2:00 every morning and they never seem to get gas or maybe come in for a cup of coffee. That looks bad. People watch those interactions because it's a public place, it's lit, they know they can go there and do their dirty deeds.

But there's no evidence of that. There is no evidence of what I call a pay-owe sheet or ledgers.

Okay. Your own background and experience, even if you were selling candy bars, if you were, like, in Boy Scouts or something like that and you're selling something to raise money for your pack, you keep a list of what you're doing. That would be a pay-owe sheet. And not here.

There's no evidence in there. Despite going through both rooms, going through the makeshift room, there's no evidence of ledgers. That's what they call it, ledgers.

No evidence of money. If this is what the State's attorney is convincing you of, where's the money? They didn't seize any money or talk about seizing any money at all. Sales goes right in the toilet. I'm sorry. That's a reasonable inference from no evidence of money or sheets or [\*111] hand-to-hand sales.

The case is in the toilet, which is probably where the man in the master bedroom ran. He ran right into the bedroom, blocking the door.

Things went so badly yesterday, they called -- chief is probably not correct -- Special Agent Hamilton, who was called this morning to sort of shore things up. They didn't go well. He told you about seeing the straw in the main modular home. He told you about the purpose of gloves and why they're there. And he told you about the small amount that he had to do with the case. But he had a night to think about it because things are going so horribly with the State's case, they've got to do something to save this. This is going absolutely horrible, and I'm going to suggest in this case, you're the only safeguard between the people who want to convict the mouthy kid and the State of Arizona. The mouthy kid is the one who was detained, segregated. The other people were not.

So if you please, consider the lab technician. He's a lab expert, testifies as to somebody else's work on this material. We don't know what she's like because we never saw her. You'd want more if this was your life on the line. You'd want that person here.

He also talked about other things that the DPS lab does. Trace analysis, non-firearm analysis, latent prints,



[\*112] DNA, and there's a difference between toxicology and blood alcohol content. There are experts for all of these things. But you didn't hear about the one person who worked on this case. You heard about somebody else in the office.

There are two sets of eyes in a big airliner for a reason. And the reason we have two sets of eyes, and some of you are old enough to remember, we had flight engineers in these airplanes, and the reason we had a flight engineer is if the gear didn't go down, that person could go down below and crank it down by hand or visually inspect to see that the gear was down, and we didn't have to take somebody out of the cockpit who's supposed to be watching outside when they're coming in for a landing why that gear won't go down or maybe it's down, but the light doesn't show. Somebody can crank it down manually, and that's a good procedural safeguard, if you will, to make sure the people are safe, and we've had a couple of accidents because people are unwilling to challenge the captain.

The captain's kind of the judge here, but the captain in an airline, particularly in the Middle East, Asia, people are unwilling to challenge the captain. That light's on, and it won't go off. And that's cultural maybe, but there have been a number of aviation accidents because somebody's unwilling to challenge the captain who's saying that light is on or won't go on, and they call that a [\*113] collaborative cockpit environment where anybody in the cockpit can challenge the other person politely. This isn't right. Everything tells me that this thing's going to fall out of the sky, and you're not listening to me, and so probably the old-timers don't like it probably because it's hard to change, as you get older, every little

thing bugs you, every little thing bugs you about what people do or don't do.

But how long would it take you to reexamine this evidence today? One, two, probably a little more than two hours. You didn't get it here. You'd want it for your case. I'm convinced that most people would say that's all it took to have somebody here. The only thing we sacrifice if we sacrifice our independence and our standards is the mouthy kid. That's what we sacrifice, but we're not here to protect just the mouthy kid. We're here to protect society. The mouthy kid deserves as much attention as the couple in the master bedroom, the two women in the spare bedroom, and the couple in the makeshift room, the people in the trailer, the people in the other domicile in this little modest residence.

Independent opinion is not really independent if you take these things away and you figure it's good enough. Good enough is not good enough.

And the example I've given you about another set of eyes in the cockpit, somebody else following a checklist, [\*114] somebody else telling you -- challenging you on whether the light is on or off, and the State's going to tell you we've done our job, the officers have done their job. It's time for you to do your job. This is no different than when he told you in the beginning, "Remember the first time somebody lied to you, and you realized they lied to you, how you felt?"

Somewhere during the course of 50, 60 years, you realize somebody I thought lied to me, I was absolutely convinced lied to me, and how I felt, and then I did something, and then I realized they didn't lie to me at all and how badly I felt. But there are no do-overs in this. This isn't like an airline where you can go around and do

it again and come in, and hopefully the gear is down and everybody's happy.

We didn't destroy an airplane and 180 people onboard. This is only one person's life, the mouthy kid who was taken to the car and charged in this case.

And so it is time for us to do our job. And it's time for us not to deviate from the jury instructions because we can live with those. We've had input in these, at the highest levels of the supreme court, the highest level of the state legislature, lawyers and citizens have the right to have input on what we're doing here, but this isn't Tiddlywinks. I didn't know what those red Ball jars were. [\*115] Apparently that's a game where they play with ping-pongs or something like that. I never heard anything like that. I assumed they were beer mugs. No, it was a game. You might know that. And there's been no testimony of that, so I shouldn't suggest it, but you saw the photo and admitted without objection.

The same way they're going to tell you it's good enough for you, let's go home. We're out of here a day early.

I urge you to come back with a not guilty verdict on all counts.

**[REBUTTAL ARGUMENT]**

THE COURT: Mr. Davis-Salsbury.

MR. DAVIS-SALSBURY: Ladies and gentlemen, if my case was going so poorly, why did we spend so much time there talking about airlines and gas stations instead of the facts of this case? If my case was going so poorly, why did we minimize the actions of Mr. Smith and call him a mouthy kid when he actively defied officers, resisted arrest, and was yelling at the officers and yelling at everybody else?

If my case was going so poorly, then why did he ask you to speculate about why the case agent was called to the stand this morning? You know why he was called. You don't have to speculate on that. The questions and answers that were asked yesterday about who was present, when did you [\*116] arrive, when did you leave, those officers didn't have those answers. You know they didn't have those answers. That wasn't their role. They weren't supposed to record that. It's two years ago. The person whose role it is, who has that information, who wrote it down, who has the birthdays of the people that were there was the case agent. So when those questions are asked, yes, he has to be called to the stand, and he has to provide that information.

And he told you that they all arrived around 6:30 and they all left around 1:40. That's not a case in the toilet. That's answers to questions that were asked.

In the very beginning he was -- you were presented with an idea that perhaps he was just visiting his father. His father wasn't in that shed. Mr. Smith was in the shed with a closed door, but his dad was somewhere else in the house. He wasn't caught going room to room. He wasn't caught in the action of being just outside where it could have been any of those rooms. He was in the shed itself.

You were asked about the squatters that were in the house and why they were there, what's going on with them.

You heard from Investigator Callahan that Mr. Smith was instructing them. And you heard no evidence of any complaints about them. You heard that when Mr. Smith was at the door of the shed that he refused to leave it. That he was asked to put his hands behind his back, and he refused. [\*117] Are these the actions of someone that's trying to kick out squatters? If someone that is

being so, I'll say, mouthy, who is instructing other people at the house, are those the actions of someone that has an issue with squatters?

When we talk about fingerprints, you know that they were there until 11:40. The defense brought up how this may have been unreasonable, I guess. How much longer would it have been if they took fingerprints off of every item in that house? Off of the vase, off of the bag, off of the scales, off of the doors, off of wherever they found anything? They were already there a long time. Is that reasonable? That's up to you.

But you heard from Special Agent Oxendine that they typically don't collect fingerprints in these kinds of cases. That's evidence. That's something you should consider. They were asked about DNA early on, and that's only collected in the serious cases, homicide, sexual assault.

You were presented by the defense whether there was any evidence that Mr. Smith had drugs on his person. The answer is no. But there was also no evidence that any of the other ten people in this house had drugs on their person. That was not anything presented in this case. That does not detract from the evidence.

And then when we talk about the science in this case, the expert, he told you an independent opinion about [\*118] what those drugs are. He told you he looked at graphs, the gas chromatography mass spectroscopy. These are graphs that provide unique identification for each individual drug, that by looking at those, you can tell if there's contamination, that he looked at blank samples, and was able to tell there was no contamination from that, he was able to see that the policies and procedures were followed, he was able to tell how these were tested. He

told you what he would have done and saw that that was done in this case too. There's no doubt there.

At the end of the day, if you remember one thing, remember this: He told the police they were trespassing. It's his room. It's his stuff. And because of that, you should find him guilty.

\* \* \*

**APPENDIX H**



ARIZONA DEPARTMENT OF PUBLIC SAFETY  
SCIENTIFIC EXAMINATION REPORT

DR NO. 2021701412  
Page 1 of 2



AGENCY            Yuma County Narcotics Task Force  
                         Yuma, AZ 85364

AGENCY NO.    2019TF000383

OFFICER        Hamilton, #N54

DATE            February 11, 2021

NAME(S)        SMITH, JASON

**EXAMINATION REQUESTED**

Controlled Substance

**ITEMS**

- #4.    Red-brown box containing crystal substance
- #15.   Plant material
- #20a. Ziplock bag containing crystal substance
- #20b. Pink ziplock bag containing crystal substance
- #21.   Gray plastic containing white plastic  
         containing crystal substance
- #25.   Ziplock bag containing plant material
- #26.   Plant material
- #28.   Brown sticky substance

**RESULTS / INTERPRETATIONS**

- #4. Contained a usable quantity of methamphetamine, a dangerous drug. Substance weight  $0.39 \pm 0.04$  gram.
- #15. Contained a usable quantity of marijuana. Substance weight  $136.3 \pm 0.9$  grams.
- #20a. Contained a usable quantity of methamphetamine, a dangerous drug. Substance weight  $2.52 \pm 0.04$  grams.
- #20b. Contained a usable quantity of methamphetamine, a dangerous drug. Substance weight  $0.99 \pm 0.04$  gram.
- #21. Contained a usable quantity of methamphetamine, a dangerous drug. Substance weight  $0.81 \pm 0.04$  gram.

The coverage probability for all weight uncertainties is 99.73%.

