STATE OF NORTH CAROLINA COUNTY OF _____

IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION _____CRS _____

STATE OF NORTH CAROLINA	
v .	

NOTICE OF OBJECTION TO THE STATE'S PROPOSED ADMISSION OF SUBSTITUTE ANALYST TESTIMONY

NOW COMES the defendant and hereby gives notice that s/he objects to the State's proposed use of testimony from a substitute analyst.

On _____, the State gave notice that it intends to present the testimony of an analyst who did not test the substance that forms the basis of the charges filed in this case. The defendant asserts that the State's proposed testimony is inadmissible for reasons that include, but are not limited to, the following grounds:

- 1. The proposed testimony would violate the Right to Confrontation under Sixth Amendment to the United States Constitution; Article I, § 23 of the North Carolina Constitution; and *Smith v. Arizona*, 602 U.S. 779 (2024).
- 2. The proposed testimony would not constitute a valid opinion under Rule 702 of the North Carolina Rules of Evidence.
- 3. The proposed testimony would deprive the defendant of a fair trial and violate Due Process under the Fifth and Fourteenth Amendments to the United States Constitution and Article I, § 19 of the North Carolina Constitution.

The defendant therefore requests that this Court prohibit the State from presenting the proposed testimony of the substitute analyst.

This the _____ day of ______, 20____.

[Name] [Address] [Address]

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing notice of objection was served on ______, Assistant District Attorney, [Address], by deposit in the United States mail, first-class and postage prepaid.

This the _____ day of ______, 20____.

[Name]