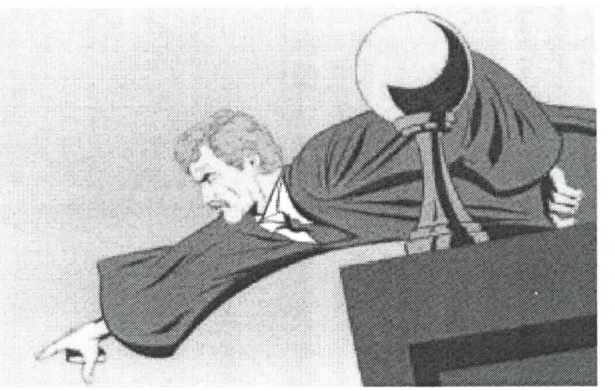
Garden State CLE presents:

Municipal Prosecutor DWI Training: Alcotest Trial Documents



Instructor

Joseph P. Rem, Jr., Certified Criminal Tial Attorney

A) Trial Strategy

The initial question you must answer as a prosecutor is the sequence of the proofs. You will want your presentation to tell a logical and compelling story. The Alcotest proofs will be presented to the judge during an N.J.R.E. 104(a) hearing. This procedure can occur pre-trial or during the State's case. The presentation of proofs is ultimately the judge's call under N.J.R.E. 611:

Rule 611. Mode and order of interrogation and presentation

(a) Control by Court; Purposes. The Court shall exercise reasonable control over the mode and order of interrogating witnesses and presenting evidence to:

(1) make those procedures effective for determining the truth;
(2) avoid wasting time; and
(3) protect witnesses from harassment or undue embarrassment.

As a practical matter, it is best to tell a logical story to the judge by delaying the Alcotest proofs until you have established foundational elements such as:

(1) Operation;
(2) Identification of the defendant as the driver;
(3) Establishment of probable cause to arrest.

Once the story line has the defendant transported to the police station for testing purposes, you can request that the N.J.R.E. 104(a) hearing to present the Alcotest proofs.

Apart from organizing all of the necessary Alcotest documents as outlined below, it is vital that you interview your police witnesses prior to trial. This is especially important for the officer who operated the Alcotest. This person is an indispensible fact witness who will identify all of the documents during the N.J.R.E. 104(a) hearing.

B) Case Law: General Conditions of Admissibility

1) The conditions of admissibility of Alcotest results set forth by the Supreme Court as per State vs. Chun, 194 N.J. 54, 134(2008) are:

i. Device was in proper working order – Proved by Documents:
Alcohol Influence Report
Six-month calibration documents from NJSP
Simulator Solution Certificate of Analysis

ii. Operator was certified – Prove by Documents & Testimony:
Operator card of officer who conducted the test
Operator card of trooper who performed six-month calibration
Operator card of officer who last changed simulator solution

iii. Tests were administered according to official procedure – Prove by Testimony.

2) Operators must wait twenty minutes before collecting a sample to avoid overestimated readings due to residual effects of mouth alcohol. The software is programmed to prohibit operation of the device before the passage of twenty minutes from the time entered as the time of the arrest. Moreover, the operator must observe the test subject for the required twenty-minute period of time to ensure that no alcohol has entered the person's mouth while he or she is awaiting the start of the testing sequence. In addition, if the arrestee swallows anything or regurgitates, or if the operator notices chewing gum or tobacco in the person's mouth, the operator is required to begin counting the twenty-minute period anew. State vs. Chun, 194 N.J. 54, 79(2008) [See State vs. Filson, 409 N.J.Super 246, 249(LawDiv.2009) (State could not prove 20 minutes of continuous observation.); State vs. Ugorvics, 410 N.J.Super 482(App.Div.2009) (Observation may be made by any police officer)]

3) Assuming that the results of the control test are within the established parameters, the instrument prompts the operator through a message on the LED screen to collect a breath sample. The operator then attaches a new, disposable mouthpiece and removes cell phones and portable electronic devices from the testing area. The operator is required to read the following instruction to the test subject: "I want you to take a deep breath and blow into the mouthpiece with one long, continuous breath. Continue to blow until I tell you to stop. Do you understand these instructions?" The arrestee then provides the first breath sample, which is measured in the IR and EC chambers. State vs. Chun, 194 N.J. 54, 80-81(2008)

4) Test was administered within a reasonable period of time. [T]he statute prescribes an offense that is demonstrated solely by a reliable breathalyzer test administered within a reasonable period of time after the defendant is stopped for drunk driving, which test results in the proscribed blood-alcohol level. State vs. Tischio, 107 N.J. 504, 522(1987).

5) No proof on reasonable time - The State presented no testimony on that issue and therefore failed to carry the burden of proof, making the breathalyzer test results inadmissible. State vs. DiFrancisco, 232 N.J.Super 317, 321(LawDiv.1988).

6) Core foundational documents - All are required to be properly admitted and considered in evidence as a condition of admissibility.

