

Garden State CLE Presents:

State v. Patricks

New Jersey DWI Mock
Trial



Lesson Plan

**Report of Thomas Everist, Patrolman
Lawrence Township Police Department
Mercer County
Lawrenceville, NJ 08648
609-896-1111**

Drunk-Driving Report – 1/27/08

On Sunday January 27, 2008, I was working a 3:00 pm to 11:00 pm patrol shift. At approximately 17:45 hours I was dispatched to an MVA at the intersection of Federal City and Denow Roads. Upon arrival, I saw a grey passenger automobile, Nissan Maxima which had collided with a tree. No fire was present although steam was coming from the front engine area where the vehicle had struck the tree. I noted that both the driver's door and the rear driver's side door were open.

I radioed my dispatcher about the MVA and request back-up and alert for possible injury. Within a few minutes, I was joined by Ptl. Andrew Lee. Ptl Lee and I positioned our vehicles so that they illuminated the accident scene and then exited my vehicle to inspect the area. I walked over to the crashed vehicle and shined my flashlight inside. There were no occupants present the in the vehicle. An air-bag had deployed in the front driver's area. Blood was present on the rear portion of the driver's seat in the rear passenger compartment. Several empty beer cans were strewn about the rear passenger compartment.

Officer Lee and I then began a visual inspection of the area in an attempt to locate an operator. I began to walk the area in concentric circles using my flashlight. About 25 feet from the rear of the vehicle, I noted a body lying on the ground. Upon further inspection, the body turned out to be a male, approximately 20 years old. He was speaking on a cell phone, appeared dazed and had profuse blood on his face coming from what appeared to be a deep cut on his forehead near the hairline. I signaled to EMT who had just arrived and they began administering first aid to the male.

At this time, I instructed him to get off the cell phone and answer my questions to which he complied. I then began to question the male about the accident. He identified himself as Jack Patricks, age 21. I asked him what happened and he responded that, “Two deer ran out of the park, the car slid on ice and my car crashed.” I asked him how he was injured and he stated, “I hit my head when my car hit the tree.”



During this conversation, I began to detect the strong odor of an alcoholic beverage emanating from Patricks' mouth. I asked him if he had had anything to drink before the accident and he responded, "No...nothing." His speech was obviously slow and slurred. I asked Patricks if anyone else was in the car with him when the accident occurred. He initially said no and then with a second or two said yes, his friends. When I asked for their names and present locations he appeared angry and said, "Look man, I ain't no rat...they all split and I don't want to get anyone in trouble. That's it." I stressed repeatedly that I needed to know right now if anyone else was injured but Patrick declined to say any more at this time.

Due to the head injury and on scene treatment by EMT, I could not administer any FST's at the scene. Accordingly, I spent the next few moments further checking the area other witness or victims. I found none in the area.



EMT Senior Responder McGlone informed me, due to the head injury that the driver would be taken to Capital Heath Systems ER in Hopewell for further evaluation and treatment.

Patricks was conveyed to CHS by EMT in an ambulance, followed by Patrolman Lee. I initially remained at the accident scene to continue my investigation. A check with dispatch showed that Patricks was the registered owner of the Nissan Maxima involved in the crash. Dispatch also reported that his d/l was valid. LKA is 113 Lawrence Road in Lawrenceville 08648.

I cleared the accident scene and requested that an evidence tech return at daylight to take a photo of the accident scene before the vehicle was removed and impounded per John's Law. I then proceeded to CHS to continue my investigation.



Upon my arrival in the ER at CHS, I located Officer Lee and Patricks. Officer Lee told me he had just observed a blood sample being taken from the driver's body by EMT staff for purposes of diagnosis and treatment. I once again requested that Patrick provide me with more complete information about the accident. In response, Patricks stated in noticeably slurred speech and in an angry manner, "I ain't got nothing more to say to you cops. My new car is wrecked. I know my rights. What about my car?". Once again, I detected the odor of an alcoholic beverage on the driver's breath. I told him his car would be impounded per John's Law.

