

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



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RECEIVED

February 11, 2009

FEB 11 2009

DISTRICT ATTORNEY'S
OFFICE

District Attorney Stephan Passalacqua
District Attorney's Office
600 Administration Drive, Room 212J
Santa Rosa CA 95403

Dear Stephan Passalacqua:

The purpose of this letter is to advise your agency of a quality control discrepancy that the Bureau of Forensic Services (BFS), Santa Rosa Laboratory has identified. A full investigation by the BFS Quality Assurance Unit is in progress. The discrepancy is related to controlled substance evidence submissions, and specifically the reported weight(s) of these samples submitted to the laboratory and examined by Senior Criminalist Gregory Popovich. In several instances, we have determined this criminalist may have improperly zero balanced the analytical balance used to weigh controlled substances. These instances resulted in the reported weight of the sample being more than the actual weight.

The analysis and reported controlled substance identifications as reported are accurate and are not in question. We would request however, that any drug cases pending prosecution, which have been analyzed by Senior Criminalist Gregory Popovich, be re-submitted to the BFS Santa Rosa Laboratory for re-weighing determination and analysis.

We will provide your office further information upon completion of the BFS review/investigation, and in the meantime, Mr. Popovich's drug weight results in any cases dating from July 2008 forward should be considered unreliable and appropriate action taken.

Please contact me at the number above if you have any questions.

Thank you for your cooperation in this matter.

Sincerely,


WILLIAM L. CASPER

Laboratory Director
Eureka and Santa Rosa Laboratories

For EDMUND G. BROWN JR.
Attorney General

JESUS RODRIGUEZ
ASSISTANT DISTRICT ATTORNEY

OFFICE OF
THE DISTRICT ATTORNEY
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March 31st, 2009

ALERT: Pursuant to Penal Code Section 1054.1(e) and *Brady v. Maryland*, 373 U.S. 83 (1963)

Re: Aaron Layton, Former Toxicologist with Bio-Tox Laboratories Inc.

Attention: Defense Counsel, San Diego District Attorney Division Chiefs, and San Diego City Attorney Head Deputies:

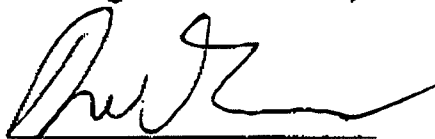
The San Diego County District Attorney's Office and the San Diego City Attorney's Office are in possession of potential impeachment information regarding former Bio-Tox analyst Aaron Layton.

We are currently in the process of identifying all pending and adjudicated criminal cases involving toxicologist Aaron Layton. Once we have completed our search, we will notify each defense attorney of record regarding the impeachment information pursuant to Penal Code section 1054.1(e) and *Brady v. Maryland*.

Sincerely yours,



JESSE RODRIGUEZ
Assistant District Attorney
San Diego District Attorney's Office



DAVID GREENBERG
Assistant City Attorney, Criminal Division
San Diego City Attorney's Office