



NATIONAL COMMISSION ON FORENSIC SCIENCE

NIST
National Institute of
Standards and Technology
U.S. Department of Commerce

Adjudication of Public Comments on the Initial Draft Notice and Demand Provisions Document

Type of Work Product:

Adjudication of Public Comments on Initial Draft Document on Notice and Demand Provisions

Public Comment Summary:

There were three public comments on this document.

Adjudication Process Used by Subcommittee:

Reviewed by co-chairs and leader of the legal group

Itemized Issues and Adjudication Summary:

The American Society of Crime Laboratory Directors recommended adoption of the document.

One comment (by a Commissioner) made five specific suggestions, all of which were accepted in one form or another.

Another comment concerned the waiver issue and whether defense counsel could intelligently waive the right of confrontation without access to the underlying file. The document was rewritten to address this issue, and the constitutional standard for waiver is now quoted in a footnote. *See Johnson v. Zerbst*, 304 U.S. 458 (1938) (“A waiver is ordinarily an intentional relinquishment or abandonment of a known right or privilege.”).