At this point, ER staff had completed their treatment. I observed that they provided the driver with 8 stitches to close his head wound. The injury I had seen on the hairline was covered with a bandage. The blood had been mostly cleaned from his face although a substantial amount remained on the front of Patricks' shirt. I then requested that Ptl Lee place the driver under arrest at DUI, noting the time to be 19:03. I then advised him of his rights per *Miranda*. He was handcuffed by Ptl Lee (double-locked) and brought back to the station by me for further processing.

During transport and back at the station, I continuously monitored Patricks for at least 20 minutes to make sure that he placed nothing in his mouth. Prior to administering the Alcotest, I asked the subject to perform standardized field sobriety tests, walk and turn. Subject declined to perform the test, stating that his head hurt too much. I then made sure that there were no electronic devices in the testing area and checked the driver's oral cavity for foreign objects. None was detected.

I then read the standard statement to the driver (paragraph 36) and he said he would submit breath samples.

In order to administer the first test, I placed a new mouth piece on the blowing tube and instructed the driver to blow into the Alcotest as per the standard instructions. The driver provided a satisfactory sample and I repeated the same procedure to get a second satisfactory sample. The Alcohol Influence Report related a truncated BAC of .17%. Readings confirmed valid thru work-sheet A.

When Patricks had cleared warrant check, I personally served him with a summons and complaint LT 006465 charging NJSA 39:4-50 and LT 006466 charging reckless driving NJSA 39:4-96 with first appearance for February 6th. Driver was then TOT Sgt. Reading for booking and to make a phone call and arrange for transport home. Arrestee's Vehicle appeared to be inoperable after the accident and was ordered seized thru Hawks Towing by me the following day per John's Law.

Due to the personal injury, matter to be referred to MCPO

Nothing further to report at this time.

23:12 Hours - January 27, 2008.



**Report of Thomas Everist, Patrolman
Lawrence Township Police Department
Mercer County
Lawrenceville, NJ 08648**

609-896-1111

**Follow-up Report: 1-31-08
State of New Jersey v. Jack Patricks
LT 006465, 66**

On Tuesday January 29, 2008, I appeared before the Hon. Paul Catanese, PJMC for the purpose of obtaining a subpoena for the hospital records related to defendant Jack Patricks' blood alcohol level on January 27th. In support of my application, I submitted the following certification:

I, Thomas Everist, of full age to certify the following to be true:

1.) I am a full time, sworn police officer employed by the Lawrence Township Police Department.

2.) On Sunday January 27, 2008, I responded to an accident scene involving a vehicle that was owned by and apparently driven by defendant Jack Patricks.

3.) In my investigation, I noted that Mr. Patrick's vehicle had been involved in serious, one-car motor vehicle accident. Mr. Patricks' mood was antagonistic. His speech was slow and slurred. I detected the strong odor of an alcoholic beverage on his breath when he spoke to me. I also observed numerous empty beer cans in the rear of the vehicle.

4.) Shortly after the accident occurred, a blood sample was removed from the body of Mr. Patricks by ER staff at Capital Heath Systems in Hopewell.

5.) I have been a police officer for 16 years and have been involved with many hundreds of cases involving intoxicated persons.

6.) Based upon the foregoing, I have a reasonable belief that Jack Patricks was under the influence of alcohol at the time he operated his motor vehicle and that the results of the blood test taken for the purposes of diagnosis and treatment by the hospital staff would provide valuable evidence in our investigation.

7.) Wherefore, I request that a subpoena *duces tecum* issue to Capital Heath Systems of Hopewell Township, NJ, directing that the results of the blood test performed on the sample taken from the body of Jack Patricks on January 27, 2008 be turned over to the Lawrence Township Police Department.

