



Discovery Request Information

In order for us to provide an expert opinion, you must request the following in discovery:

I. Documents explicitly set forth in the Order accompanying State v. Chun (following each item is a reference to which section of the Order provides for that item):

1. “All Dräger Certificates of Accuracy” for the Alcotest® used to test Defendant’s breath [3(C)(5)]
2. “Certification of Analysis” for the .10% simulator solution lot used during the Defendant’s breath tests [6(B)(3)]
3. “Calibration Record” for the last calibration (must be within the last six months) of the Alcotest® used to test Defendant’s breath, prior to the test [3(C)(6)]
4. “Certification of Analysis” for the .10% simulator solution lot identified on the “Calibration Record” document [3(C)(7)]
5. “Certificate of Accuracy” for the CU-34 identified on the “Calibration Record” document [3(C)(10)]
6. If the “Calibration Record” has a “Black Key Temperature Probe” identified by serial number, then we need the “Certificate of Accuracy” for it [3(C)(11)]
7. “Part I – Control Tests” from the last calibration [3(C)(6)]
8. “Certification of Analysis” for the .10% simulator solution lot identified on the “Part I – Control Tests” document [3(C)(7)]
9. “Certificate of Accuracy” for the CU-34 identified on the “Part I – Control Tests” document [3(C)(10)]
10. “Part II – Linearity Tests” from the last calibration [3(C)(6)]
11. “Certification of Analysis” for the .04% simulator solution lot identified on the “Part II – Linearity Tests” document [3(C)(8)]
12. “Certification of Analysis” for the .08% simulator solution lot identified on the “Part II – Linearity Tests” document [3(C)(8)]
13. “Certification of Analysis” for the .16% simulator solution lot identified on the “Part II – Linearity Tests” document [3(C)(8)]
14. “Certificate of Accuracy” for the CU-34 using .04% simulator solution lot identified on the “Part II- Linearity Tests” document [3(C)(10)]

15. “Certificate of Accuracy” for the CU-34 using .08% simulator solution lot identified on the “Part II- Linearity Tests” document [3(C)(10)]
16. “Certificate of Accuracy” for the CU-34 using .16% simulator solution lot identified on the “Part II- Linearity Tests” document [3(C)(10)]
17. “Ertco-Hart (or other NIST traceable thermometer) Report of Calibration” [3(C)(12)]
18. “New Standard Solution Report” from the simulator solution change performed immediately after the last calibration [3(C)(9)]
19. “New Standard Solution Report” from the last simulator solution change performed on the Alcotest[®] used to test defendant’s breath, prior to the test [3(C)(1)]
20. “Certification of Analysis” for the .10% simulator solution lot identified on the “New Standard Solution Report” [3(C)(2)]
21. “Certificate of Accuracy” for the CU-34 identified on the “New Standard Solution Report” [3(C)(3)]
22. All Alcotest[®] Certification Cards for any officials named on either the “Alcohol Influence Report”, the “Calibration Record / Control Tests / Linearity Tests”, or the “New Standard Solution Reports.” [3(C)(1); 3(C)(6); 6(A); 6(B)(1)]

II. Documents the Supreme Court failed to acknowledge in the Chun Order, but which are inferred by the Order and are customarily provided without objection by the State:

1. “Alcohol Influence Report” (A.I.R.)
2. “Certificate of Accuracy” for the CU-34 calibrating unit used during the Defendant’s breath tests
3. “Certification of Analysis” for the .10% simulator solution lot identified on the “New Standard Solution Report” (see #18 from Part I)
4. “Certificate of Accuracy” for the CU-34 identified on the “New Standard Solution Report” (see #18 from Part I)
5. “Certificate of Accuracy” for the “Temperature Probe,” identified by serial number, for each “New Standard Solution Report” (see #18-21 from Part I)

III. Documents the Supreme Court did not Order but should be requested and which we can support by our opinion:

1. At least one, but preferably five redacted A.I.R.s immediately preceding that of the Defendant.
2. All available Alcotest[®] Data Downloads from the Alcotest[®] on which the Defendant was tested. These were performed yearly or after approximately 500 tests, whichever came first, prior to State v Chun. They are now performed every six months or after approximately 500 tests, whichever comes first.

3. Verification of the date in which the Alcotest® used to test the Defendant's breath was first placed into service.
4. Date of fuel cell (EC) replacement, if any.
5. Complete repair record from the Department and Dräger for the Alcotest® instrument used to test the Defendant's breath.

If desired, a request should be made to have us inspect the area in which the Alcotest® is installed and the area immediately surrounding the installation, for purposes of observing, photographing and testing for the presence of Rf interference and EMI (electro motive interference).

Please call Shawn Campbell for details about the foregoing and for sample discovery requests.

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