

STANDARDS AND GUIDELINES FOR THE
SCIENTIFIC ANALYSIS OF NEWLY DISCOVERED OR
UNTESTED EVIDENCE
(VIRGINIA CODE § 19.2-327.1)

Upon a finding of clear and convincing evidence that the requirements of subsection A §19.2-327.1 have been met, the court shall order the test to be performed by the Department of Forensic Science and shall prescribe in its order the method of custody, transfer and return of the evidence pursuant to the following standards and guidelines:

- The court order should state the defendant's name and include the forensic science laboratory number and a listing of only that/those item(s) to be tested. If known samples are required, the order should specify the individuals to be sampled.
- The order should state to whom the resultant Certificate of Analysis (original and copies) should be addressed and the disposition of the evidence after testing is complete.
- A copy of the court order and a properly completed Request for Laboratory Examination (RFLE) must accompany the evidence.
- If the evidence is not in the possession of the Department of Forensic Science, the order shall direct the agency in possession of the evidence to deliver same to a laboratory of the Department of Forensic Science in accordance with the Standards and Guidelines for method of custody, transfer and return of evidence issued pursuant to VA Code §19.2-270.4:1.

For assistance with motions or orders for scientific analysis or the storage, preservation and retention of evidence, please contact Department Counsel at Stephanie.Merritt@dfs.virginia.gov or 804-786-2281.