Pursuant to rule 1:4-4(B), I certify that that foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Judge Catanese signed the subpoena. I then served it on the records clerk at CHS. The results showed a serum blood alcohol content of .092%

Stipulation of Parties

State of New Jersey v. Jack Patricks LT 006465, 66

In the above captioned matter, the State of New Jersey and defendant are prepared to stipulate the following as fact:

- 1. The vehicle involved in the motor vehicle accident relevant to this case was registered to the defendant on January 27, 2008.**
- 2. The blood sample taken from the body of the defendant for purposes of diagnosis and treatment by emergency room staff at Capital Health Systems on January 27, 2008 was done in a medically acceptable manner.**
- 3. The results of the blood test reflect testing of the sample taken from the defendant's body on January 27, 2008 by emergency room staff at Capital Health Systems.**
- 4. There will be no challenge before the Court as to the chain of custody or admissibility of the results of the blood test.**
- 5. The results of that test revealed a blood serum level of .092%**

List of Core Foundational Documents

1. Operator's Qualification Card (*Chun* at 134) [Good for the year granted + 2 calendar years];
2. Most recent calibration report from NJSP - (*Chun* at 145);
3. Most recent standard solution change report prior to defendant's test (*Chun* at 145) (Note – this document may sometimes be included as part of #2 above);
4. Certificate of analysis used in defendant's control tests - (*Chun* 145);
5. The Alcohol Influence Report; (*Chun* at 134)
6. Worksheet A Tolerance Calculations (*Chun* 150-151).

c. Direct Examination Demonstration

S-1

DEPARTMENT OF
Motor and Public Safety
This is to certify that

Thomas J. Everist
Lawrence Township

IS QUALIFIED AND COMPETENT TO CONDUCT CHEMICAL BREATH ANALYSES PURSUANT TO CHAPTER 142 OF THE LAWS OF 1966 IN THE OPERATION OF THE ALCO TEST 7110 MK IIC A METHOD TO DETERMINE INTOXICATION. GIVEN UNDER MY HAND AT TRENTON, NEW JERSEY THIS 23rd DAY OF September

TWO THOUSAND AND FIVE

Joseph ...
SUPERINTENDENT
NEW JERSEY STATE POLICE

[Signature]
ATTORNEY GENERAL
STATE OF NEW JERSEY

ORIGINAL COURSE DATES

	DATE	Refresher Course PLACE	INSTRUCTOR
1.	12-14-07	OCDA	C. ...
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			

S-2
A #6

Alcotest 7110 Calibration Certificate

Part I - Control Tests

Equipment: Alcotest 7110 MKIII-C Serial No.: ARWF-0359
Location: LAWRENCE TWP POLICE
Calibration File No.: 00203 Calib. Date: 10/23/2007 Calib. No.: 00004
Certification File No.: 00204 Cert. Date: 10/23/2007 Cert. No.: 00003
Linearity File No.: 00080 Lin. Date: 10/23/2006 Lin. No.: 00002
Solution File No.: 00201 Soln. Date: 10/20/2007 Soln. No.: 00033
Sequential File No.: 00204 File Date: 10/23/2007

Calibrating Unit: WET Model No.: CU-34 Serial No.: DDWJ S3-0355
Control Solution %: 0.100% Expires: 02/22/2009
Solution Control Lot: 07B045 Bottle No.: 0024

Function	Result	Time	Temperature	Comment(s)
	%BAC	HH:MM	Simulator (°C)	or Error(s)
Ambient Air Blank	0.000%	14:15D		
Control 1 EC	0.099%	14:16D	33.9°C	*** TEST PASSED ***
Control 1 IR	0.100%	14:16D	33.9°C	*** TEST PASSED ***
Ambient Air Blank	0.000%	14:16D		
Control 2 EC	0.099%	14:17D	33.9°C	*** TEST PASSED ***
Control 2 IR	0.101%	14:17D	33.9°C	*** TEST PASSED ***
Ambient Air Blank	0.000%	14:18D		
Control 3 EC	0.100%	14:18D	33.9°C	*** TEST PASSED ***
Control 3 IR	0.100%	14:18D	33.9°C	*** TEST PASSED ***
Ambient Air Blank	0.000%	14:19D		

All tests within acceptable tolerance.