[/s/ signed]

ELIZABETH RAST, #6580, Forensic Scientist  
Western Regional Crime Laboratory  
2360 McCulloch Blvd., Lake Havasu City, AZ 86403  
928-680-5495 erast@azdps.gov

Accredited by the ANSI National Accreditation Board (ANAB) to International Standards

Any notes, photographs, charts, or graphs generated during the examination are retained in the laboratory. Unless otherwise denoted, all evidence will be returned to the submitting agency. For additional information regarding laboratory policies visit [www.azdps.gov/crimelab](http://www.azdps.gov/crimelab)





ARIZONA DEPARTMENT OF PUBLIC SAFETY  
SCIENTIFIC EXAMINATION REPORT

DR NO. 2021701412

Page 2 of 2

- #25. Contained a usable quantity of marijuana.  
Substance weight  $42.5 \pm 0.9$  grams.
- #26. Contained a usable quantity of marijuana.  
Substance weight  $2.03 \pm 0.01$  kilograms.
- #28. Contained a usable quantity of cannabis, a  
narcotic drug. Gross weight  $163.4 \pm 0.9$  grams.

All other evidence received, was not analyzed.

The coverage  
probability  
for all weight  
uncertainties  
is 99.73%.

[/s/ signed]

ELIZABETH RAST, #6580, Forensic Scientist  
Western Regional Crime Laboratory  
2360 McCulloch Blvd., Lake Havasu City, AZ 86403  
928-680-5495 erast@azdps.gov

Accredited by the ANSI National Accreditation Board  
(ANAB) to International Standards

Any notes, photographs, charts, or graphs generated  
during the examination are retained in the laboratory.  
Unless otherwise denoted, all evidence will be returned  
to the submitting agency. For additional information re-  
garding laboratory policies visit [www.azdps.gov/crimelab](http://www.azdps.gov/crimelab)

**APPENDIX I**

---

**2021701412: RAST, ELIZABETH - (11-Feb-2021)**



---

ARIZONA DEPARTMENT OF PUBLIC SAFETY

Laboratory Notes Worksheet

DPS DR # 2021701412

Request: Controlled Substance

---

Analyst: RAST, ELIZABETH

Start Date: 02/03/2021

End Date: 02/11/2021

**Package: WRCL01**

Description: sealed box ctg items 4, 7, 8, 10, 11, 13-16,  
18-23, 25-28, 31, and 32

Items 7, 8, 10, 11, 13, 14, 18, 19, 22, 23,  
31, 32 - RNA

Item 27 - hs/marked cpb ctg 2 glass jars  
w/ brown substance leaked over  
jars/inside bag - repacked in LB - RNA

---

**ITEM#: #15**

Description: hs/marked cpb ctg plant material  
repack - LB

Contained: Plant material

---

Weight:  
Substance weight **136.33** grams

Balance:  
Top Loading



2021701412: RAST, ELIZABETH - (11-Feb-2021)



ARIZONA DEPARTMENT OF PUBLIC SAFETY

Laboratory Notes Worksheet

DPS DR # 2021701412

Request: Controlled Substance

---

Analyst: RAST, ELIZABETH

**Sodium Nitroprusside**

Blank run - ok      Blue

Notes:

**GC-MS**

Blank run - ok      Ethyl Stearate                      CTS

Notes:    BH ext:

          RRT = 0.344

          +meth

**Usable Quantity**

**Item ##20a Conclusion:    Methamphetamine**

---

**ITEM#: #20b**

Description:    Pink zip lock bag ctg cry subst  
                      repack - LB

Contained:      Ziplock bag containing crystal substance

---

Weight:

Substance weight 0.9964 grams

Balance:

Analytical Balance

91a

**Examination**

---

---

**Marquis**

Blank run - ok      Orange- brown

Notes:

**Sodium Nitroprusside**

Blank run - ok      Blue

Notes:

**GC-MS**

Blank run - ok      Ethyl Stearate                      CTS

Notes:    BH ext:

          RRT = 0.343

          +meth

**Usable Quantity**

**Item ##20b Conclusion:    Methamphetamine**

---

2021701412: RAST, ELIZABETH - (11-Feb-2021)



ARIZONA DEPARTMENT OF PUBLIC SAFETY

Laboratory Notes Worksheet

DPS DR # 2021701412

Request: Controlled Substance

---

Analyst: RAST, ELIZABETH

**ITEM#: #21**

Description: blue knit glove-shaped pouch with snap closure ctg one clear glass pipe and one: yellow glass pipe both ctg residue (RNA), twisted gray plastic ctg white cry sub st (RNA) and gray plastic ctg partially hs white plastic (w/ red) ctg cry subst (analyzed)  
repack - LB

Contained: Gray plastic containing white plastic containing crystal substance

---

Weight:  
Substance weight 0.8125 grams

Balance:  
Analytical Balance

**Examination**

**Marquis**

Blank run - ok      Orange- brown

Notes:

**Sodium Nitroprusside**

Blank run - ok      Blue

Notes:

93a

**GC-MS**

Blank run - ok      Ethyl Stearate                      CTS

Notes:    BH ext:

          RRT = 0.343

          +meth

**Usable Quantity**

---

**Item ##21 Conclusion:      Methamphetamine**

---

**ITEM#: #25**

Description:    hs/marked cpb ctg zip ctg plant material

Contained:      Ziplock bag containing plant material

---

Weight:

Substance weight 42.54 grams

Balance:

Top Loading

**Examination**

---

---

**Microscopic**

Cystolith hairs      Clothing Hairs

Notes:    +MJ

**Duquenois-Levine**

Blank run - ok                      Purple

Notes: +MJ Resin

2021701412: RAST, ELIZABETH - (11-Feb-2021)



ARIZONA DEPARTMENT OF PUBLIC SAFETY

Laboratory Notes Worksheet

DPS DR # 2021701412

Request: Controlled Substance

Analyst: RAST, ELIZABETH

Usable Quantity

**Item ##25 Conclusion: Marijuana**

**ITEM#: #26**

Description: TSS brown paper bag ctg plant material  
gw = 2087 grams Large Capacity)  
repack - LB --> packaging--> LB (could  
not fit back into original outer brn paper  
bag  
SW (large capacity) = 2033 grams=  
2.033 kg

Contained: Plant material

Weight: Substance weight 2.033 kilograms      Balance: Large Capacity

**Examination**

Microscopic

Cystolith hairs      Clothing Hairs

Notes: +MJ

Duquenois-Levine

Blank run - ok      Purple

Notes: +MJ Resin

Usable Quantity

**Item ##26 Conclusion: Marijuana**



95a

**ITEM#: #28**

Description: hs/marked cpb clg evid cpb (open) ctg penny, clear glass cup and brown sticky substance all with brn sticky substance  
Gross weight includes evid cpb, penny and glass cup - could not remove brn sticky substance from bag, penny or cup  
Contained: Brown sticky substance

---

Weight:	Balance:
Substance weight <b>163.46</b> grams	Top Loading

**Examination**

**Duquenois-Levine**

Blank run - ok                      Purple

Notes: +MJ Resin

2021701412: RAST, ELIZABETH - (11-Feb-2021)



ARIZONA DEPARTMENT OF PUBLIC SAFETY

Laboratory Notes Worksheet

DPS DR # 2021701412

Request: Controlled Substance

---

Analyst: RAST, ELIZABETH

**GC-FID**

Blank run - ok      Ethyl Stearate                      CTS

Notes:      ETOH ext:

                 RRT:1.130

                 CBD

                 RRT=1.184

                 D9THC

**GC-MS**

Blank run - ok      Ethyl Stearate                      CTS

Notes:      D-->S

                 RRT:1.148

                 +CBD (strong peak)

                 RRT=1.201

                 +D9THC (small peak relative to CBD peak)

---

**Item ##28 Conclusion:      Cannabis**

---

97a

**ITEM#: #4**

Description: Red-brn box ctg cry subst (stuck to side of box) removed. crushed for analysis - repack - LB

Contained: Red-brown box containing crystal substance

---

Weight: Substance weight 0.3934 grams      Balance: Analytical Balance

**Examination**

**Marquis**

Blank run - ok      Orange- brown

Notes:

**Sodium Nitroprusside**

Blank run - ok      Blue

Notes:

**GC-MS**

Blank run - ok      Ethyl Stearate      CTS

Notes:      B/H ext:  
                 RRT=0.343  
                 +meth

**Usable Quantity**

98a

**2021701412: RAST, ELIZABETH - (11-Feb-2021)**



ARIZONA DEPARTMENT OF PUBLIC SAFETY

Laboratory Notes Worksheet

DPS DR # 2021701412

Request: Controlled Substance

---

Analyst: RAST, ELIZABETH

**Item ##4 Conclusion:      Methamphetamine**

---

99a

**2021701412: RAST, ELIZABETH - (11-Feb-2021)**



ARIZONA DEPARTMENT OF PUBLIC SAFETY

Laboratory Notes Worksheet

DPS DR # 2021701412

Request: Controlled Substance

---

Analyst: RAST, ELIZABETH

### **Communication**

**ELIZABETH RAST**

Date: 02/11/2021

Per phone conversation with Yuma County Attorney Josh Davis, not all of the Items need to be tested. Discussed testing #26 and selecting a couple other plant material Items, and several crystal substance Items. I explained that item #27 had brown sticky substance leaked all over bag and two jars and would RNA. We discussed analyzing #28 instead.

