



## AP Wire - Washington

### State Crime Lab Manager Resigns, DUI Cases In Question

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Accusations against the former manager of the Washington State Patrol's toxicology laboratory could leave hundreds of drunken driving cases and some drug cases in question, lawyers say.

The manager, Ann Marie Gordon, resigned July 20 after the patrol began investigating an anonymous tip that she failed to check a solution as required before signing sworn statements that breath test machines were functioning properly.

Gordon also figures in the case of Frederick D. Russell, who was extradited to stand trial in Whitman County on three counts of vehicular homicide after he fled to Ireland.

Barry Logan, director of the patrol's Forensic Laboratory Services Bureau, testified last week that Gordon destroyed — apparently unintentionally — two blood samples taken from Russell after the crash.

Defense lawyers said that if Gordon lied in court or in certifying breath test machines, questions could be raised about criminal cases in which she testified and about whether breath-test results could be used in court against people charged with drunken driving.

Other analysts tested the solution, so the machine results are still valid, officials asserted.

"If there was a problem where she said it was tested and it wasn't, there's still eight or nine redundant tests by other analysts," Whitman County Prosecutor Denis P. Tracy said.

Logan said there was "no evidence that any of the results issued by the lab are compromised."

The patrol's internal investigation was continuing, and judges have yet to be presented with the matter. King County prosecutors will review the results of the patrol's investigation before deciding whether to file criminal charges against Gordon, Logan said.

"I think this is an issue for every DUI case currently pending in this state," said Francisco A. Duarte, a lawyer in Bellevue. "Every single machine in the state of Washington relies on the solution prepared by the Washington state toxicology lab."

Another defense lawyer in Bellevue, Theodore Wayne Vosk, said that if the person in charge of the lab committed perjury, he wanted to know whether anyone working for her had done the same.

"In my mind, it's a constitutional issue when the state lies," Vosk said. "I want drunk idiots off the road as much as anyone else, but it's got to be done right."

Gordon, who has been unavailable for comment, has done toxicology and related work for more than two decades and since November 2000 has been responsible for reviewing lab data, signing all reports, hiring, training and managing quality, Logan said.

"Her testimony has never been brought into question before," he asserted.

In the Russell case, stemming from a crash near Pullman in 2001, Logan testified on July 23 — three days after Gordon resigned — that she dumped the blood samples in July 2004. He added that he did not conduct an independent investigation but did not believe she acted deliberately.

Duarte, who represents Russell, has asked a Superior Court judge to bar use of the blood alcohol test results in court.