Coordinator

Last Name: SNYDER

First Name: THOMAS

MI: J

Signature: *TPB II Thomas J Snyder 5792*

Badge No.: 5792

Date: 10/23/2007

Pursuant to law, and the "Chemical Breath Testing Regulations" N.J.A.C. 13-51, I am a duly appointed Breath Test Coordinator/Instructor. In my official capacity, and consistent with "Calibration Check Procedure for Alcotest 7110" as established by the Chief Forensic Scientist of the Division of State Police, I perform calibration checks on approved instruments employing infrared analysis and electrochemical analysis, when utilized in a single approved instrument as a dual system of chemical breath testing. Pursuant to, and consistent with, the current "Calibration Check Procedure for Alcotest 7110" as established by the Chief Forensic Scientist, I performed a Calibration Check on the approved instrument identified on this certificate. The results of my Calibration Check are recorded on this certificate, which consists of two parts on two pages: Part I - Control Tests; and Part II - Linearity Tests. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

S-2
B #6

Alcotest 7110 Calibration Certificate

Part II - Linearity Tests

Equipment	Alcotest 7110 MKIII-C	Serial No.:	ARWF-0359
Location:	LAWRENCE TWP POLICE	Calib. No.:	00004
Calibration File No.:	00203	Calib. Date:	10/23/2007
Certification File No.:	00204	Cert. Date:	10/23/2007
Linearity File No.:	00205	Lin. Date:	10/23/2007
Solution File No.:	00201	Soln. Date:	10/20/2007
Sequential File No.:	00205	File Date:	10/23/2007
Calibrating Unit:	WET	Model No.:	CU-34
Control Solution %:	0.040%	Serial No.:	DDRK S3-0003
Solution Control Lot:	07A041	Expires:	01/26/2009
		Bottle No.:	0452
Calibrating Unit:	WET	Model No.:	CU-34
Control Solution %:	0.080%	Serial No.:	DDXD S3-0184
Solution Control Lot:	07A042	Expires:	01/26/2009
		Bottle No.:	0236
Calibrating Unit:	WET	Model No.:	CU-34
Control Solution %:	0.160%	Serial No.:	DDSC S3-0009
Solution Control Lot:	07A043	Expires:	01/26/2009
		Bottle No.:	0589

Function	Result %BAC	Time HH:MM	Temperature Simulator (°C)	Comment(s) or Error(s)
Ambient Air Blank	0.000%	14:34D		
Control 1 EC	0.040%	14:35D	34.0°C	*** TEST PASSED ***
Control 1 IR	0.041%	14:35D	34.0°C	*** TEST PASSED ***
Ambient Air Blank	0.000%	14:36D		
Control 2 EC	0.041%	14:37D	34.0°C	*** TEST PASSED ***
Control 2 IR	0.041%	14:37D	34.0°C	*** TEST PASSED ***
Ambient Air Blank	0.000%	14:38D		
Control 3 EC	0.081%	14:39D	34.0°C	*** TEST PASSED ***
Control 3 IR	0.081%	14:39D	34.0°C	*** TEST PASSED ***
Ambient Air Blank	0.000%	14:41D		
Control 4 EC	0.081%	14:41D	34.0°C	*** TEST PASSED ***
Control 4 IR	0.080%	14:41D	34.0°C	*** TEST PASSED ***
Ambient Air Blank	0.000%	14:43D		
Control 5 EC	0.159%	14:43D	34.0°C	*** TEST PASSED ***
Control 5 IR	0.161%	14:43D	34.0°C	*** TEST PASSED ***
Ambient Air Blank	0.000%	14:45D		
Control 6 EC	0.159%	14:45D	33.9°C	*** TEST PASSED ***
Control 6 IR	0.160%	14:45D	33.9°C	*** TEST PASSED ***
Ambient Air Blank	0.000%	14:47D		

All tests within acceptable tolerance.

Coordinator

Last Name: SNYDER

First Name: THOMAS

MI: J.

