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IN THE CIRCUIT COURT OF THE 17TH  
JUDICIAL CIRCUIT, IN AND FOR  
BROWARD COUNTY, FLORIDA  
CASE NO.: 16011795MU10A

STATE OF FLORIDA,  
Plaintiff,  
Vs.

BRYAN CARTER,  
Defendant.

\_\_\_\_\_ /

DEPOSITION OF  
MATTHEW MALHIOT  
TAKEN ON BEHALF OF THE PLAINTIFF  
JUNE 4, 2018  
10:00 a.m. - 10:45 a.m.

REPORTED BY:  
MICHELLE NICHOLS, COURT REPORTER  
NOTARY PUBLIC, STATE OF FLORIDA

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INDEX TO APPEARANCES

ON BEHALF OF THE PLAINTIFF:

Garett M. Berman, Esq.  
Office Of The State Attorney  
1350 Northwest 12th Avenue  
Miami, Florida 33136  
(303) 547-0100

ON BEHALF OF THE DEFENDENT:

Carlos A. Canet, Esq.  
Law Offices of Carlos A. Canet  
12 Southeast 7th Street Suite 705,  
Fort Lauderdale, Florida 33301  
(866) 727-5384.

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DEPOSITION OF

MATTHEW MALHIOT

JUNE 4, 2018

COURT REPORTER: We are now on record. Please raise your right hand via conference call and state your full name and spelling of your last name.

WITNESS: Matthew Matthew E. Malhiot, M-A-L-H-I-O-T and for the record my right hand is raised.

MATTHEW MALHIOT,

having first been duly sworn, testified as follows:

COURT REPORTER: Okay, we are here today for the deposition of Matthew Malhiot. Today's date is June 4th, 2018. The time is 10:06 a.m. My name is Michelle Nichols and I'm the court reporter with DDS. Counsel can you please introduce yourself and for the matter for which we are here for the record.

MR. BERMAN: Okay. Garrett Berman on behalf of the State, G-A-R-E-T-T B-E-R-M-A-N

MR. CANET: Carlos Canet on behalf of Bryan Cater.

COURT REPORTER: Okay.

DIRECT EXAMINATION

BY MR. BERMAN:

Q All right. Good Morning Mr. Malhiot. We are here on the case of State vs. Bryan Carter, Case 16011795MU10A. And I understand you've been hired by

1 the Defense to provide expert testimony in this case,  
2 is that correct?

3 A That's correct.

4 Q Okay. And can you tell me when you were hired?

5 A Certainly. February 23rd.

6 Q Of this year?

7 A Yes.

8 Q Okay. And can you tell me, what is the extent  
9 of you're being hired, meaning what opinions were you  
10 hired to provide in this case?

11 A I was hired to review the complete case, breath  
12 test machine, breath testing, calibration breath  
13 testing, inspections, and breath testing procedures, and  
14 also review a motion filed by Defense, and the policies  
15 and procedures of the FDLE alcohol testing in reference  
16 to distilled water testing.

17 Q Okay. And as far as your review of the case  
18 file everything except for the policies and procedures  
19 with regards to the distilled or deionized water  
20 testing, what were your opinions as to this case?

21 A That the -- I did not do a analysis of the  
22 traffic stop and field sobriety and those types of  
23 things as that was not the focus of the concern. I did  
24 not find inspection that was failed or did not comply  
25 with the -- well, I can't say did not comply. The

1 calibration -- not calibration. The agency -- monthly  
2 and annual inspections conducted by the agency and the  
3 FDLE produced results that are consistent with what was  
4 expected on the department and the agency inspections.

5 Q Okay. And with regards to the issue of -- that  
6 was brought up in the Defendant's motion, that you  
7 stated with regards to the distilled or deionized water,  
8 what were your opinions regarding that?

9 A I've done a separate analysis of the distilled  
10 water used was not done as required prior to department  
11 inspections or department calibrations of the instrument  
12 of distilled water that is used.

13 Q Okay. And how did you come to that opinion?

14 A Basically my personal knowledge of how it is  
15 used to be done. My personal knowledge of the manual.  
16 Then I -- the updated manuals and my review of the  
17 manuals as far, as the procedure that was done.

18 Q Okay. And why do you believe that it was not  
19 done properly?

20 A Oh, because a separate analysis of water is  
21 vital to the -- ensuring that all water is alcohol free  
22 that is used distilled or deionized water, and to test  
23 it separately did not appear to be done.

24 Q Okay. And what was the -- which manual did you  
25 review -- which procedures manual did you review with

1 regards to coming to your opinion in this case?