7) The foundational documents that we conclude need to be entered into evidence therefore are few. They are: (1) the most recent calibration report prior to a defendant's test, with part I—control tests, part II—linearity tests, and the credentials of the coordinator who performed the calibration; (2) the most recent new standard solution report prior to a defendant's test; and (3) the certificate of analysis of the 0.10 simulator solution used in a defendant's control tests. Absent a pre-trial challenge to the admissibility of the AIR based on one of the other foundational documents produced in discovery, we perceive of no reason to require that they be made a part of the record routinely. State vs. Chun, 194 N.J. 54, 145(2008).

i. Operator's Qualification Card (additionally, operator must testify at the trial. Chun at 134) [Good for the year granted + 2 calendar years]; (see N.J.A.C. 13:51-1.8(d))

ii. Most recent calibration report from NJSP - (Chun at 145);

iii. 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);

iv. Certificate of analysis used in defendant's control tests - (Chun 145);

v. The Alcohol Influence Report; (Chun at 134)

vi. Worksheet A Tolerance Calculations (Chun 150-151).

Note - Any attempt to introduce other foundational documents during the evidence Rule 104(a) hearing should be subject to objection as irrelevant and a waste of time under N.J.R.E. 403.

8) Any missing, incomplete, or inaccurate core foundational documents render the Alcotest results inadmissible. State vs. Kuropchak, 221 N.J. 368, 385(2015).

C) N.J.R.E. 104(a) Hearing

1) The State has the burden of going forward with the evidence during a drunk-driving trial.

2) The burden of proof during the hearing was proof by clear and convincing evidence. Romano vs. Kimmelman, 96 N.J. 66 , 90(1984). Clear-and-convincing evidence is "that which 'produce[s] in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established,' evidence 'so clear, direct and weighty and convincing as to enable [the factfinder] to come to a clear conviction, without hesitancy, of the precise facts in issue.' In re Seaman, 133 N.J. 67, 74(1993).

3) The judge must be persuaded of the accuracy and reliability of the Alcotest results at the end of the trial beyond a reasonable doubt. State vs. Campbell, 436 N.J.Super 264(App.Div.2014).

4) The Rules of Evidence do not apply during an N.J.R.E. 104(a) hearing except for a valid claim of privilege or introduction of evidence that would constitute a waste of time or a confusion of the issues under N.J.R.E. 403. The only criteria for the introduction of evidence is that the evidence be both relevance and trustworthy in the interests of justice. See N.J.R.E. 101(a)(3). As a result, hearsay and other normally inadmissible proofs may be considered by the trial judge.

5) Defendant may testify during the N.J.R.E. 104(a) hearing.

His testimony is not admissible substantively and the scope of cross-examination is limited to scope of direct and credibility issues. Testimony may be used for impeachment purposes if defendant testifies during the defense case, but the evidence is never admissible to establish guilt. Harris vs. New York, 91 S.Ct. 643(1971). See State vs. Petrovich, 125 N.J.Super 147(LawDiv.1973)

N.J.R.E. 104(d) Testimony by accused. By testifying upon a preliminary matter, the accused does not become subject to cross-examination as to other issues in the case.

D) Trial Checklist - Alcotest Core Foundational Documents Introduced During the N.J.R.E. 104(a) Hearing

Each of these documents must be introduced in evidence to support Alcotest results – State vs. Kuropchak, 221 N.J. 368(2015)

1) Alcohol Influence Report – This document serves as your master guide for almost al of the other necessary documents

2) Alcotest Operator's qualification card

3) Machine reliability proofs, including:

The Calibration record (cover sheet)
Part I Control test
Part II Linearity Tests
New standard solution report related to Part I control test
Alcotest cards of the trooper who performed the tests
Most recent standard solution change report

4) Certificate of analysis used in defendant's control test

5) Worksheet A tolerance calculations

E) Official Testing Procedures

1) Was the last solution change certificate valid? (Matches the AIR)

2) Proof of 20-minute observation period:

Began at: _____
Ended at: _____
No mouth alcohol detected
No Regurgitation
Gum/Tobacco
Tongue rings or other oral devices

3) Administration of test:

New mouthpiece for each test
No electronic devices in testing room
Proper instructions read to test subject
Two proper sample of 1.5 liters of air over 4.5 seconds
Test administered within a reasonable time following arrest
Copy of test results given to defendant upon request

Move all authenticated documents and results into evidence as having been proved by clear and convincing evidence. Burden of proof at the end of the trial is beyond a reasonable doubt.

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

Date of Test: 01/27/2008

Function	Result %BAC	Time HH:MM	Volume (L)	Duration Sec (s)	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

DEPARTMENT OF

Law 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 ALCOTEST 7110 MK IIIC A METHOD TO DETERMINE INTOXICATION.

GIVEN UNDER MY HAND AT TRENTON, NEW JERSEY THIS 23rd DAY OF September TWO THOUSAND AND FIVE

SUPERINTENDENT
NEW JERSEY STATE POLICE

ATTORNEY GENERAL
STATE OF NEW JERSEY

ORIGINAL COURSE DATES

Refresher Course

	DATE	PLACE	INSTRUCTOR
1.	12-15-03	OCPA	[illegible]
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			

S.P. 2938 (Rev. 06/03)

#6 Alcotest 7110 Calibration Record

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.:	00079	Cert. Date:	10/23/2006	Cert. No.:	00002
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.:	00203	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

Coordinator

Last Name: SNYDER — First Name: THOMAS — MI: J.

