

# Matthew E. Malhiot

Providing Nationwide Expert Witness Services Involving ALL Aspects of Forensic Alcohol Impairment and Analysis

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## Summary

As a proven, qualified Expert Witness, Mr. Malhiot brings over 30 yrs experience on every case. Matt has testified as an expert in 1000s of alcohol-related cases in Local, State, Military & Federal Courts. As an expert witness, he provides services in civil litigation(plaintiff & defense) & criminal cases(defense & prosecution)

Having worked, conducted research & studies in Forensic Alcohol Analysis gives Matthew an in-depth knowledge of the vast spectrum of alcohol related issues in today's society. Teaching judges,attorneys & law enforcement in all areas of forensic alcohol impairment for many years has earned him a reputation as a professional at the top of his field.

Matt holds a Bachelor of Science degree from Park University-along with 1000s of additional hours of training in Forensic Alcohol Toxicology, Responsible Alcohol Sales, Dram Shop Liability & DUI Enforcement. Matt completed Indiana University's world-renowned, Robert F. Borkestein's Course on Alcohol, Drugs and Highway Safety: Testing, Research & Litigation; as well as Indiana University's course on Forensic Alcohol Program Management. Matt completed the Forensic Toxicologist Certification Board's course on Forensic Ethanol Analysis and Interpretation and has attained 1000s of additional hours of training & experience while working with the Montana Dept of Justice: Division of Forensic Science, the National Highway Traffic Safety Administration & Florida Dept of Law Enforcement-Alcohol Testing Program.

Matt is a CMI Certified Instructor on both the Intox 5000 & 8000. Having completed NHTSA's instructor level courses in SFST, he has taught & lectured on SFST & HGN for many years. Possessing this level of knowledge allowed Matt to serve on the committee that wrote the Florida Law Enforcement Academy Curricula on DUI enforcement.

For the past three decades, Matt has built a solid reputation within the legal community as an expert witness who's professional & ethical standards are above reproach.

## Specialties

All Aspects of Forensic Alcohol Impairment and Analysis-- Providing Expert Witness Services in Civil (plaintiff & defense) and Criminal Litigation (prosecution & defense). Case Reviews, Research & Investigation, Consultations, Litigation Support,Forensic Alcohol Toxicology, Alcohol & the Human Body, Dram Shop Liability, Alcohol Impairment, Personal Injury/Wrongful Death, Breath Alcohol Instrumentation, DUI, DWI, Standardized Field Sobriety Testing (SFST), Horizontal Gaze Nystagmus (HGN) + more

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## Experience

**Owner at Forensic Alcohol Consulting & Training, LLC.**

July 2010 - Present (2 years 3 months)

Provides Nationwide Expert Witness Services & Consultation Involving All Aspects of Forensic Alcohol Impairment & Analysis/ Criminal & Civil Litigation/ Case Reviews/ Personal Injury/ Wrongful Death/ Breath Instrument Audits/ Dram Shop Liability/ Widmark Calculations / Retrograde Extrapolation / Medical-Legal Blood Alcohol Conversion/ Standardized Field Sobriety Testing/ Horizontal Gaze Nystagmus/ PBTs / DUI / DWI / BUI / OVI / Intoxilyzer 5000 & 8000 (CMI Certified Instructor)/ Professional Development Training for Legal Professionals

*10 recommendations available upon request*

**Alcohol Testing Program, Department Inspector at Florida Department of Law Enforcement**

January 2002 - August 2010 (8 years 8 months)

Conducted Breath Test Instrument Inspections and Audits. Intoxilyzer 5000 and 8000. Oversight of Law Enforcement Agencies' Breath Testing Programs throughout the State. Provided Expert Consulting and Expert Witness Services. Trained Law Enforcement, Attorneys and Judges on Forensic Breath Testing and Forensic Alcohol Toxicology. Performed research related to Forensic Breath Testing & Instrumentation.

**Reserve Deputy at Cascade County Sheriff's Office**

1997 - 2001 (4 years)

Law Enforcement Patrol Services, Traffic Enforcement, DUI / DWI Enforcement, Senior Breath Test Operator (Intoxilyzer 5000), Breath Test Instrument Inspector for all Cascade County Law Enforcement Agencies. Provided Expert Consulting and Expert Witness Services.