**2021701412: RAST, ELIZABETH - (11-Feb-2021)**



ARIZONA DEPARTMENT OF PUBLIC SAFETY

Laboratory Notes Worksheet

DPS DR # 2021701412

Request: Controlled Substance

Analyst: RAST, ELIZABETH

**CHAIN OF CUSTODY REPORT**

**ITEM#/Description: BOX(#4, #7, #8, #10, #11,  
WRCL01 #13--#16, #18--#23,  
#25--#28, #31, #32)  
CRYSTAL SUB, GLS, BRN  
WAX LIKE SUB, BAGGIE**

<u>Date</u>	<u>Time</u>	<u>PIN</u>	<u>FROM</u>		<u>PIN</u>	<u>TO</u>	<u>Note</u>
2/1/21	4:58 pm	[ ]	P&E Intake	WRCL	[X]	NOBLE, JONATHAN, L	WRCL
2/1/21	4:58 pm	[X]	NOBLE, JONATHAN, L	WRCL	[ ]	3A - CS To Be Worked	WRCL
2/2/21	11:43 pm	[ ]	3A - CS To Be Worked	WRCL	[X]	NOBLE, JONATHAN, L	WRCL
2/2/21	11:43 pm	[X]	NOBLE, JONATHAN, L	WRCL	[X]	RAST, ELIZABETH	WRCL
2/4/21	4:52 pm	[X]	RAST, ELIZABETH	WRCL	[X]	NOBLE, JONATHAN, L	WRCL
2/4/21	4:52 pm	[X]	NOBLE, JONATHAN, L	WRCL	[ ]	3GB - Go Backs	WRCL

101a

**ITEM#: #15**

<u>Date</u>	<u>Time</u>	<u>PIN</u>	<u>FROM</u>		<u>PIN</u>	<u>TO</u>	<u>Note</u>
2/1/21	4:58 pm	[ ]	P&E Intake	WRCL	[X]	NOBLE, JONATHAN, L	WRCL
2/1/21	4:58 pm	[X]	NOBLE, JONATHAN, L	WRCL	[ ]	3A - CS To Be Worked	WRCL
2/2/21	11:43 pm	[ ]	3A - CS To Be Worked	WRCL	[X]	NOBLE, JONATHAN, L	WRCL
2/2/21	11:43 pm	[X]	NOBLE, JONATHAN, L	WRCL	[X]	RAST, ELIZABETH	WRCL
2/4/21	4:52 pm	[X]	RAST, ELIZABETH	WRCL	[X]	NOBLE, JONATHAN, L	WRCL
2/4/21	4:52 pm	[X]	NOBLE, JONATHAN, L	WRCL	[ ]	3GB - Go Backs	WRCL

**ITEM#: #20a**

<u>Date</u>	<u>Time</u>	<u>PIN</u>	<u>FROM</u>		<u>PIN</u>	<u>TO</u>	<u>Note</u>
2/1/21	4:58 pm	[ ]	P&E Intake	WRCL	[X]	NOBLE, JONATHAN, L	WRCL
2/1/21	4:58 pm	[X]	NOBLE, JONATHAN, L	WRCL	[ ]	3A - CS To Be Worked	WRCL
2/2/21	11:43 pm	[ ]	3A - CS To Be Worked	WRCL	[X]	NOBLE, JONATHAN, L	WRCL
2/2/21	11:43 pm	[X]	NOBLE, JONATHAN, L	WRCL	[X]	RAST, ELIZABETH	WRCL
2/4/21	4:52 pm	[X]	RAST, ELIZABETH	WRCL	[X]	NOBLE, JONATHAN, L	WRCL
2/4/21	4:52 pm	[X]	NOBLE, JONATHAN, L	WRCL	[ ]	3GB - Go Backs	WRCL

102a

**ITEM#: #20b**

<u>Date</u>	<u>Time</u>	<u>PIN</u>	<u>FROM</u>		<u>PIN</u>	<u>TO</u>	<u>Note</u>
2/1/21	4:58 pm	[ ]	P&E Intake	WRCL	[X]	NOBLE, JONATHAN, L	WRCL
2/1/21	4:58 pm	[X]	NOBLE, JONATHAN, L	WRCL	[ ]	3A - CS To Be Worked	WRCL
2/2/21	11:43 pm	[ ]	3A - CS To Be Worked	WRCL	[X]	NOBLE, JONATHAN, L	WRCL
2/2/21	11:43 pm	[X]	NOBLE, JONATHAN, L	WRCL	[X]	RAST, ELIZABETH	WRCL
2/4/21	4:52 pm	[X]	RAST, ELIZABETH	WRCL	[X]	NOBLE, JONATHAN, L	WRCL
2/4/21	4:52 pm	[X]	NOBLE, JONATHAN, L	WRCL	[ ]	3GB - Go Backs	WRCL

**ITEM#: #21**

<u>Date</u>	<u>Time</u>	<u>PIN</u>	<u>FROM</u>		<u>PIN</u>	<u>TO</u>	<u>Note</u>
2/1/21	4:58 pm	[ ]	P&E Intake	WRCL	[X]	NOBLE, JONATHAN, L	WRCL
2/1/21	4:58 pm	[X]	NOBLE, JONATHAN, L	WRCL	[ ]	3A - CS To Be Worked	WRCL
2/2/21	11:43 pm	[ ]	3A - CS To Be Worked	WRCL	[X]	NOBLE, JONATHAN, L	WRCL
2/2/21	11:43 pm	[X]	NOBLE, JONATHAN, L	WRCL	[X]	RAST, ELIZABETH	WRCL
2/4/21	4:52 pm	[X]	RAST, ELIZABETH	WRCL	[X]	NOBLE, JONATHAN, L	WRCL



**2021701412: RAST, ELIZABETH - (11-Feb-2021)**



ARIZONA DEPARTMENT OF PUBLIC SAFETY

Laboratory Notes Worksheet

DPS DR # 2021701412

Request: Controlled Substance

Analyst: RAST, ELIZABETH

2/4/21 4:52 pm [X] NOBLE, JONATHAN, L WRCL [ ] 3GB - Go Backs WRCL

**ITEM#: #25**

<u>Date</u>	<u>Time</u>	<u>PIN</u>	<u>FROM</u>		<u>PIN</u>	<u>TO</u>	<u>Note</u>
2/1/21	4:58 pm	[ ]	P&E Intake	WRCL	[X]	NOBLE, JONATHAN, L	WRCL
2/1/21	4:58 pm	[X]	NOBLE, JONATHAN, L	WRCL	[ ]	3A - CS To Be Worked	WRCL
2/2/21	11:43 pm	[ ]	3A - CS To Be Worked	WRCL	[X]	NOBLE, JONATHAN, L	WRCL
2/2/21	11:43 pm	[X]	NOBLE, JONATHAN, L	WRCL	[X]	RAST, ELIZABETH	WRCL
2/4/21	4:52 pm	[X]	RAST, ELIZABETH	WRCL	[X]	NOBLE, JONATHAN, L	WRCL
2/4/21	4:52 pm	[X]	NOBLE, JONATHAN, L	WRCL	[ ]	3GB - Go Backs	WRCL

104a

**ITEM#: #26**

<u>Date</u>	<u>Time</u>	<u>PIN</u>	<u>FROM</u>		<u>PIN</u>	<u>TO</u>	<u>Note</u>
2/1/21	4:58 pm	[ ]	P&E Intake	WRCL	[X]	NOBLE, JONATHAN, L	WRCL
2/1/21	4:58 pm	[X]	NOBLE, JONATHAN, L	WRCL	[ ]	3A - CS To Be Worked	WRCL
2/2/21	11:43 pm	[ ]	3A - CS To Be Worked	WRCL	[X]	NOBLE, JONATHAN, L	WRCL
2/2/21	11:43 pm	[X]	NOBLE, JONATHAN, L	WRCL	[X]	RAST, ELIZABETH	WRCL
2/4/21	4:52 pm	[X]	RAST, ELIZABETH	WRCL	[X]	NOBLE, JONATHAN, L	WRCL
2/4/21	4:52 pm	[X]	NOBLE, JONATHAN, L	WRCL	[ ]	3GB - Go Backs	WRCL

**ITEM#: #28**

<u>Date</u>	<u>Time</u>	<u>PIN</u>	<u>FROM</u>		<u>PIN</u>	<u>TO</u>	<u>Note</u>
2/1/21	4:58 pm	[ ]	P&E Intake	WRCL	[X]	NOBLE, JONATHAN, L	WRCL
2/1/21	4:58 pm	[X]	NOBLE, JONATHAN, L	WRCL	[ ]	3A - CS To Be Worked	WRCL
2/2/21	11:43 pm	[ ]	3A - CS To Be Worked	WRCL	[X]	NOBLE, JONATHAN, L	WRCL
2/2/21	11:43 pm	[X]	NOBLE, JONATHAN, L	WRCL	[X]	RAST, ELIZABETH	WRCL
2/4/21	4:52 pm	[X]	RAST, ELIZABETH	WRCL	[X]	NOBLE, JONATHAN, L	WRCL
2/4/21	4:52 pm	[X]	NOBLE, JONATHAN, L	WRCL	[ ]	3GB - Go Backs	WRCL

105a

**ITEM#:** #4

<u>Date</u>	<u>Time</u>	<u>PIN</u>	<u>FROM</u>		<u>PIN</u>	<u>TO</u>	<u>Note</u>
2/1/21	4:58 pm	[ ]	P&E Intake	WRCL	[X]	NOBLE, JONATHAN, L	WRCL
2/1/21	4:58 pm	[X]	NOBLE, JONATHAN, L	WRCL	[ ]	3A - CS To Be Worked	WRCL
2/2/21	11:43 pm	[ ]	3A - CS To Be Worked	WRCL	[X]	NOBLE, JONATHAN, L	WRCL
2/2/21	11:43 pm	[X]	NOBLE, JONATHAN, L	WRCL	[X]	RAST, ELIZABETH	WRCL
2/4/21	4:52 pm	[X]	RAST, ELIZABETH	WRCL	[X]	NOBLE, JONATHAN, L	WRCL
2/4/21	4:52 pm	[X]	NOBLE, JONATHAN, L	WRCL	[ ]	3GB - Go Backs	WRCL

---

**[X] indicates a PIN was entered**  
**\* indicates an update was performed**

2021701412: RAST, ELIZABETH - (04-Feb-2021)



ARIZONA DEPARTMENT OF PUBLIC SAFETY

Laboratory Notes Worksheet

DPS DR # 2021701412

Balance	Manufacturer and Model	Laboratory ID #
Analytical	AND GR-200	C1
Top Loading	AND GX-4000	C2
Large Capacity	Mettler Toledo SB32000	C3

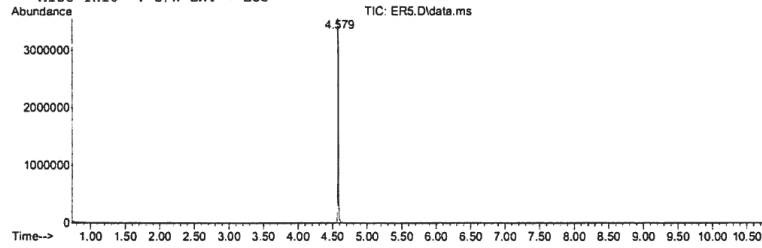
Prepared Reagents	Lot #
Duquenois-Levine	110420
Sodium Nitroprusside	021617
2% Na <sub>2</sub> CO <sub>3</sub>	030717
Co(SCN) <sub>2</sub>	071316
SnCl <sub>2</sub>	071316
3N HCl	071117
EtOH/Hex w/ 0.5 mg/mL ES	063020
Froehdcs	070920
Sat. NaHCO <sub>3</sub>	121318
pDMAB	071117
0.1 N NaOH	070820
20% Acetic acid	040418
Marquis	070920
Mecke	010516

