

NOTICE

This is a summary disposition issued under Alaska Appellate Rule 214(a). Summary dispositions of this Court do not create legal precedent. See Appellate Rule 214(d).

IN THE COURT OF APPEALS OF THE STATE OF ALASKA

REGINALD E. CHILDERS II,

Appellant,

v.

STATE OF ALASKA,

Appellee.

Court of Appeals No. A-13342
Trial Court No. 3KO-18-00064 CR

SUMMARY DISPOSITION

No. 0266 — May 18, 2022

Appeal from the Superior Court, Third Judicial District, Kodiak,
Steve W. Cole, Judge.

Appearances: Cynthia Strout, Law Office of Cynthia Strout,
under contract with the Public Defender Agency, and Samantha
Cherot, Public Defender, Anchorage, for the Appellant. Michal
Stryszak, Assistant Attorney General, Office of Criminal
Appeals, Anchorage, and Treg R. Taylor, Attorney General,
Juneau, for the Appellee.

Before: Allard, Chief Judge, and Wollenberg and Harbison,
Judges.

Reginald E. Childers II was convicted of first-degree promoting contraband
for bringing a controlled substance into the Kodiak Community Jail.¹ At Childers's trial,
the State relied upon the testimony of John Martin, a toxicologist and technical

¹ AS 11.56.375(a)(3).

supervisor at Redwood Toxicology Laboratory, to prove that Childers's urine test was positive for buprenorphine (*i.e.*, suboxone).

Martin testified that although he did not personally run the tests on Childers's urine sample, he was a technical supervisor and was responsible for reviewing and confirming the results of tests performed by other employees in the lab. He testified that he had reviewed all of the records of the testing of Childers's sample, including the identification of the person who provided the sample, the analytical information, and the results. Martin had then independently interpreted the data generated by the tests, and, based on his analysis of this data, concluded that the sample contained buprenorphine and norbuprenorphine.

On appeal, Childers contends that he was denied his right of confrontation because Martin did not personally perform the underlying tests. Our resolution of Childers's case is governed by our decision in *Robbins v. State*.²

In *Robbins*, we confronted another situation where the forensic analyst testified about the test results obtained by a second analyst (working at the same laboratory) who performed portions of the testing under the first analyst's supervision. We held that this testimony did not violate the confrontation clause:

Gingras testified that he was the forensic analyst who was personally assigned to Robbins's case. Gingras explained that, even though Lowe conducted certain aspects of the testing (*i.e.*, the testing to determine the precise level of [the drug] in Robbins's blood), Lowe's test results were forwarded to Gingras, and Gingras was responsible for reviewing those test results and certifying them . . . as the official test results obtained by the Toxicology Laboratory.

² *Robbins v. State*, 449 P.3d 1111 (Alaska App. 2019).

Given these circumstances, we conclude that Gingras could properly testify regarding the results of the [drug] testing performed by Lowe.^[3]

The record here likewise shows that Martin was a technical supervisor and that, as part of this responsibility, Martin was expected to review the other analysts' work, and to either certify or reject their test results. Martin testified that, after reviewing the testing data in this case, he reached his own independent conclusion that the test results were accurate, and he therefore certified those results.

Applying our holding in *Robbins* to the facts of Childers's case, we conclude that Martin's testimony did not violate Childers's right to confrontation.

The judgment of the superior court is AFFIRMED.

³ *Id.* at 1115.