



Luis E. Melendez-Diaz v. Massachusetts
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HOLDING:

Introduction of sworn/notarized certificates of state laboratory analysts at trial as *prima facie* evidence of what the certificates assert violates defendant's Sixth Amendment right to confront the witnesses.

FACTUAL BACKGROUND:

In 2001, Boston police officers received a tip that a Kmart employee, Thomas Wright, was engaging in suspicious activity. The police set up surveillance in the Kmart parking lot and witnessed certain events after which officers detained Wright and searched him. The search revealed four clear white plastic bags containing a substance resembling cocaine. The arresting officer signaled other officers on the scene to arrest two men who were in a car with Wright. One of the men was Luis Melendez-Diaz. Officers placed all three men in a police cruiser. After depositing the men at the station, they searched the police cruiser and found a plastic bag containing 19 smaller plastic bags hidden in the partition behind the front and back seats. They submitted the seized evidence to a state laboratory for testing.

Melendez-Diaz was charged with distributing cocaine and trafficking in cocaine in an amount between 14 and 28 grams. At trial, the prosecution placed into evidence the bags seized from Wright and from the police cruiser, and three "certificates of analysis," which provided the results of the forensic analysis performed on the seized substances. The certificates reported the weight of the seized bags, identified the substance found to be cocaine, and were sworn to before a notary public by analysts from the state laboratory. Melendez-Diaz objected to the admission of the certificates, asserting that the Confrontation Clause of the Sixth Amendment required the analysts to testify in person.

DISCUSSION:

The Sixth Amendment to the United States Constitution, made applicable to the States via the Fourteenth Amendment, provides that “in all criminal prosecutions, the accused shall enjoy the right . . . to be confronted with the witnesses against him.” In Crawford v. Washington, 541 U.S. 36 (2004), the Supreme Court held that the Sixth Amendment guarantees a defendant’s right to confront those “who bear testimony” against him.

In Crawford, the Supreme Court described the class of testimonial statements covered by the Confrontation Clause as follows:

Various formulations of this core class of testimonial statements exist: *ex parte* in-court testimony or its functional equivalent - - that is, material such as affidavits, custodial examinations, prior testimony that the defendant was unable to cross-examine, or similar pretrial statements that declarants would reasonably expect to be used prosecutorially; extrajudicial statements . . . contained in formalized testimonial materials, such as affidavits, depositions, prior testimony, or confessions; statements that were made under circumstances which would lead an objective witness reasonably to believe that the statement would be available for use a later trial.

Id. at 51-52.

Justice Scalia, writing for the majority, concluded that there is little doubt that the documents at issue in this case fall within the “core class of testimonial statements” thus described. The documents at issue, while denominated by the Massachusetts law “certificates,” are quite plainly affidavits: “declaration[s] of facts written down and sworn to by the declarant before an officer authorized to administer oaths.” Black’s Law Dictionary 62 (8th ed. 2004). They are incontrovertibly a “solemn declaration or affirmation made for the purpose of establishing or proving some fact.” Crawford, supra, at 51. The fact in question is that the substance found in the possession of Melendez-Diaz and his co-defendants was, as the prosecution claimed, cocaine - - the precise testimony the analysts would be expected to provide if called at trial. The “certificates” are functionally identical to live, in-court testimony, doing “precisely what a witness does on direct examination.” Davis v. Washington, 547 U.S. 813, 830 (2006).

In short, under the Court’s decision in Crawford, these documents are testimonial statements, and the analysts were “witnesses” for purposes of the Sixth Amendment. Absent a showing that the analysts were unavailable to testify at trial and that petitioner had a prior opportunity to cross-examine them, petitioner was entitled to “be confronted with” the analysts at trial. Crawford, supra, at 54. n1.

In the majority opinion, it is noted that the court does not hold that anyone whose testimony may be relevant in establishing the chain of custody, authenticity of the sample, or accuracy of the testing device, must appear in person as part of the prosecution’s case. Gaps in the chain [of custody] normally go to the weight of the evidence rather than to its admissibility.

REMARKS:

This case presented an unusual split on the Court. Justice Scalia, who authored the opinion, and Justice Thomas, who joined in it, are considered two of the most conservative Justices on the Court. Justices Stevens, Souter, and Ginsburg, who also joined to make the five member majority, are often described as three of the more liberal Justices. The four member dissent includes Justice Kennedy, who is often the swing vote that decides a case, together with Chief Justice Roberts and Alito, two of the more conservative Justices, and Justice Breyer, who is often thought of as one of the more liberal members of the Court.