Badge No.: 5792

Signature: TPR. II Thomas J. Snyder #5792 — Date: 10/23/2007

*Black Key Temperature Probe Serial .....# DDUNP2-229 SJS

*Ertco-Hart Digital Temperature Measuring System Serial# A29881 SJS

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.

#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 %BAC	Time HH:MM	Temperature Simulator (°C)	Comment(s) 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.

Badge No.: 5792

Signature: TRP Thomas J. Snyder #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.

#6

Alcotest 7110 Calibration Certificate

Part II - Linearity 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.:	00205	Lin. Date:	10/23/2007	Lin. No.:	00003
Solution File No.:	00201	Soln. Date:	10/20/2007	Soln. No.:	00033
Sequential File No.:	00205	File Date:	10/23/2007		
Calibrating Unit:	WET	Model No.:	CU-34	Serial No.:	DDRK S3-0003
Control Solution %:	0.040%			Expires:	01/26/2009
Solution Control Lot:	07A041			Bottle No.:	0452
Calibrating Unit:	WET	Model No.:	CU-34	Serial No.:	DDXD S3-0184
Control Solution %:	0.080%			Expires:	01/26/2009
Solution Control Lot:	07A042			Bottle No.:	0236
Calibrating Unit:	WET	Model No.:	CU-34	Serial No.:	DDSC S3-0009
Control Solution %:	0.160%			Expires:	01/26/2009
Solution Control Lot:	07A043			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: TJR II Thomas J. Snyder #5792 Badge No.: 5792

Date: 10/23/2007

#7

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

JON S. CORZINE
Governor

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: 04/04/07

BREATH ALCOHOL SIMULATOR SOLUTION LOT NUMBER: 07B045

Representative samples of the above-referenced Lot Number were tested by Gas Chromatography and found to have an ethyl alcohol concentration range of 0.1222 to 0.1227 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 February 22, 2009

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 20th day of April, 2007.

Notary

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

#6

DEPARTMENT OF
Law and Public Safety
This is to certify that

Thomas J. Snyder
Breath Test Coordinator/Instructor

IS QUALIFIED AND COMPETENT TO CONDUCT CHEMICAL BREATH ANALYSES PURSUANT TO CHAPTER 142 OF THE LAWS OF 1966 IN THE OPERATION OF THE Alcotest 7110 MKIII-C A METHOD TO DETERMINE INTOXICATION.

GIVEN UNDER MY HAND AT TRENTON, NEW JERSEY THIS 13th DAY OF June TWO THOUSAND AND SIX

SUPERINTENDENT
NEW JERSEY STATE POLICE

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. 2938 (Rev. 01/08)

DEPARTMENT OF
Law and Public Safety
This is to certify that

Thomas J. Snyder
New Jersey State Police

IS QUALIFIED AND COMPETENT TO CONDUCT CHEMICAL BREATH ANALYSES PURSUANT TO CHAPTER 142 OF THE LAWS OF 1966 IN THE OPERATION OF THE ALCOTEST 7110 MKIII-C A METHOD TO DETERMINE INTOXICATION.

GIVEN UNDER MY HAND AT TRENTON, NEW JERSEY THIS 22nd DAY OF February TWO THOUSAND AND SIX

SUPERINTENDENT
NEW JERSEY STATE POLICE

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. 2938 (Rev. 01/08)

DEPARTMENT OF
Law and Public Safety
This is to certify that

Thomas J. Snyder
New Jersey State Police

IS QUALIFIED AND COMPETENT TO CONDUCT CHEMICAL BREATH ANALYSES PURSUANT TO CHAPTER 142 OF THE LAWS OF 1966 IN THE OPERATION OF THE Breathalyzer A METHOD TO DETERMINE INTOXICATION

GIVEN UNDER MY HAND AT TRENTON, NEW JERSEY THIS 11th DAY OF Aug TWO THOUSAND AND 00

SUPERINTENDENT
NEW JERSEY STATE POLICE

ATTORNEY GENERAL
STATE OF NEW JERSEY

ORIGINAL COURSE DATES _____

Refresher Course

	DATE	PLACE	INSTRUCTOR
1.	11-14-01	ACTC	K. Finnegan
2.	5-5-03	OCPA	K. Finnegan
3.	4-4-05	ACTC	C. Dotson
4.			
5.			
6.			
7.			
8.			
9.			

SP-2938 (Rev. 11/99)

#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	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.:	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 %BAC	Time HH:MM	Temperature Simulator (°C)	Comment(s) 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 acordance with Alcotest 7110 operator training and procedures established by the (NJSP) Chief Forensic Scientist.

Changed By:

Last Name: SIMON First Name: STEVEN MI: F

Signature: #212

Badge No.: 212

Date: 01/20/2008

#2

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

JON S. CORZINE
Governor

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.

Linda L. DeSantis
Notary

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

HONOR STATE POLICE NJ QUALITY