2 A I have the revision of 2007 and a revision of  
3 2000 -- May 2014 of the manual.

4 Q Okay, 2007?

5 A Yes.

6 Q Okay. And you are referring to the FDLE  
7 Alcohol Testing Program Operations manual?

8 A Alcohol Testing Program Operations Manual, yes  
9 December 8th, 2007 is the 2007 revision.

10 Q December 8th, 2007. And you said May 2014?

11 A Correct.

12 Q Okay. Did you happen to look at May 2011?

13 A I did not.

14 Q Okay. Have you looked at any subsequent  
15 revisions to the procedures manual since 2014?

16 A I have not.

17 Q And specifically with regard to the 2007  
18 manual, can you tell me exactly what it is that you  
19 believe required a separate testing of distilled or  
20 deionized water?

21 A Give me one second as I look at these.

22 Q Sure.

23 A The 2007 manual, 2.18 is not even in that  
24 manual.

25 Q Okay. And what section would 2.18 be?



1 A It's distilled or deionized water analysis.

2 Q Okay. And so, you said that you reviewed that  
3 manual and you found that the procedures were  
4 insufficient that were used?

5 A Insufficient or were not complied with.

6 Q Okay, but you did say that there is no  
7 requirement for distilled or deionized water analysis in  
8 the 2007 manual, correct?

9 A As I look at the table of contents that 2.18,  
10 is not in that manual.

11 Q Okay. So, if they didn't comply with that  
12 procedure manual -- well, I guess what I'm saying is  
13 there is no requirement to comply with. Is that what  
14 are you saying?

15 A There is no procedure in that manual, that's  
16 correct.

17 Q Okay. And okay, so if there is no procedure in  
18 that manual for testing the distilled or deionized water  
19 before using it -- let me back off a step. Your  
20 opinion, does that go to using distilled or deionized --  
21 to testing distilled or deionized water before using it  
22 as a blank during Alcohol Reference Solution testing?

23 A Yeah, it goes to both, that is correct. It is  
24 my opinion that the deionized or distilled water should  
25 be separately analyzed and not part of the analysis of

1 others.

2 Q Okay. And what do you have to support that  
3 basis? Do you have any studies? Have you run any test  
4 or anything like that?

5 A I do not. The basis is through basic forensic  
6 quality control, my training education and experience as  
7 far as separate analyses and not incorporated analyses.

8 Q Okay. And how many times when you're employed  
9 with FDLE did you run any testing for any Alcohol  
10 Reference Solutions on a gas chromatograph?

11 A I was not part of that process.

12 Q And during your time with FDLE, did you ever  
13 run any of the processes or any other procedures listed  
14 or not listed for the testing of distilled or deionized  
15 water on a gas chromatograph?

16 A The only part of that I was with was when a  
17 motion was filed down in your area, down there in  
18 reference to tap water versus distilled water or  
19 deionized water and a research study was done.

20 Q Okay. Do you know what was the results of the  
21 research study was?

22 A I do not know off the top of my head. It's is  
23 published in FDLE

24 Q Okay. And do you remember what the results  
25 were?

1           A    No, I don't know off the top of my head.  
2   That's what I just said; I don't know if that's the same  
3   question.

4           Q    Okay. Got you. And do you remember what  
5   FDLE's position was back during that tap water case I  
6   believe may be around 2005 or 2006?

7           A    It would be speculative. I don't remember and  
8   I've to probably research it, but I don't know exactly  
9   the position. I was just part of the collecting data  
10  for the research study.

11          Q    Okay. Now, when you collected the data, that  
12  wasn't on a gas chromatograph, was it?

13          A    I personally did not run the gas chromatograph  
14  in that evaluation, no.

15          Q    Okay. And so, aside from your basic knowledge  
16  of that, you know, you don't have any -- do you know of  
17  any studies that would require testing of distilled or  
18  deionized water before using it as a blank in Alcohol  
19  Reference Solution testing?

20          A    I do not.

21          Q    And correct me if I'm wrong FDLE has, in one of  
22  its laboratories, a deionized water spigot, is that  
23  correct?

24          A    When I worked there or now?

25          Q    Either?

1 A When I worked there, no it did not.

2 Q Okay. And when did you --

3 A Now, when I say that, let me clarify, the crime  
4 labs and serology and those laboratories may have, but  
5 Alcohol Testing Program did not in its laboratory.

6 Q Okay. So, I guess -- let then me clarify what  
7 I'm asking is, not necessarily FDLE alcohol testing but  
8 are you aware of any of the other laboratories or any  
9 other of the divisions within FDLE that may have had a  
10 deionized water spigot?

11 A The Jacksonville regional office in the State  
12 Crime Lab to my recollection did but I don't know if the  
13 water -- It was reverse osmosis, I believe, and that's  
14 my recollection.

15 Q Okay. What about in Tallahassee the DNA lab,  
16 the forensic lab?

17 A I do not know. I have no first-hand knowledge  
18 of those laboratories.

19 Q And when you are working with FDLE, who did  
20 most of the -- or who did the analysis for the water and  
21 the Alcohol Reference Solution on the gas chromatograph?