Signature: T.P.C. II Thomas J. Snyder #5792

Badge No.: 5792

Date: 10/23/2007

S-2
D #6

DEPARTMENT OF
Traffic and Public Safety
This is to certify that

Thomas J. Snyder
Breath Test Coordinator/Instructor

IS QUALIFIED AND COMPETENT TO CONDUCT CHEMICAL BREATH ANALYSIS PURSUANT TO CHAPTER 114 OF THE LAWS OF 1944 IN THE OPERATION OF THE ALCOHOL TEST 7110A MK III-C A METHOD TO DETERMINE INTOXICATION GIVEN UNDER MY HAND AT TRENTON, NEW JERSEY THIS 17th DAY OF June TWO THOUSAND AND SIX

[Signature]
SUPERINTENDENT
NEW JERSEY STATE POLICE

[Signature]
ATTORNEY GENERAL
STATE OF NEW JERSEY

ORIGINAL COURSE DATES

DATE	Refresher Course PLACE	INSTRUCTOR
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		

S.P. 2930 (Rev. 01/05)

DEPARTMENT OF
Traffic and Public Safety
This is to certify that

Thomas J. Snyder
New Jersey State Police

IS QUALIFIED AND COMPETENT TO CONDUCT CHEMICAL BREATH ANALYSIS PURSUANT TO CHAPTER 114 OF THE LAWS OF 1944 IN THE OPERATION OF THE ALCOHOL TEST 7110A MK III-C A METHOD TO DETERMINE INTOXICATION GIVEN UNDER MY HAND AT TRENTON, NEW JERSEY THIS 22nd DAY OF February TWO THOUSAND AND SIX

[Signature]
SUPERINTENDENT
NEW JERSEY STATE POLICE

[Signature]
ATTORNEY GENERAL
STATE OF NEW JERSEY

ORIGINAL COURSE DATES

DATE	Refresher Course PLACE	INSTRUCTOR
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		

S.P. 2930 (Rev. 01/05)

DEPARTMENT OF
Traffic and Public Safety
This is to certify that

Thomas J. Snyder
New Jersey State Police

IS QUALIFIED AND COMPETENT TO CONDUCT CHEMICAL BREATH ANALYSIS PURSUANT TO CHAPTER 114 OF THE LAWS OF 1944 IN THE OPERATION OF THE Breathalyzer 8810 A METHOD TO DETERMINE INTOXICATION GIVEN UNDER MY HAND AT TRENTON, NEW JERSEY THIS 11th DAY OF Aug. TWO THOUSAND AND 06

[Signature]
SUPERINTENDENT
NEW JERSEY STATE POLICE

[Signature]
ATTORNEY GENERAL
STATE OF NEW JERSEY

ORIGINAL COURSE DATES

DATE	Refresher Course PLACE	INSTRUCTOR
1.	<u>11-14-01</u>	<u>ACIC</u> <i>[Signature]</i>
2.	<u>5-5-03</u>	<u>OCFA</u> <i>[Signature]</i>
3.	<u>4-4-05</u>	<u>ACFC</u> <i>[Signature]</i>
4.		
5.		
6.		
7.		
8.		
9.		

S.P. 2930 (Rev. 11/05)

S-12 #9
E

Calibrating Unit New Standard Solution Report

Equipment Alcotest 7110 MKIII-C Serial No.: ARWF-0359
Location: LAWRENCE TWP POLICE
Calibration File No.: 00203 Calib. Date: 10/23/2007 Calib. No.: 00004
Certification File No.: 00204 Cert. Date: 10/23/2007 Cert. No.: 00003
Linearity File No.: 00205 Lin. Date: 10/23/2007 Lin. No.: 00003
Solution File No.: 00206 Soln. Date: 10/23/2007 Soln. No.: 00034
Sequential File No.: 00206 File Date: 10/23/2007

Calibrating Unit: WET Model No.: CU-34 Serial No.: DDWJ S3-0355
Control Solution %: 0.100% Expires: 08/21/2008
Solution Control Lot: 06H035 Bottle No.: 0373