107a

<b>Purchased Reagents</b>	<b>Manufacturer</b>	<b>Lot #</b>
Conc. HCl	MP Biomedicals	QR13637
CHCl <sub>3</sub>	Fisher	187348
Hexane	Fisher	198713
MeOH	Supelco	11062937 950
NH <sub>4</sub> OH	Fisher	184864
FastBlue B	Sigma Aldrich	48H0909
Acetonitrile	Fisher	178573
Pet. Ether	Fisher	148886
EtOH	Acros	B0532450
Acetone	Fisher	153391

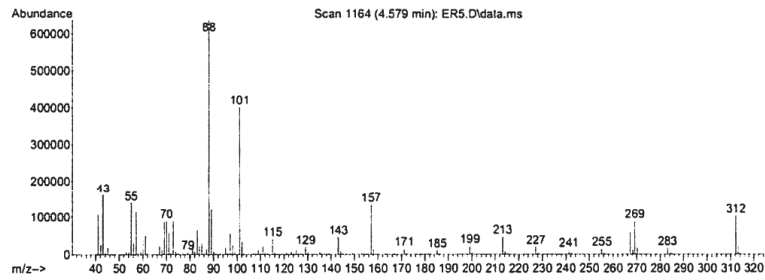
108a

2021701412; EAST, ELIZABETH; 04 Feb 2021; #4  
Sample Name: EAST, ELIZABETH; 04 Feb 2021; #4  
Vial Number: 56  
INSTRUMENT: GCMSD US43146979 SAMPSON  
Acquired : 3 Feb 2021 18:45 using AcqMethod SCREEN.M  
File : C:\msdchem\1\DATA\020321\ER5.D  
Misc Info : B/H EXT + ESS



TIC: ER5.D\data.ms  
BLANK FOR 2021701412 #4

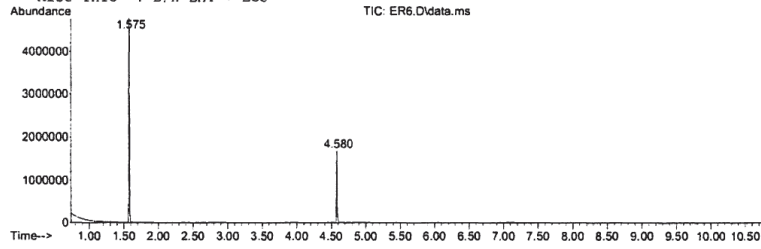
Peak#	Ret Time	Type	Width	Area	Start Time	End Time
1	4.579	rBV	0.085	2792249	4.562	4.647



109a

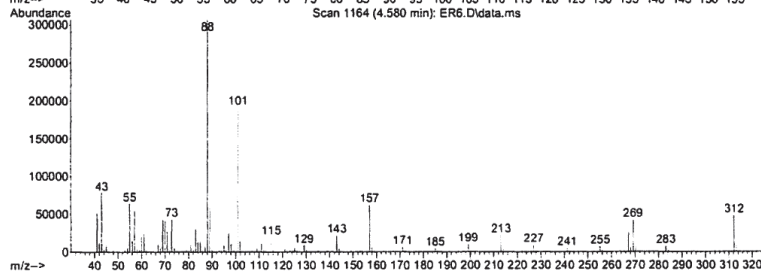
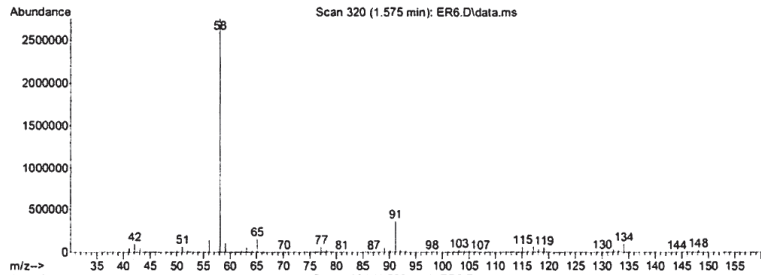
2021701412: RAE, ELIZABETH (04-Feb-2021)

Vial Number: 59  
INSTRUMENT: GCMSD US43146979 SAMPSON  
Acquired : 3 Feb 2021 18:59 using AcqMethod SCREEN.M  
File : C:\msdchem\1\DATA\020321\ER6.D  
Misc Info : B/H EXT + ESS



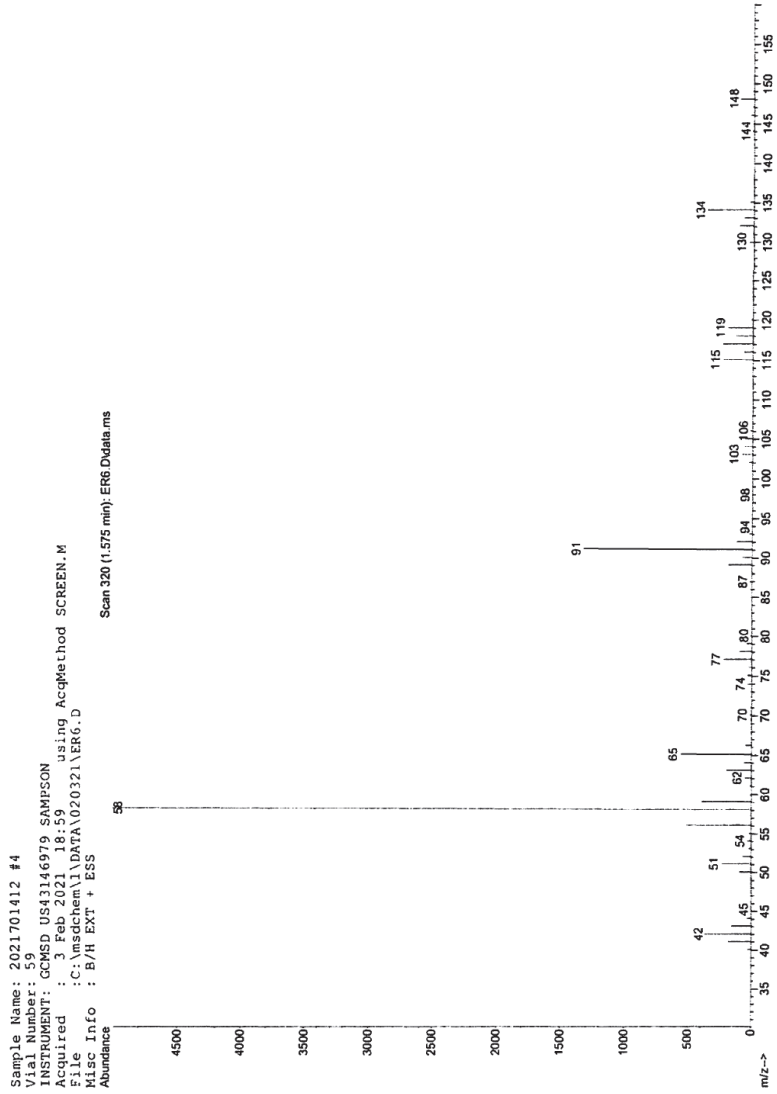
TIC: ER6.D\data.ms  
2021701412 #4

Peak#	Ret Time	Type	Width	Area	Start Time	End Time
1	1.575	rBV	0.103	3727573	1.560	1.662
2	4.580	rBV	0.093	1331368	4.563	4.656



110a

2021701412 : RAST, ELIZABETH - (04-Feb-2021)

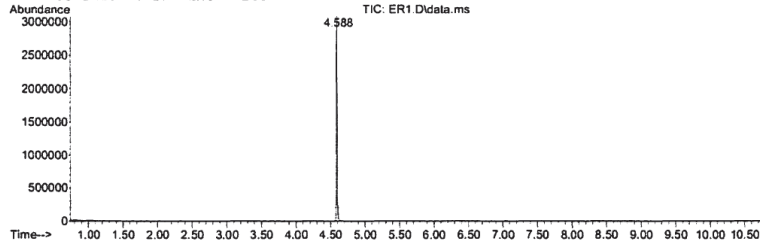




111a

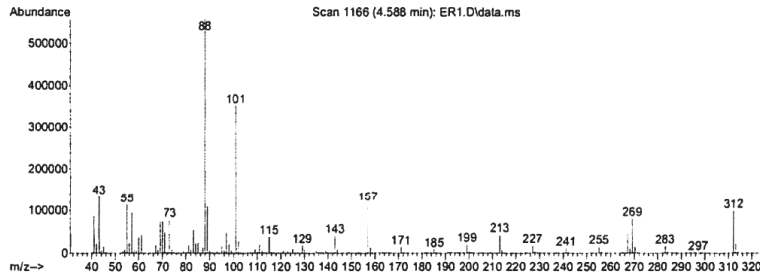
2021701412; EAST, ELIZABETH; 04 Feb 2021; #20a

Vial Number: 60  
INSTRUMENT: GCMSD US43146979 SAMPSON  
Acquired : 4 Feb 2021 13:13 using AcqMethod SCREEN.M  
File : C:\msdchem\1\DATA\020421\ER1.D  
Misc Info : B/H EXT + ESS



TIC: ER1.D\data.ms  
BLANK FOR 2021701412 #20a

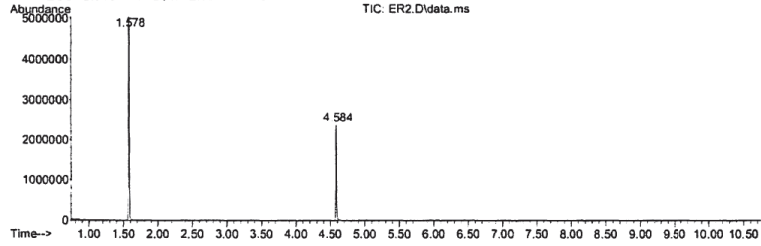
Peak#	Ret. Time	Type	Width	Area	Start Time	End Time
1	4.588	rVB	0.076	2386339	4.571	4.647



