

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA
CRIMINAL DIVISION "R"

STATE OF FLORIDA,

CASE NO. 17CF004538AMB

vs.

GARY TIMOTHY KITCHINGS,
Defendant

_____ /

DISCOVERY DEMAND REGARDING DNA TESTING

This is a request for disclosure of scientific materials pertaining to DNA testing performed in the above stated case. This request applies to all DNA testing that has been, is currently being, or will be performed in the instant case. The request is ongoing. In the event that new materials responsive to this request are produced, discovered, or otherwise come into the possession of the prosecution or its agents, said materials should be provided to the defendant without delay.

If more than one laboratory handled, or had custody of samples tested in this case this request should, by the State, be addressed to each such laboratory. The State should also address this request to any laboratory that handled or had custody of samples before or after DNA testing. Relevant laboratories include, but are not limited to crime labs, commercial DNA testing facilities, and government DNA testing facilities.

1. Case file: Please provide a complete copy of the case file including all records made by the laboratory in connection with this case. If the file includes photographs, please include photographic quality copies.
2. Laboratory Protocols: Please provide a copy of all standard operating protocols (SOPs) used in connection with the testing in this case. To minimize any burden of duplicating these items, we invite you to provide them in electronic form.
3. Chain of custody and current disposition of evidence: Please provide copies of all records that document the treatment and handling of biological evidence in this case, from the initial point of collection up to the current disposition. This information should include documentation which indicates where and how the materials were stored (temperature and type of container), the amount of evidence material which was consumed in testing, the amount of material which remains, and where and how the remaining evidence is stored (temperature and type of container).
4. Software: Please provide a list of all commercial software programs used in the DNA testing in this case, including name of software program, manufacturer and version used in this case. Please provide a list (not the programs themselves).

5. Data files: Please provide copies of all data files used and created in the course of performing the testing and analyzing the data in this case. These files should include all data necessary to, (i) independently reanalyze the raw data and (ii) reconstruct the analysis performed in this case. For analyses performed with GeneScan[®], Genotyper[®], and/or GeneMapper[®], these materials should include:
- All collection files (such as injection lists and log files for an ABI 310 analysis).
 - All GeneScan[®] files, including sample files and project files.
 - All Genotyper[®] files, including templates/macros (see Request 5).
 - All GeneMapper[®] files, including sample files (.fsa files) and project files
 - If the data you are providing includes *files from another case* that are not pertinent to the instant case (e.g., sample files from another case included in the same run folder), then please identify those non-pertinent samples by name and laboratory code.
7. STR frequency tables: Please provide copies of any allelic frequency tables relied upon in making statistical estimates in this case. If the laboratory relied upon published or publicly available data, this request can be satisfied by providing a specific reference to the source.
8. Copy of the Unexpected Results Log and instances of unintended DNA transfer or sample contamination. Copies of all records maintained in the laboratory that document instances of unintended transfer of DNA or sample contamination, such as instances of negative controls that demonstrated the presence of DNA or the detection of unexpected extra alleles in the control or reference samples, and any corrective measures taken.
9. Copies of the STR electrophoretic profiles (electropherograms) generated for the victim, suspects and for all of the evidence items in this case. These should be labeled as to the person and/or evidence item, the loci assessed and the alleles assigned.
10. Copies of any and all DNA request forms, memoranda, records of telephone conversations, emails or any other forms of communication between laboratory personnel and any other party with regard to the instant case (including communications with regard to any DNA profile uploaded to a local, state or national DNA database (CDIS, LDIS, SDIS, NDIS).

Respectfully submitted,

CAREY HAUGHWOUT
Public Defender, 15th Judicial Circuit
421 3rd Street
West Palm Beach, FL 33401
Telephone: (561) 355-7500



Raquel Tortora, co-counsel
Assistant Public Defender
Florida Bar No. 0092106

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy hereof has been served to Michelle White, Assistant State Attorney, Division "R" OR the Assistant State Attorney currently assigned in STAC at the time of filing, via the STAC case management exchange on this 12th day of June, 2017.



Raquel Tortora, co-counsel
Assistant Public Defender