

Time Line

Saturday, March 26, 2016

## NIST Distances Itself from the First OSAC-approved Forensic Science Standard

Guidelines cited by Gormley under scrutiny?

On March 17, 2016, more than two months after the NIST-created OSAC adopted this first standard, NIST issued a public statement disavowing the standard as written because "concerns have been raised that some of the language in the standard is not scientifically rigorous." 3/ Like the National Research Council, NIST appreciates that "no measurement, qualitative or quantitative, should be characterized as without the risk of error or uncertainty." 4/ The statement adds that "NIST and the FSSB have independently asked that ASTM review the language."

On Aug 6, 2016 1:22 PM, "Jeff Frazier" <[frazier.jeff@gmail.com](mailto:frazier.jeff@gmail.com)> wrote:  
Gormley affidavit

Compare with MSP manual. Identical language except they took out the requirement to "preclude a false positive identification."

This is crucial. Fundamental indicator of lack of reliability. Opposite of the scientific method. Daubert smack down. Allows them to report the schedule 1 when it might be marihuana, marinol, hemp, euchanacia, whatever... As a matter of policy!

On the road.

On Aug 7, 2016 3:29 PM, "Jeff Frazier" <[frazier.jeff@gmail.com](mailto:frazier.jeff@gmail.com)> wrote:

3.8 The chosen analytical scheme shall demonstrate the identity of the specific drug present and shall preclude a false positive identification and minimize false negatives. Where a scheme has limitations, this shall be reflected in the final interpretation

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A.2.20 false positive test result that states that an analyte is present, when, in fact, it is not present or, is present in an amount less than a threshold or designated cut-off concentration [SWGDRUG]

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False Positives

I. Foundation of the emails and which she was involved with  
Some of these were sent to you as part of the position in the lab  
Some because they were forwarded to you because you were the foya coordinator

II. How did you report prior to the policy change  
Melissa Earl testified about how she reported the substance pre policy change

Both ways

This substance

How did you report before the change

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Gormley

Currently Writes the manual

See Tab 13

Origin Unknown

Means it could be from anywhere, including something beyond marihuana or synthetic

Origin may be

Plant or Synthetic

Tab 7 Email Hoskins to Choate

Isn't this a false positive

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Before (May 30 2013) (NonConformity

Marihuana Edibles/ Resinous Extractions

Existing Policy

Each scientist reported based upon their individual professional opinion.

Some Reported

I. Schedule 1 and

Delta-1 Tetrahydrocannabinol Schedule -1. -Felony

II.

Marihuana – Schedule 1 - Mj

1. Choate

2. Pennebaker

3. Melissa Earle

4. E. Gourmley

At Least 2 of the 7 MSP FSD Labs

Non Conformity

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Prop. Policy Change (May 30 2013) Hoskin (Tab 1) (Order to Conform)

Marihuana Edibles/ Resinous Extractions

Direct all the Scientist to Report as I. Schedule 1 and Delta-1  
Tetrahydrocannabinol Schedule -1. -Felony

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Discussion- Are We going to Apply Science

Tab 8 Gormley Emails See

If an analytical requirement is to be established, I would think it  
appropriate to require..

Tab 10 Bowen to Hoskins

Tab 20

You are aware of the federal guidelines

And these were discussed

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Policy Change in Reporting I. (2014)

Tab 11.

2.0 look at

Directive to change the policy (Origin Unknown)

manual modified and directive went out- if no hairs it will report as thc-  
schedule 1 and the source can't be determined

Origin Unknown is contradictory to the Fed Policy hash oil , Swrg, Email  
Tab 8, Choate comments ( serious concerns- concerns a technical  
director should have, all previous reporting of mj by lab scientist that  
reported mj

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Policy Change in Reporting II.

Today's Policy

III. Gormley Emails See tab 8

If an analytical requirement is to be established, I would think it appropriate to require..

If we are going to use science this is what should happen

If we are going to analyze this, this is how it should be

Swerg says you will guarantee no false positive reporting  
“preclude a false positive identification”

Identify the specific drug

Tab 10

Tab 20

You are aware of the federal guidelines

And these were discussed

Origin Unknown is contradictory to the Fed Polic, Swrg, Email  
Tab 8, Choate comments ( serious concerns- concerns a  
technical director should have, all previous reporting of mj by  
lab scientist that reported mj

Tab 11.

2.0 look at

Directive to change the policy

Swrg 3.8

Casework guidelines

2.1.1.2(b)

Removed the language from swrg

\*\* False positives



IV.

Before Carruthers

Discussion of Policy Change

Policy Change in Reporting I.

Policy Change in Reporting II.

Standard for Daubert the case law

Accreditation

P v campbell

Questions about the testing of other drugs

The evidence offered contradicts proof

**Other Exhibits**

Transcript for Melissa Earle highlighted the pages 13-23

Lab policy

## C- 2.1 Guidelines for Controlled Substances Analysis

'Accreditation

Andy Fias and Melissa Keys

**Marihuana Edibles/ Resinous Extractions**

**Reported as**

**Marihuana – Schedule 1**

**and**

**Delta-1 Tetrahydrocannabinol Schedule -1. Felony**

You agree that there is a difference in the manner in which thes

Melissa Earle Testimony

1. Pre policy change she had reported the similar non-plant material substances ( rice crispy treat) as both Marihuana – Schedule 1 and Delta-1 Tetrahydrocannabinol Schedule -1.

Eliabeth Gournley Edited the Training Manual