# 112a

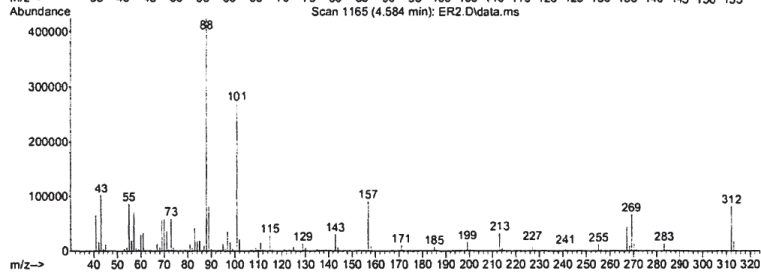
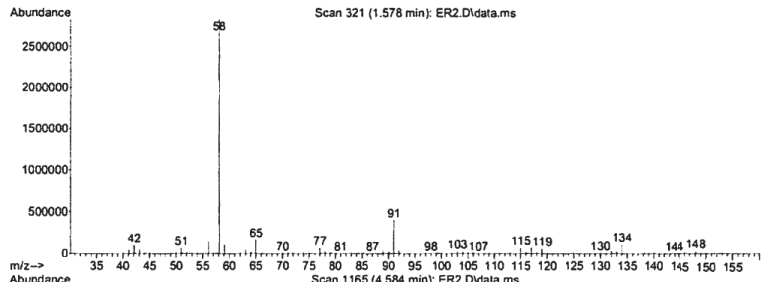
2021701412: RAST, ELIZABETH L (04-Feb-2021)

Vial Number: 61  
 INSTRUMENT: GCMSD US43146979 SAMPSON  
 Acquired : 4 Feb 2021 13:27 using AcqMethod SCREEN.M  
 File : C:\msdchem\1\DATA\020421\ER2.D  
 Misc Info : B/H EXT + ESS



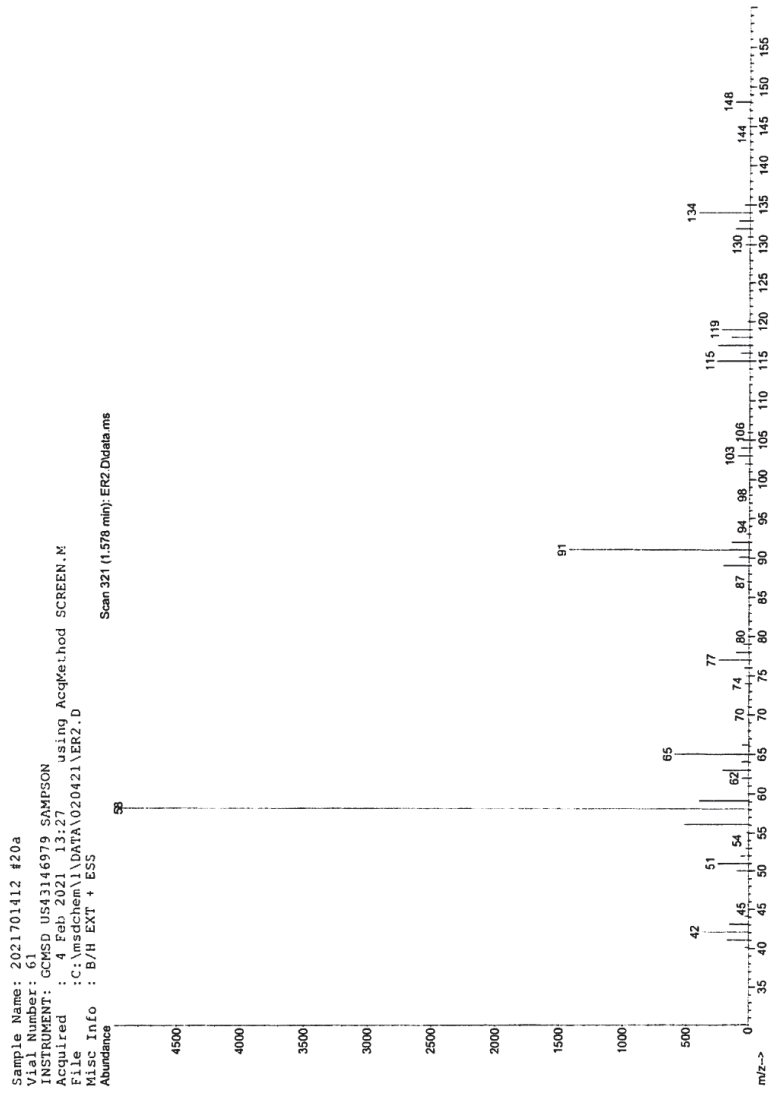
TIC: ER2.D\data.ms  
 2021701412 #20a

Peak#	Ret. Time	Type	Width	Area	Start Time	End Time
1	1.578	rBV	0.074	4666500	1.560	1.633
2	4.584	rBV	0.093	1866053	4.563	4.656



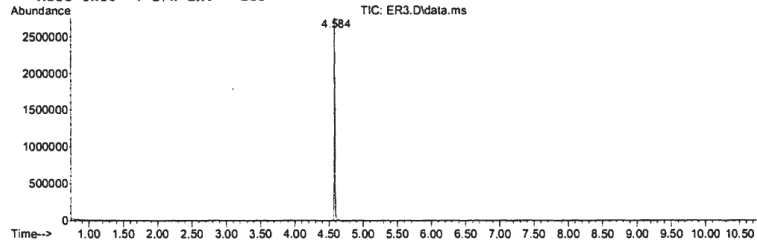
113a

2021701412 : RAST, ELIZABETH - (04-Feb-2021)



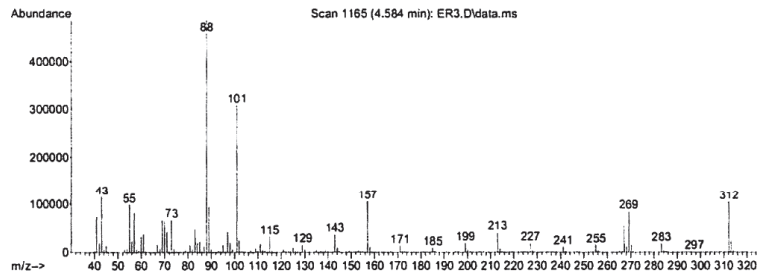
114a

2021701412 RAST ELIZABETH #04 Feb 2021 #20b  
Vial Number: 60  
INSTRUMENT: GCMSD US43146979 SAMPSON  
Acquired : 4 Feb 2021 13:42 using AcqMethod SCREEN.M  
File : C:\msdchem\1\DATA\020421\ER3.D  
Misc Info : B/H EXT + ESS



TIC: ER3.D\data.ms  
BLANK FOR 2021701412 #20b

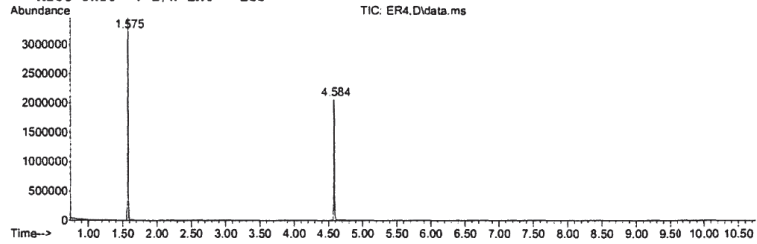
Peak#	Ret Time	Type	Width	Area	Start Time	End Time
1	4.584	rBV	0.101	2284736	4.563	4.664



115a

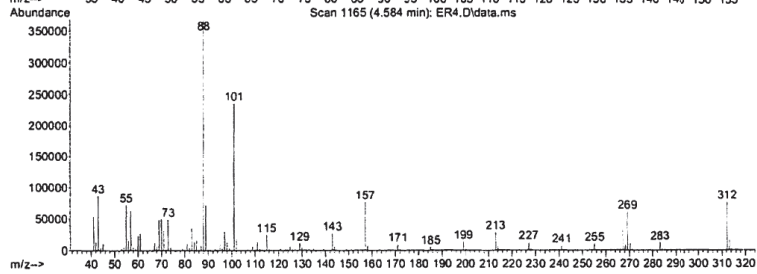
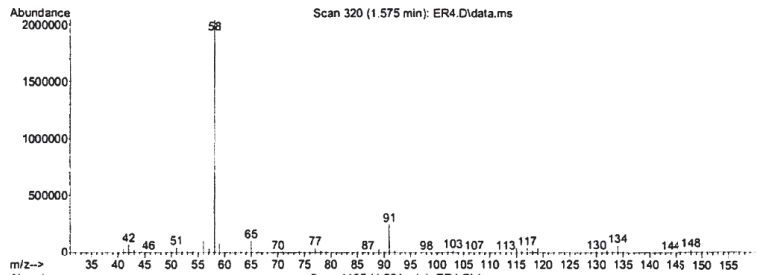
2021701412 RAST ELIZABETH (04 Feb 2021)

Vial Number: 62  
INSTRUMENT: GCMSD US43146979 SAMPSON  
Acquired : 4 Feb 2021 13:56 using AcqMethod SCREEN.M  
File : C:\msdchem\1\DATA\020421\ER4.D  
Misc Info : B/H EXT + ESS