Function	Result %BAC	Time HH:MM	Temperature Simulator (°C)	Comment(s) or Error(s)
Ambient Air Blank	0.000%	16:00D		
Control 1 EC	0.100%	16:00D	33.9°C	*** TEST PASSED ***
Control 1 IR	0.100%	16:00D	33.9°C	*** TEST PASSED ***
Ambient Air Blank	0.000%	16:01D		
Control 2 EC	0.100%	16:01D	33.9°C	*** TEST PASSED ***
Control 2 IR	0.099%	16:01D	33.9°C	*** TEST PASSED ***
Ambient Air Blank	0.000%	16:02D		
Control 3 EC	0.099%	16:03D	33.9°C	*** TEST PASSED ***
Control 3 IR	0.100%	16:03D	33.9°C	*** TEST PASSED ***
Ambient Air Blank	0.000%	16:03D		

All tests within acceptable tolerance.

On this date, I installed the above indicated "NEW SOLUTION" in accordance with Alcotest 7110 operator training and procedures established by the (NJSP) Chief Forensic Scientist.

TEMPERATURE PROBE SERIAL NUMBER: DDWAP2-213 (JGS)

Changed By:

Last Name: SNYDER

First Name: THOMAS

MI: J.

Signature: THOMAS J. SNYDER #5792

Badge No.: 5792

Date: 10/23/2007

S-3 #1

Calibrating Unit New Standard Solution Report

Equipment	Alcotest 7110 MKIII-C	Serial No.:	ARWF-0359
Location:	LAWRENCE TWP POLICE		
Calibration File No.:	00203	Calib. Date:	10/23/2007
Certification File No.:	00204	Cert. Date:	10/23/2007
Linearity File No.:	00205	Lin. Date:	10/23/2007
Solution File No.:	00247	Soln. Date:	01/20/2008
Sequential File No.:	00247	File Date:	01/20/2008

Calibrating Unit:	WET	Model No.:	CU-34	Serial No.:	DDWJ S3-0355
Control Solution %:	0.100%			Expires:	08/21/2008
Solution Control Lot:	06H035			Bottle No.:	0358

Function	Result	Time	Temperature	Comment(s)
	%BAC	HH:MM	Simulator (°C)	or Error(s)
Ambient Air Blank	0.000%	10:09S		
Control 1 EC	0.100%	10:09S	33.9°C	*** TEST PASSED ***
Control 1 IR	0.101%	10:09S	33.9°C	*** TEST PASSED ***
Ambient Air Blank	0.000%	10:10S		
Control 2 EC	0.099%	10:11S	33.9°C	*** TEST PASSED ***
Control 2 IR	0.100%	10:11S	33.9°C	*** TEST PASSED ***
Ambient Air Blank	0.000%	10:11S		
Control 3 EC	0.099%	10:12S	33.9°C	*** TEST PASSED ***
Control 3 IR	0.100%	10:12S	33.9°C	*** TEST PASSED ***
Ambient Air Blank	0.000%	10:13S		

All tests within acceptable tolerance.

On this date, I installed the above indicated "NEW SOLUTION" in accordance with Alcotest 7110 operator training and procedures established by the (NJSP) Chief Forensic Scientist.

Changed By:

Last Name: SIMON

First Name: STEVEN

MI: R

Signature: _____



#212

Badge No.: 212

Date: 01/20/2008

S-4

#2



JON S. CORZINE
Governor

State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF STATE POLICE
Post Office Box 7068
WEST TRENTON NJ 08628-0068
(609) 882-2000

STUART RABNER
Attorney General

COLONEL JOSEPH R. FUENTES
Superintendent

CERTIFICATION OF ANALYSIS
0.10 PERCENT BREATH ALCOHOL SIMULATOR SOLUTION

ACCEPTANCE SPECIFICATIONS FOR BREATH ALCOHOL SIMULATOR SOLUTION: Ethyl alcohol concentration within, but not exceeding, the range of 0.117 to 0.125 grams per 100 milliliters of solution.

