

QUESTION 10 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK IV

During Donald's 2013 trial for possession with intent to deliver cocaine, the prosecution seeks to introduce a Michigan State Police Crime Laboratory report to establish that the substance seized from Donald on arrest was cocaine. After the substance was seized, it was properly secured, maintained, and forwarded to the crime lab by the officer in charge of the case with a formal request for analysis.

While the report generated by the crime lab was authored by a Dr. Johnson, the doctor was absent from trial, prompting the prosecutor's request to introduce Dr. Johnson's report. The salient portion of the report contains the following statement:

I, Dr. Johnson, have examined a substance submitted to me for analysis in the case of *People v Donald Defendant* and do hereby certify and attest that the substance tested contains the controlled substance cocaine.

This report was sworn to before a notary public and signed. It was then sent to the officer in charge of the case.

Defense counsel objected to the introduction of the report, contending his client has a "constitutional right to cross examine" Dr. Johnson. The prosecutor responded that the report is highly reliable and trustworthy and should be admitted without Dr. Johnson's testimony.

Discuss how the court should rule on defendant's constitutional argument and the analysis leading to that decision. Explain your answer.

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