

Diaz v. Massachusetts, has held that reports of chemical analyses are "testimonial," hence, in a criminal case, the defendant has a right to confront the technicians who performed the chemical analysis. The fallacy in this reasoning is obvious. It is true that, if petitioner had stood trial, the government would have found it necessary to present the live testimony of the technicians who performed the chemical analysis, in order to prove that the substance was indeed "Ecstasy." But petitioner entered a plea of guilty, and expressly admitted that the substance was indeed Ecstasy.

Since the petitioner validly waived his right to challenge his conviction and sentence, and since there is plainly no merit whatever in the grounds asserted in the petition, his petition will be denied.

An Order follows.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.