MANUFACTURER: Drager Safety, Inc. ANALYSIS DATE: 9/15/06

BREATH ALCOHOL SIMULATOR SOLUTION LOT NUMBER: 06H035

Representative samples of the above-referenced Lot Number were tested by Gas Chromatography and found to have an ethyl alcohol concentration range of 0.1213 to 0.1215 grams per 100 milliliters of solution.

This lot of breath alcohol simulator solution may be utilized as a known traceable standard for the purpose of conducting periodic tests, pursuant to N.J.A.C. 13:51-3.4, of approved breath test instruments (N.J.A.C. 13:51-3.5) utilized by law enforcement agencies in this State. The manufacturer's expiration date for this lot of breath alcohol simulator solution is August 21, 2008.

As Chief Forensic Scientist of the Division of State Police, I hereby certify and attest that the tests and results documented in this Certificate of Analysis were performed at my direction and under my supervision by personnel of, and at, the Office of Forensic Sciences of the Division of State Police on properly functioning and calibrated instruments and equipment. All procedures utilized are accurate, objective, and performed on a routine basis by personnel within the Office of Forensic Sciences, in accordance with their professional duties and responsibilities.

Ajit R. Tungare
Chief Forensic Scientist
Division of State Police

Sworn to and subscribed before me this 11th day of October, 2006.

Notary

Linda L. DeSantis
My Commission
Expires Aug. 17, 2009



Must Inquire to the Event Organizing Employee

S-5

ALCOHOL INFLUENCE REPORT FORM, ALCOTEST 7110 MKIII-C
LAWRENCE TWP POLICE

#6673

Department Case No.: 08-004382
Summons No(s):
Sequential File No.: 00249

Subject

Last Name: First Name: MI:
D.O.B.: 05/17/1963 Age: 44 Gender: MALE Ht: 6 ft. 03 in. Wt: 295 lbs.
Driver License Number: Issuing State: NJ

Arresting Officer

Last Name: LEE First Name: ANDREW MI: F
Badge No.: 213 Arrest Date: 01/27/2008 Arrest Time: 19:03S Arrest Location: 1107

Instrument

Alcotest 7110 MKIII-C Serial No.: ARWF-0359
Location: LAWRENCE TWP POLICE
Calibration File No.: 00203 Calib. Date: 10/23/2007 Calib. No.: 00004
Certification File No.: 00204 Cert. Date: 10/23/2007 Cert. No.: 00003
Linearity File No.: 00205 Lin. Date: 10/23/2007 Lin. No.: 00003
Solution File No.: 00247 Soln. Date: 01/20/2008 Soln. No.: 00037
Sequential File No.: 00249 File Date: 01/27/2008

Calibrating Unit: WET Model No.: CU-34 Serial No.: DDWJ S3-0355
Control Solution %: 0.100% Expires: 08/21/2008
Solution Control Lot: 06H035 Bottle No.: 0358

Breath Test Information

Function	Result %BAC	Time HH:MM	Volume (L)	Duration Sec (s)	Date of Test: 01/27/2008	
					Temp. Sim.(°C)	Error Message
Ambient Air Blank	0.000%	20:01S				
Control Test 1					33.9°C	
EC Result	0.101%	20:01S				
IR Result	0.100%	20:01S				
Ambient Air Blank	0.000%	20:02S				
Breath Test 1			2.8L	5.4s		
EC Result	0.175%	20:03S				
IR Result	0.175%	20:03S				
Ambient Air Blank	0.000%	20:04S				
Breath Test 2			3.0L	5.9s		
EC Result	0.174%	20:06S				
IR Result	0.171%	20:06S				
Ambient Air Blank	0.000%	20:08S				
Control Test 2					33.9°C	
EC Result	0.098%	20:08S				
IR Result	0.099%	20:08S				
Ambient Air Blank	0.000%	20:08S				

REPORTED BREATH TEST RESULT: 0.17% BAC

Breath Test Operator

Last Name: EVERIST First Name: THOMAS MI: J
Signature:  Badge No.: 193
Date: 01/27/2008

Copy Given to Subject

S.6

WORKSHEET A

State v. Chun, et al.
 Supreme Court of New Jersey
 A-96 September Term 2006 (Docket No. 58,879)