**Law Enforcement Shift Commander at United States Air Force**

1979 - 1999 (20 years)

Traffic Enforcement, DUI / DWI Enforcement, Breath Test Instrument Operations and Inspections, SFST & HGN Instructor, Law Enforcement Training Section Supervisor, Traffic Crash Investigator, DUI Task Force Coordinator, Provided Expert Consulting and Expert Witness Services to both Federal and State Courts.

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## Organizations

**International Association of Chemical Testing**

**International Association of Law Enforcement Educators and Trainers**

**Forensic Expert Witness Association**

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## Honors and Awards

- Five US Air Force Achievement Medals
- Three US Air Force Commendation Medals
- US Air Force Meritorious Service Medal

- Six US Air Force Good Conduct Medals
  - Five US Air Force Longevity Medals
  - Two GEICO Insurance Company Traffic Safety Awards
  - 1996 Police Officer of the year award (Great Falls, MT Exchange Club)
  - Florida Association of Chemical Testers Certificate of Recognition
  - Florida Department of Law Enforcement Five Year Meritorious Service Award
  - Florida Criminal Justice Standards and Training Commission, Resolution of Commendation
  - Certificate of Recognition Montana State Traffic Safety Program Office
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## Courses

### Independent Coursework

Center for Studies of Law In Action, The R.F. Borkenstein Course on Alcohol, Drugs and Highway Safety: Testing, Research and Litigation

Center for Studies of Law in Action, Symposium on Blood and Breath Alcohol Test Program Management and Administration

Forensic Ethanol Analysis and Interpretation: Presented by The Forensic Toxicologist Certification Board, Inc.

Recommended Standards for Breath-Test Supervisors / Administrators

University of Wisconsin Law School, Resource Center on Impaired Driving, Breath & Blood Testing in Wisconsin

Wisconsin State Laboratory of Hygiene, Blood/Breath and Beyond

Indiana State Department of Toxicology, Breath Testing vs Blood Testing

University of Wisconsin, Physiology Department, Ethanol: Mechanisms, Dose and Effect

Gaseous Ethanol Standards for Calibration of Breath Analyzers

Medical College of Ohio, Dr. Robert Forney, Jr. :  
Toxicology of Alcohol

Pacific University College of Optometry, Principles of Eye Test for Intoxication: Realities and Myths of Eye Movements and Intoxication

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## Skills & Expertise

- **Alcohol and the Human Body**
  - **Forensic and Legal Aspects of Breath Alcohol Analysis**
  - **Pharmacology and Toxicology of Ethyl Alcohol**
  - **Pharmacokinetics of Ethanol**
  - **Pharmacodynamics of Ethanol**
  - **Dram Shop Liability**
  - **Forensic Alcohol Toxicology**
  - **Responsible Alcohol Sales and Service**
  - **Breath Alcohol Analysis, Theory and Operation**
  - **Medical Legal Blood Conversion**
  - **Widmark Calculations**
  - **Methods of Alcohol Analysis**
  - **Retrograde Extrapolation**
  - **Intoxilyzer® 5000 (64, 66, 68 & EN)**
  - **Intoxilyzer® 8000**
  - **Standardized Field Sobriety Testing**
  - **Breath Testing Training Curricula**
  - **Horizontal Gaze Nystagmus (HGN)**
  - **Hand-held Breath Test Instruments (PBT)**
  - **State Administrative Rules for Alcohol Analysis**
  - **Quality Control Procedures**
  - **Frye & Daubert Standard in Breath Testing**
  - **National Safety Council Standards**
  - **Infrared Breath Alcohol Analysis**
  - **Electro-Chemical Breath Alcohol Analysis**
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## Certifications

**Intoxilyzer 5000, Breath Alcohol Analysis Instrument Operation, Maintenance & Instructor**  
CMI Inc

**Intoxilyzer 8000, Breath Alcohol Analysis Instrument Operation & Maintenance**  
CMI Inc

**Intoxilyzer 8000, Breath Alcohol Analysis Instrument Advanced Repair, Maintenance & Calibration**

CMI Inc

**Intoxilyzer 8000, Breath Alcohol Analysis Instrument Operation, Maintenance, Calibration & Instructor**  
CMI Inc.

**Guth Laboratories, Simulator Model 2100 & Model 34C Repair and Calibration**

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## Education

**Indiana University**

Borkenstein Course Alumni

**Park University**

BS, Criminal Justice

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## 10 people have recommended Matthew E.