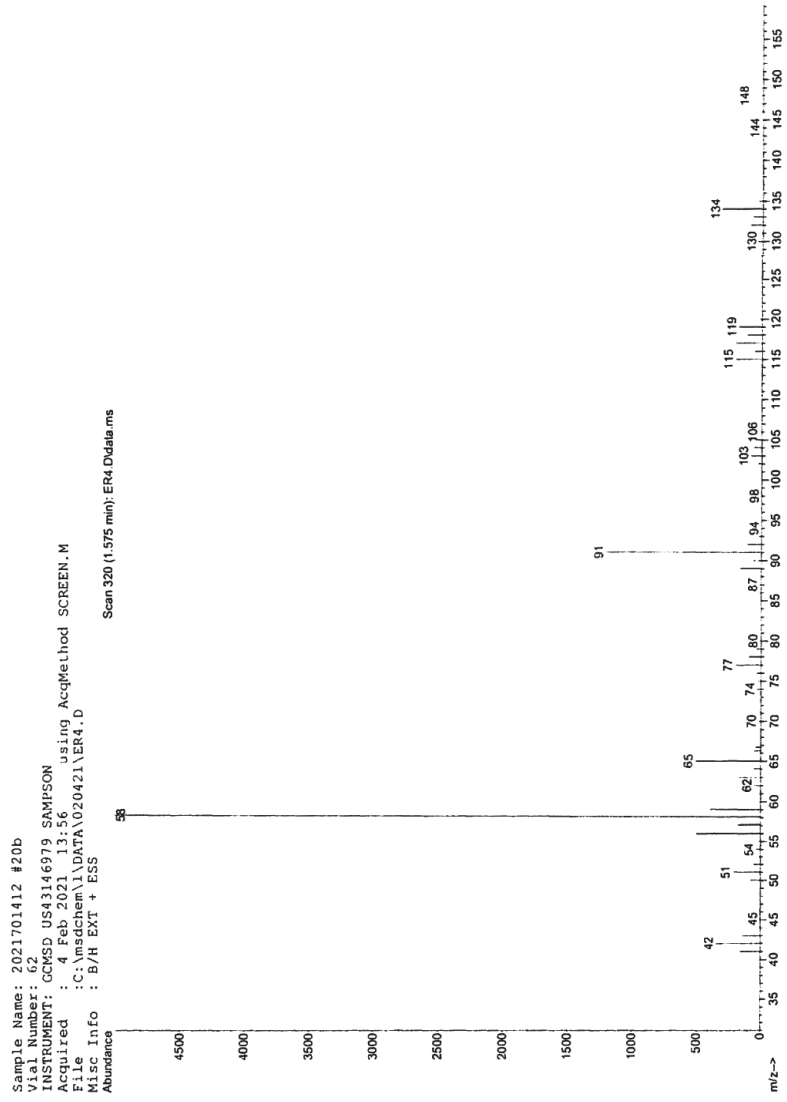
TIC: ER4.D\data.ms  
2021701412 #20b

Peak#	Ret Time	Type	Width	Area	Start Time	End Time
1	1.575	rBV	0.063	2709859	1.560	1.623
2	4.584	rBV	0.089	1715137	4.563	4.651



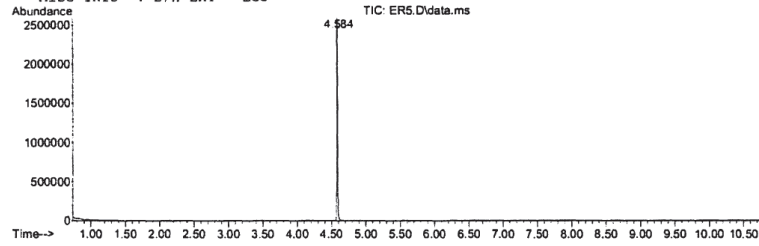
116a

2021701412 : RAST, ELIZABETH - (04-Feb-2021)



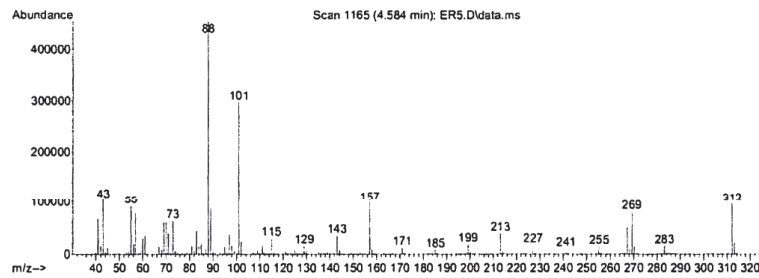
117a

2021701412: RAST, ELIZABETH, 04 Feb 2021 #21  
Sample Name: BLANK FOR 2021701412 #21  
Vial Number: 60  
INSTRUMENT: GCMSD US43146979 SAMPSON  
Acquired : 4 Feb 2021 14:11 using AcqMethod SCREEN.M  
File : C:\msdchem\1\DATA\020421\ER5.D  
Misc Info : B/H EXT + ESS



TIC: ER5.D\data.ms  
BLANK FOR 2021701412 #21

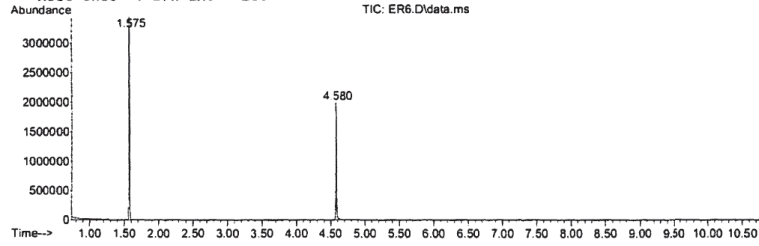
Peak#	Ret Time	Type	Width	Area	Start Time	End Time
1	4.584	rBV	0.097	2166063	4.563	4.660



118a

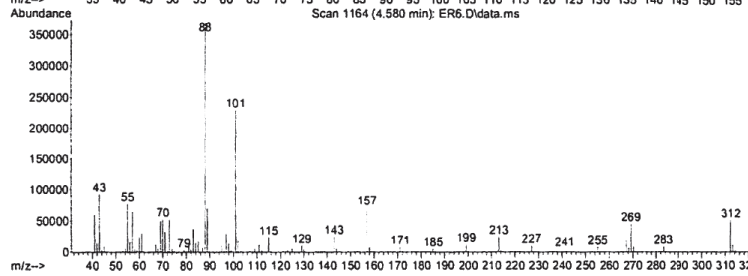
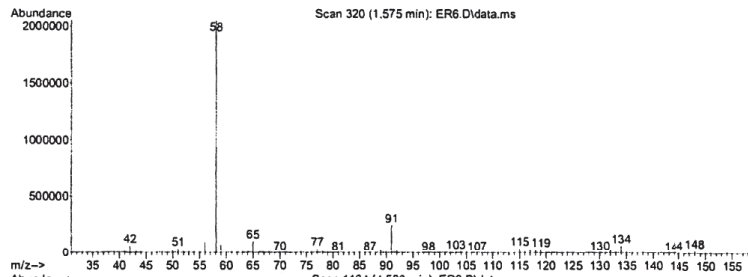
2021701412 - RASHELIZABETH (04-Feb-2021)

Vial Number: 63  
INSTRUMENT: GCMSD US43146979 SAMPSON  
Acquired : 4 Feb 2021 14:25 Using AcqMethod SCREEN.M  
File : C:\msdchem\1\DATA\020421\ER6.D  
Misc Info : B/R EXT + ESS



TIC: ER6.D\data.ms  
2021701412 #21

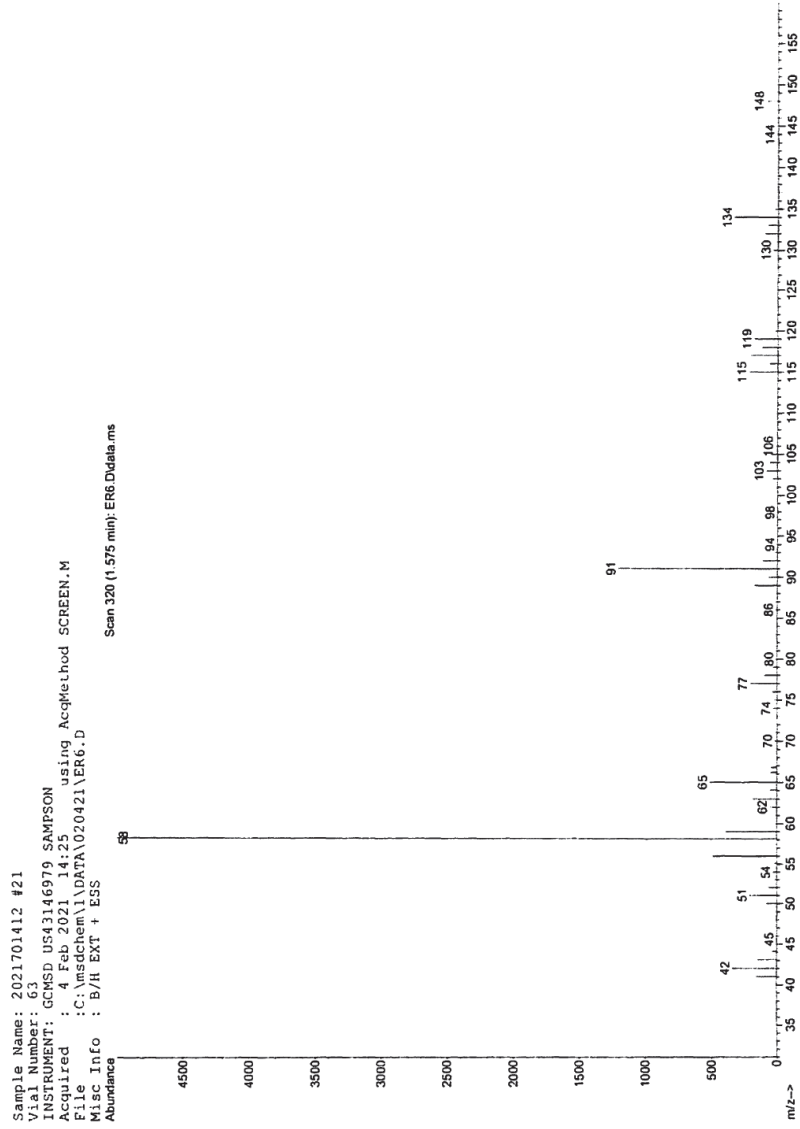
Peak#	Ret. Time	Type	Width	Area	Start Time	End Time
1	1.575	rBV	0.081	2488394	1.560	1.641
2	4.580	rBV	0.085	1566521	4.563	4.647





119a

2021701412 : RAST, ELIZABETH - (04-Feb-2021)



120a

2021701412 : RAST, ELIZABETH - (10-Feb-2021)