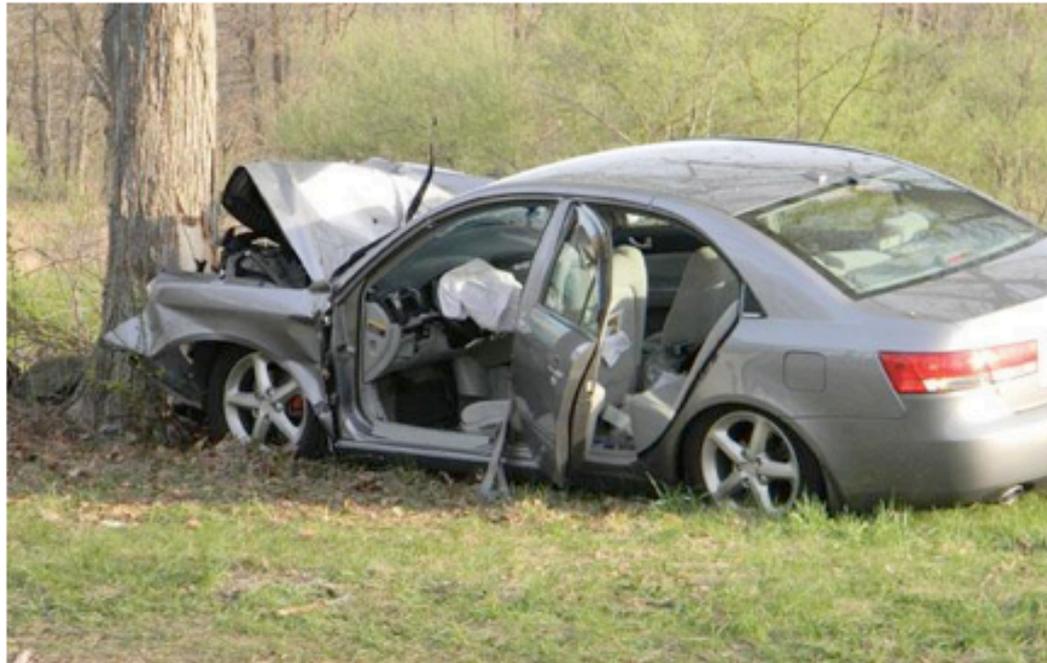
Tolerance Worksheet (for use in connection with Alcotest New Jersey Firmware 3.11)
 How to Calculate Whether Two Breath Samples are in Tolerance Under Acceptable Tolerance Standard

Line #	Subject Alcohol Results to be Input from Alcohol Influence Report		
1	Valid Breath Sample 1 IR		(Value entered from AIR)
2	Valid Breath Sample 1 EC		(Value entered from AIR)
3	Valid Breath Sample 2 IR		(Value entered from AIR)
4	Valid Breath Sample 2 EC		(Value entered from AIR)
	Breath Samples Tolerance Agreement Check		
5	Add Lines #1, #2, #3, and #4:		(This is the sum)
6	Divide Line #5 by 4:		(This is the arithmetic mean)
7	Multiply Line #6 by 1.05:		(This is relative tolerance upper limit)
8	Add 0.005%BAC to Line #6:		(This is absolute tolerance upper limit)
9	Multiply Line #6 by 0.95:		(This is relative tolerance lower limit)
10	Subtract 0.005%BAC from Line #6:		(This is absolute tolerance lower limit)
11	Report the greater of Line #7 or Line #8, to four digits after decimal point:		(This is the upper tolerance limit)
12	Report the lesser of Line #9 or Line #10, to four digits after decimal point:		(This is the lower tolerance limit)
13	Lines #1, #2, #3, and #4 are within the values of Lines #11 and #12. TRUE or FALSE?:		(If TRUE, breath samples are in tolerance and AIR is valid; if FALSE, breath samples are not in tolerance and the AIR is invalid)

Garden State CLE Presents:

State v. Patricks

**New Jersey DWI Mock
Trial**



Lesson Plan