"Mr. Malhiot is my law firm's go-to guy for all issues related to DUI breath test instruments. His knowledge of each and every minute part of the instruments, and all of the intricacies of the multitude of rules, laws and regulations regarding breath tests, is second to none. His work is thorough, extremely helpful and always timely. I highly recommend his services."

— **Joshua S.**, was Matthew E.'s client

"Mr. Malhiot is very well versed in the discipline of DUI enforcement and forensic alcohol toxicology. In addition to his expertise, Mr. Malhiot maintains a quiet, confident professional demeanor. As a former police officer and prosecutor I know expertise is not enough to win over a jury; it's presentation as well. I would recommend Mr. Malhiot to any attorney who feels they need assistance in a DUI case."

— **Paul D.**, was Matthew E.'s client

"Mr. Malhiot's experience with FDLE is valuable in trial and his ability to explain, in layman's terms, the complex inner workings of the Intoxilyzer is impressive."

— **Lee L.**, *Partner, Stone Lockett, PL, The Law Offices Of L. Lee Lockett*, was with another company when working with Matthew E. at Forensic Alcohol Consulting & Training, LLC.

"Matthew was a formidable witness for the State for many years. Now in private practice, he is valuable asset for the protection of individual rights in defense of administrative and criminal cases involving breath alcohol testing. If there is a legitimate way to challenge the breath test results in a case, Matt will know what it is."

— **Tom C.**, was Matthew E.'s client

"Mr. Malhiot has provided excellent expert testimony on DUI cases in court."

— **Sherry J.**, was Matthew E.'s client

"Matthew Malhiot provides comprehensive, thoughtful, well researched information which he presents in a very understandable manner. I highly recommend his services. Max Hirsh Attorney at Law"

— **Max H.**, was Matthew E.'s client

"The word is getting around that Mr. Malhiot is the man to hire for expert testimony on the Intoxilyzer 5000

and field sobriety tests. I have used him and can recommend his services highly. He is personable, responsive, and timely in his evaluations of DUI cases. I will use him again in the future."

— **Guy S.**, was Matthew E.'s client

"Matthew Malhiot is one of the best in the business when it comes to expert knowledge and evaluation in the field of DUI law. I used Matthew as an expert witness for a DUI jury trial in Cherokee County where we attacked the integrity and limitations of the Intoxilyzer 5000 breath machine used by law enforcement in the state of Georgia. Matthew was reliable, credible, and great with the jury. After twenty minutes of deliberation, the six panel jury came back with a Not Guilty verdict on all counts. I would certainly use Matthew again in the future. His services are excellent."

— **Ashley S.**, was Matthew E.'s client

"Matthew Malhiot is exceptionally qualified to be an expert witness in alcohol and SFST cases. The jury trusts him, and he is not rattled on cross. The depth and breadth of his knowledge makes him a great witness for you both on and off the stand. He has an excellent track record and lives here in Georgia which makes him affordable for clients. I can highly recommend his work."

— **Kim Keheley F.**, was Matthew E.'s client

"Matthew Malhiot is THE expert on the Intoxilyzer 8000 in Florida for both prosecutors and defense attorneys. As a former Departmental Inspector with FDLE who was intimately involved with the configuration of Florida's version of the software, Matthew understands the machine and the company that manufactured it like few others. His integrity and experience cannot be questioned. I have worked with him on several cases. I would highly recommend him for DUI pre-trial motions or at trial for a case involving a breath test on the Intoxilyzer."

— **Leslie S.**, was Matthew E.'s client

[Contact Matthew E. on LinkedIn](#)