

COUNTY OF GILLESPIE

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July 11, 2019

Defense Counsel Practicing in Gillespie County Court

RE: Texas Department of Public Safety Notice of June 25, 2019  
DPS blood kit recall  
Brady Notice

Dear Attorneys,

On June 25, 2019, DPS sent notice that approximately 300 BD Vacutainer Fluoride Tubes for Blood failed to contain the additive that prevents clotting. The defective tubes came from Lot number 8187663 with an Expiration Date of 07/31/2020 and have been recalled. The DPS notice stated that these tubes and kits were distributed in early 2019.

Based upon the case documents/evidence we get from law enforcement, there is no identifying information to let this office know if a blood-draw case contained one of these defective tubes. Consequently, I have contacted the Fredericksburg Police Department, the Gillespie County Sheriff's Office, the Kerrville DPS Office and the DPS Austin Crime Lab. Based upon our research, we have not received blood-draw cases from any of the constables, Game Wardens, HISDPD or park rangers.

The Fredericksburg Police Department stated it did not receive any defective DPS blood kits described in the DPS notice. They have double-checked to verify this information. If there is any indication that they may have received defective tubes, they will contact this office immediately.

The Gillespie County Sheriff's Office stated it did not receive any defective DPS blood kits described in the DPS notice. They have double-checked to verify this information. Again, if there is any change in this information, they will contact this office immediately.

The DPS Highway Patrol office in Kerrville did receive 20 defective kits with tubes without the additive. These were in an order with 20 kits and all 20 kits are accounted for per Sergeant LaLonde. However, it is possible that some prior kits may have also been from the defective lot. Sgt. Lalonde says there is no way that he can identify kits that have already been submitted to the crime laboratory.

The DPS Austin Crime Laboratory stated that they are checking each blood kit as it comes in for the lot number and expiration date to ensure that the blood evidence is not in a defective tube. This includes blood kits previously submitted if already tested. If a defective tube is discovered, they will notify the law enforcement agency and/or the prosecuting office. To this date, our office has not been notified of any of the affected kits being received by the DPS Austin Crime Laboratory for any cases from this office.

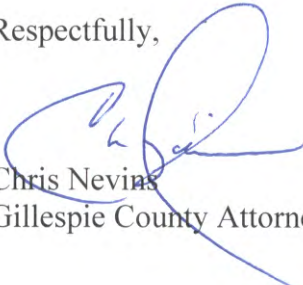
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As soon as this office identifies a case with defective tubes that 1) has been filed in the Gillespie County Court, 2) has been received by this office yet unfiled, 3) has already been adjudicated, or 4) may be pending/filed felony, we will immediately supplement this letter/notice to the attorney/pro se defendant.

Additionally, the lab representative stated that they will have a FAQ regarding this issue come out on the Texas Forensic Science Commission website very quickly, if not immediately.

Should further information arise, I will send another update.

Respectfully,



Chris Nevias  
Gillespie County Attorney

CGN/

cc: Lucy Wilke, 216<sup>th</sup> District Attorney  
Fredericksburg Police Department  
Gillespie County Sheriff's Office  
Sgt. Lalonde, DPS