

Forensic Alcohol Consulting & Training, LLC

Providing Nationwide Expert Witness Services, Consultation and Professional Development to the Legal Practitioner

Source Code and Certificate of Materiality

As I am sure you have heard by now, the Georgia Supreme Court recently decided *Davenport v. State*. The keyword in this decision is “*material*”. The issue of “*material showing*” is an area I have been researching and working with for many years.

I frequently have opportunities to appear in counties throughout the State of Georgia to testify regarding the “*materiality*” of the Intoxilyzer® 5000EN source code. After the hearings, judges have issued a “Certificate of Materiality” allowing CMI, Inc. to be served with a subpoena to produce the source code.

You and your client are entitled to have knowledge of the way or manner in which the Intoxilyzer® generated the breath test result on the CMI print card.

Our litigation support services will assist you by reviewing your specific case and aid in developing the “*material showing*” that the court is seeking. We will provide you with a complete and thorough understanding of the documents that the Georgia Bureau of Investigation and CMI, Inc. has in possession, as well as the specific instrument issues regarding your DUI case. An interpretation of technical information on the instrument, software (source code) and my expert testimony will provide explanation of the issues to the finder of fact.

We stand ready to offer you support in your case preparation and to assist in exposing why this information is “*material*” to the defense of your client accused of DUI.

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