BLANK FOR 2021701412 #28

VIAL 14

ETOH + ESS

04-Feb-21, 17:31:13

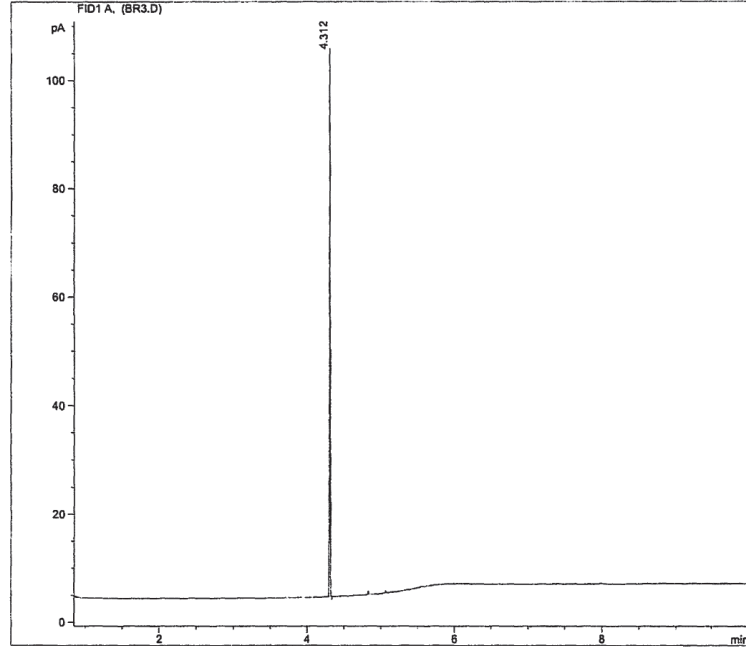
->

Olivia

Agilent 6850 GCFID S/N CN10821011

C:\CHEM32\1\DATA\020421\BR3.D

C:\Chem32\1\DATA\020421\SCREEN.M



Meas. Ret. Time	Area %	Height %	Area	Width
4.312	100.0	100.0	73.7	0.012

121a

2021701412 : RAST, ELIZABETH - (10-Feb-2021)

2021701412 #28

VIAL 15

ETOH EXT + ESS

04-Feb-21, 17:44:32

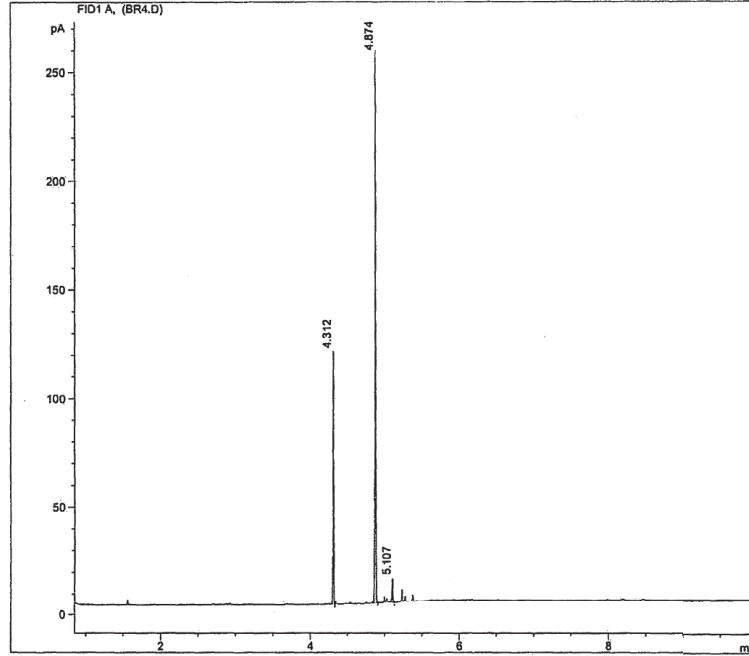
->

Olivia

Agilent 6850 GCFID S/N CN10821011

C:\CHEM32\1\DATA\020421\BR4.D

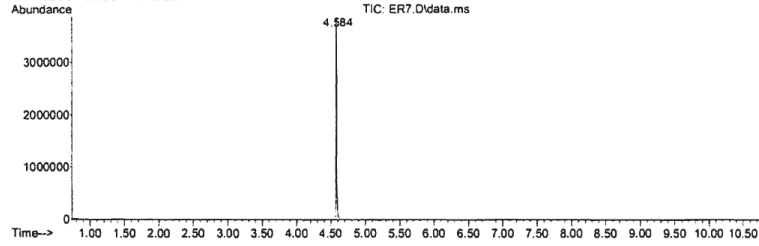
C:\Chem32\1\DATA\020421\SCREEN.M



Meas. Ret. Time	Area %	Height %	Area	Width
4.312	26.4	30.5	79.3	0.011
4.874	70.6	66.4	212.4	0.013
5.107	3.1	3.1	9.3	0.013

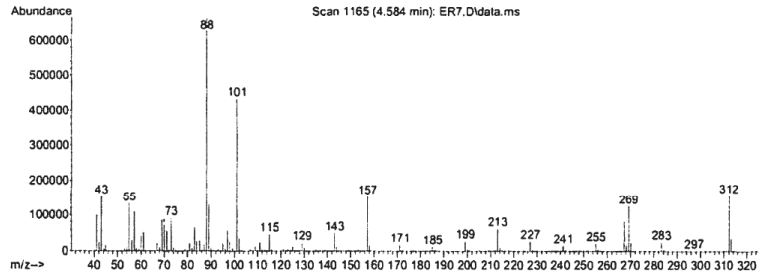
122a

2021701412: EAST ELIZABETH 04 Feb 2021 #28  
Vial Number: 64  
INSTRUMENT: GCMSD US43146979 SAMPSON  
Acquired : 4 Feb 2021 14:40 using AcqMethod SCREEN.M  
File : C:\msdchem\1\DATA\020421\ER7.D  
Misc Info : ESS



TIC: ER7.D\data.ms  
BLANK FOR 2021701412 #28

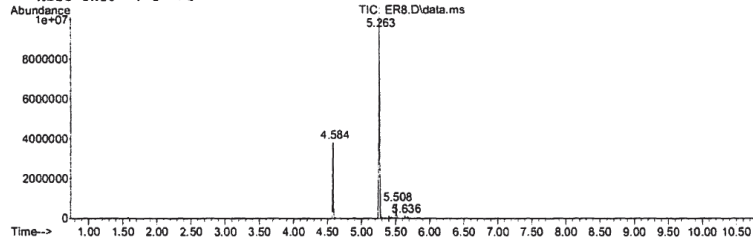
Peak#	Ret. Time	Type	Width	Area	Start Time	End Time
1	4.584	rBV	0.106	3194137	4.563	4.668



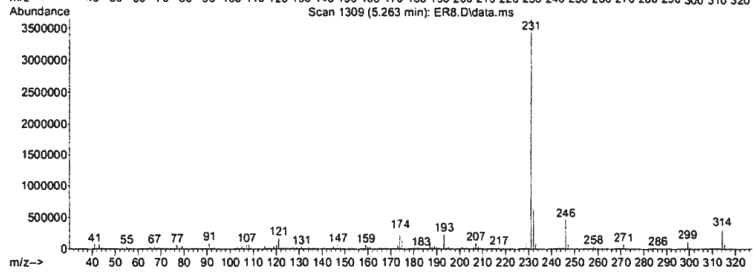
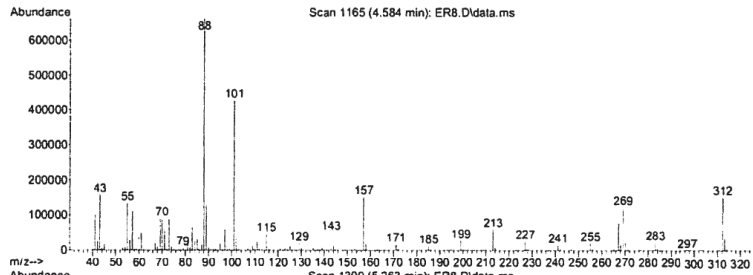
123a

2021701412 RAST ELIZABETH (04 Feb 2021)

Vial Number: 65  
INSTRUMENT: GCMSD US43146979 SAMPSON  
Acquired : 4 Feb 2021 14:54 using AcqMethod SCREEN.M  
File : C:\msdchem\1\DATA\020421\ER8.D  
Misc Info : D-->S



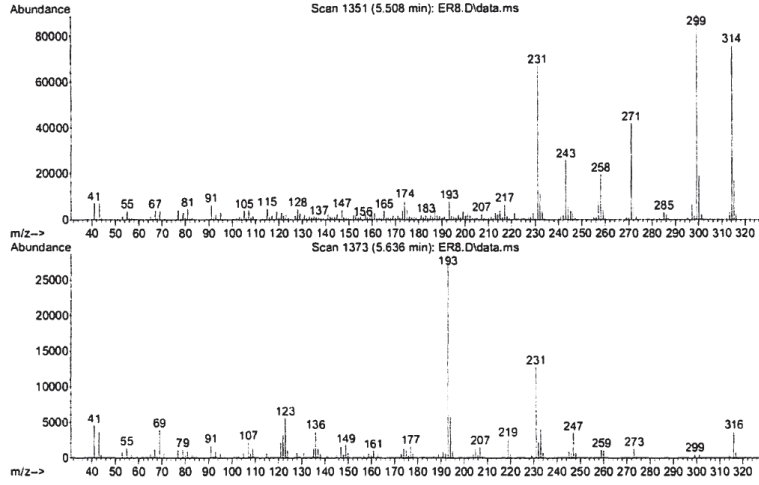
Peak#	Ret Time	Type	Width	Area	Start Time	End Time
1	4.584	rVB	0.110	3265265	4.563	4.673
2	5.263	rBV	0.047	10610408	5.234	5.281
3	5.508	rVB	0.117	627264	5.485	5.601
4	5.636	rBV	0.052	140405	5.613	5.665



124a

20210112 : RAST, ELIZABETH (04-Feb-2021)

