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## New problem looms in police lab scandal

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**(03-23) 18:51 PDT SAN FRANCISCO** -- In a legal challenge arising out of the San Francisco police lab drug-skimming scandal, a judge will soon determine whether police and prosecutors withheld vital information about the suspected thefts from defendants' attorneys.

Judge Anne-Christine Massullo ordered District Attorney Kamala Harris and the Police Department to turn over more than 1,100 pages of documents related to the lab investigation, so she can determine whether they are relevant in the upcoming cocaine-sales trial of Mario Bell.

Bell's attorney, Jim Senal, sought the documents and said Tuesday that he'll move to have the case dismissed if the documents show authorities knew of problems with police drug testing but did not reveal them.

If Massullo grants the dismissal on the grounds Bell's rights were violated, it could damage prosecutors' prospects in scores of other drug cases that have already gone to trial.

Prosecutors have been forced to drop more than 250 cases since Police Chief George Gascón ordered the drug-testing section of the crime lab closed March 9, but have said they hope to refile many of those cases when narcotics evidence can be retested. Because of the prohibition against double jeopardy, however, they cannot refile against a defendant whose trial has already begun.

Massullo's ruling on the drug-lab documents is expected as early as Thursday, and will serve as a guide when other defense attorneys make similar requests. Bell's trial is scheduled to begin Monday.

The documents concern what police and prosecutors know about the case of Deborah Madden, 60, a 29-year technician at the lab who is suspected of stealing cocaine evidence. Madden, who went on leave in December and retired March 1, has not been charged.

Madden tested the substance that Bell is accused of selling and determined it was cocaine, a routine yet critical finding that prosecutors require if they are to bring a drug case to trial.

Senal first asked prosecutors and police for the investigation documents in the Madden case March 10, the day after Gascón publicized the drug lab's problems. When prosecutors and police initially resisted, Massullo threatened to dismiss the case.



Public Defender Jeff Adachi said his office is awaiting the judge's review of the files.

"This could be Pandora's box," Adachi said. "Judge Massullo is taking this very seriously."

Even in cases not involving Madden, Adachi said, recent testing by outside labs has shown problems with drug weights as reported by the police lab.

The outside labs have shown smaller amounts of drugs in some cases than the initial police testing, he said. In one case, a marijuana sample tested after Madden left the lab weighed 2 grams more by the police measurement than by the outside lab's, Adachi said.

A cocaine sample that Madden said weighed half a gram amounted to just one-tenth of a gram by an outside lab's measurement, Adachi said.

"I doubt very much that narcotics are disappearing into thin air," he said. "There needs to be an explanation as to what is happening here and why."

Lt. Lyn Tomioka, spokeswoman for the Police Department, did not comment specifically on the alleged drug weight problems. "We are committed to working with the court and others in fully cooperating to ensure all concerned cases are properly adjudicated," she said.

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