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Cheering in Halls as Drug Cases Are Dismissed

By MICHELLE QUINN

Yelling and cheering erupted again on Friday in the hallways at San Francisco's Hall of Justice as a judge dismissed more than 50 drug cases set to go to trial.

Those whose cases were dismissed on Friday — among more than 300 since March 9 — owe their status to Deborah Madden, a retired crime lab technician who is being investigated after she was accused of taking some evidence she was entrusted to test and oversee. On March 9, the Police Department shut down the lab. Ms. Madden has not been charged.

The alleged discovery, coupled with the Ms. Madden's own comments to the police that the crime lab operation is sloppy, have wreaked havoc on the judicial system here. The public defender's office has motions ready to challenge at least six drug convictions in the past two years, said Tamara Barak Aparton, a spokeswoman for that office.

And that does not include challenges that are likely to come from private defense lawyers.

Jeff Adachi, San Francisco's public defender, called for an independent crime lab on Thursday and a judge ruled that a portion of police documents related to the city crime lab of an alleged drug dealer must be turned over to his defense, The San Francisco Chronicle reported.

At the courthouse, I spoke to Stephanie Wargo, a deputy public defender, about what has become known as the "Madden cases." On Friday morning, a judge dropped the case of one of her clients, Maureen Lehane, because the retesting of the drug evidence in her case had yet to happen, Ms. Wargo said.

There are two bigger issues, in her view, than the cases being dismissed. One is whether the crime lab is properly secured. The second is whether the police and prosecutors knew or should have known that Ms. Madden had a misdemeanor domestic violence conviction in 2008. Before Ms. Madden had acted as a witness in trials, that information should have been disclosed, Ms. Wargo said.

Her words have been condensed and edited:

It's exposing that the entire system is not working. The door to the lab was designed to be opened with a fingerprint but one of our people said the door is always open. The accreditation organization in its most recent report pointed out problems with chain of custody, which is who touches the evidence at what time, who takes it from A to B, who has access to it and how do we know it hasn't been opened during the process.

The people who are getting released are not getting lucky. The D.A. can choose to refile if they want. They get two bites of the apple in a felony case. [Ms. Wargo initially used the word "federal;" her office called to say the intended word was "felony."] Here's a truism in drug cases: If you are going to come back, you are going to come back. But for some people, going through the system as much as they have, will benefit them. They will want to change. They now know they don't want to come back and that will benefit society.

A previous version of this post quoted Ms. Wargo as talking about "a federal case." It has been changed to "a felony case."