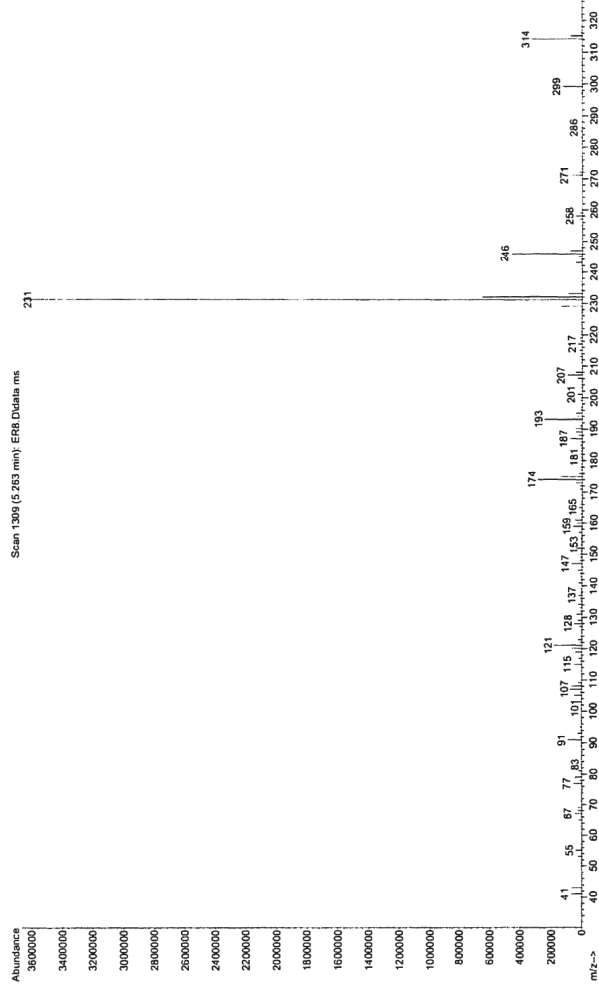
Vial Number: 65  
INSTRUMENT: GCMSD US43146979 SAMPSON  
Acquired : 4 Feb 2021 14:54 using AcqMethod SCREEN.M  
File : C:\mschem\1\DATA\020421\ERR.D  
Misc Info : D-->S



125a

2021701412 : RAST, ELIZABETH - (04-Feb-2021)

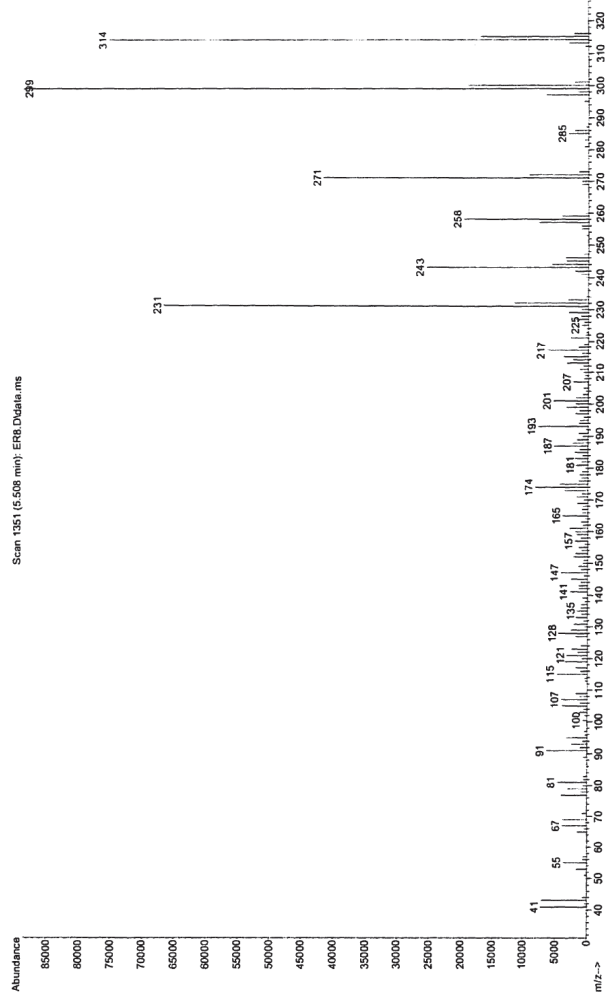
File : C:\msdchem\1\DATA\020421\ER8.D  
Operator : 4 Feb 2021 14:54  
Acquisition Method : using AcqMethod SCREEN.M  
Instrument : GC93D J543146979 SAMPSON  
Sample Name : 2021701412 #29  
Misc Info : D-->S  
Vial Number: 65



126a

2021701412 : RAST, ELIZABETH - (04-Feb-2021)

File : C:\msdchem\1\DATA\020421\ER8.D  
Operator :  
Acquired : 4 Feb 2021 14:54  
Instrument : Chrom 4.31 using AcqMethod SCREEN.M  
Sample Name : 2021701412 #28  
Misc Info : D-->S  
Vial Number: 65





APPENDIX J

2021701412 - NOBLE, JONATHAN L. - (01-Feb-2021)

**ARIZONA DEPARTMENT OF PUBLIC SAFETY**  
**NON-DPS AGENCY REQUEST FOR SCIENTIFIC EXAMINATION**  
 PHOENIX - (602) 224-2394  
 TUCSON - (520) 748-4575

**Yuma County Narcotics Task Force**  
 FLAGSTAFF - (928) 773-3884  
 LAKE HAVASU - (928) 880-5490

**Yuma County Narcotics Task Force**  
 OFFICERS DIRECT WORK PHONE  
 BRIDGE N 54 928.503.7530

**C. Hamilton**  
 CASE OFFICER EMAIL Gray.Hamilton@ycso.yumacountyaz.gov

**SPECIAL INSTRUCTIONS / CASE HISTORY**  
 REQUESTING FULL SCIENTIFIC ANALYSIS ON ALL NARCOTICS AND DRUGS. TRIAL HAS BEEN SET.

**AGENCY**  
 Yuma County Narcotics Task Force

**CASE OFFICER NAME**  
 C. Hamilton

**CASE OFFICER EMAIL**  
 Gray.Hamilton@ycso.yumacountyaz.gov

**SPECIAL INSTRUCTIONS / CASE HISTORY**  
 REQUESTING FULL SCIENTIFIC ANALYSIS ON ALL NARCOTICS AND DRUGS. TRIAL HAS BEEN SET.

**SUBMITTING AGENCY CASE #**  
 2019 - TF 000383

**(1) ASSOCIATED INDIVIDUALS (LAST, FIRST, MI)**  
 SMITH, JASON V

**(2) ASSOCIATED INDIVIDUALS (LAST, FIRST, MI) DOB**  
 BOSS OF DANG. DRUGS FOR SALE

**(3) ASSOCIATED INDIVIDUALS (LAST, FIRST, MI) DOB**  
 BOSS OF NAPE. DRUGS FOR SALE

**CHARGES**

**(3) ASSOCIATED INDIVIDUALS (LAST, FIRST, MI) DOB**

DPS DR NUMBER  
2021701412

PAGE 1 OF 12

S= SUSPECT V= VICTIM O= OTHER

D.O.B. 2/13/87

S V O

S V O

S V O

S V O

DPS ONLY	ITEM #	BRIEF DESCRIPTION OF EVIDENCE	REQUESTS FOR ANALYSIS								ASSOCIATED INDIVIDUALS				
			BA	TOX	CS	DNA	FT	LP	QD	CFU	(1)	(2)	(3)		
	# 4	A SMALL BOX CONTAINING A WHITE CRYSTALLINE LIKE SUBSTANCE													
	# 7	CLEAR PLASTIC BAG CONTAINING A WHITE CRYSTALLINE LIKE SUBSTANCE													
	# 8	CLEAR PLASTIC BAG CONTAINING A GREEN LEAFY SUBSTANCE													
	# 10	CLEAR PLASTIC BAG CONTAINING A GREEN LEAFY SUBSTANCE													
	# 11	CLEAR PLASTIC BAG IN PURE WHITE CONTAINING WHITE CRYSTALLINE SUB.													
	# 13	A GREEN LEAFY SUBSTANCE													
	# 14	A GREEN LEAFY SUBSTANCE													

BA = BLOOD ALCOHOL CS = CONTROLLED SUBSTANCES DNA = DNA & SEROLOGY FT = FIREARM AND TRACE LP = LATENT PRINTS QD = QUESTIONED DOCUMENTS TOX = TOXICOLOGY CFU = COMPUTER FORENSICS

HAS THIS EVIDENCE BEEN EXAMINED BY ANOTHER AGENCY?  YES  NO IF YES, EXPLAIN

CHAIN OF CUSTODY			
DPS USE ONLY	ITEM(S) / PACKAGE(S)	FROM NAME	TO NAME
1 Box RM34	Address box	D. Juarez	J.L. Noble
			J.P. FEL

THE ARIZONA DEPARTMENT OF PUBLIC SAFETY CRIME LABORATORY WILL HAVE INITIAL DISCRETION OVER THE SELECTION OF TEST ITEMS AND METHODS FOR ANALYSIS.

DISTRIBUTION: White - Evidence, Yellow - Agency, Pink - Lab

**ARIZONA DEPARTMENT OF PUBLIC SAFETY**  
**NON-DPS AGENCY REQUEST FOR SCIENTIFIC EXAMINATION**  
**EVIDENCE SUBMISSION CONTINUATION FORM**  
 PHOENIX - (602)223-2384 FLAGSTAFF - (620)773-3884 TUCSON - (520)746-4575 LAKE HAVASU - (920)680-5480

**Yuma County Narcotics Task Force**

AGENCY: **Yuma County Narcotics Task Force** SUBMITTING AGENCY CASE #: **2019-TF 000383**

DPS DR# **3031701412**

PAGE 2 OF 2

DPS DR#	ITEM #	BRIEF DESCRIPTION OF EVIDENCE	REQUESTS FOR ANALYSIS				ASSOCIATED INDIVIDUALS					
			BA	CS	DNA	FTL	UP	DD	TOX	ICDFU	(1)	(2)
	#15	GREEN LEAFY SUBSTANCE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	#16	GREEN LEAFY SUBSTANCE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	#18	WHITE PLASTIC BOTTLE CONTAINING GREEN LEAFY SUBSTANCE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	#19	CLEAR PLASTIC BOTTLE BULKY WITH GREEN LEAFY SUBSTANCE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	#20	(2) PLASTIC BAGS CONTAINING A WHITE CRYSTALLINE SUBSTANCE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	#21	BAG PAPER CONTAINING PLASTIC BULKY WITH CRYSTALLINE SUB	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	#22	GREEN LEAFY SUBSTANCE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	#23	GREEN LEAFY SUBSTANCE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	#25	GREEN LEAFY SUBSTANCE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	#26	GREEN LEAFY SUBSTANCE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	#27	TWO GLASS JARS WITH BROWN WAX LIKE SUBSTANCE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	#28	BROWNISH WAX LIKE SUBSTANCE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	#31	GREEN LEAFY SUBSTANCE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	#32	PLASTIC BULKY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							