22 A Laura Barfield.

23 Q Okay. And do you know where she got her  
24 deionized water or the water that she used to run those  
25 tests?

1           A     We had at FDLE in Tallahassee alcohol  
2 testing program purchased distilled and deionized water  
3 from Publix. However, I do not know if that was the  
4 specific because we had gallons and gallons of the  
5 stuff, but I don't know if it was used in the testing  
6 and the solutions.

7           Q     Okay. And do you know -- do you know  
8 specifically if Ms. Barfield tested the deionized water  
9 before using it as a blank in Alcohol Reference Solution  
10 testing?

11          A     Well, not to my knowledge.

12          Q     Not to your knowledge, she didn't or that you  
13 just don't know?

14          A     I don't know.

15          Q     Okay. All right. Just want to clarify that.  
16 Okay. So, then I guess looking at the other procedures  
17 manual that you referenced was the 2014 version, is that  
18 correct?

19          A     Yes.

20          Q     Okay. And in there what are you relying on for  
21 the proposition that the distilled or deionized water  
22 must be tested before using it as a blank?

23          A     Well, what I'm using is 2.18 distilled or  
24 deionized water analysis in that they added that the --  
25 that it is a forensic necessity for ensuring quality

1 assurance, yet they are not doing it as a separate  
2 analyses.

3 Q Okay. And correct me if I'm wrong Mr. Malhiot  
4 back in -- way back at FDLE, they use to create their  
5 own Alcohol Reference Solutions, is that right?

6 A Not -- they used to mix their own alcohol stock  
7 and distilled or deionized water to create. But yes,  
8 that was back in the Intoxilyzer 5000 days not during  
9 the use of Intoxilyzer 8000.

10 Q Okay. And do you know why -- I guess then when  
11 they went to 8000 do you know why that rule was taken or  
12 that procedure was removed from the manuals?

13 A Because the agency's inspectors, and the field,  
14 was not a proper laboratory conditions to be mixing and  
15 with 100s of different agency inspectors certified  
16 throughout the State, the variability of those  
17 inspectors to properly mix was in question and  
18 alleviated a lot of the problems as far as stability of  
19 the reference solution by purchasing pre-mixed versus  
20 allowing mixture in the field.

21 Q Okay. And by purchasing pre-mixed solutions,  
22 those come from manufacturers with certificates of  
23 analysis and assurance that they meeting the standard.  
24 Is that right?

25 A They come with certificates of assurance from

1 the single source, which is alcohol countermeasures,  
2 but they were analyzed independent of the manufacturer  
3 once received a sample of each lot prior to approval by  
4 FDLE.

5 Q Okay. And at any time did FDLE, either before  
6 with the 5000 or now with the 8000, did they ever buy  
7 any distilled or deionized water that was I guess  
8 certified for use from any other manufacturer?

9 A Well, when you say any other manufacturer, I  
10 don't understand the question.

11 Q Like a certified manufacturer that could have  
12 traceability back in their standards, i.e. not like just  
13 Publix?

14 A Not to my knowledge.

15 Q Okay. And okay. So, specifically with regards  
16 to the 2014 manual and section 2.18, are you saying that  
17 just the fact that it is contained within the procedures  
18 manual means that it needed or that it needs to be run?

19 A Can you repeat the question?

20 Q Sure. Just talking about 2014 manual section  
21 2.18 on distilled or deionized water analysis, are you  
22 saying that -- is there any specific language in the  
23 actual procedures manual that requires it to be done or  
24 you saying that just because it's in the manual it has  
25 to be done?

1           A    Let me flip to that so I'm referencing the  
2 same thing we are talking about.

3           Q    And this would be just for your reference Page?

4           A    Twenty-six.

5           Q    Twenty-six, okay?

6           A    Page 26. Well, when you say general  
7 information the following procedures shall be used.  
8 That to me mandates it doesn't say, should, could, or  
9 may. It says, shall be.

10          Q    Okay. And does that negate the fact that it  
11 could be tested with Alcohol Reference Solution at the  
12 same time?

13          A    I think it does. In my opinion it does because  
14 then you are doing multipoint analysis and if something  
15 goes wrong you can point to A, B or C, you have to --  
16 you know you have to go into a troubleshooting is it the  
17 water or is it the -- so, I think the water before you  
18 start the procedure should be validated as free of  
19 alcohol prior to even initiating the next step, which is  
20 validating the ARS.

21          Q    Okay. So, your -- just so I'm clear your  
22 opinion is that the -- once the alcohol -- I'm sorry,  
23 once the water is tested then you go on to test the  
24 Alcohol Reference Solution using that same water,  
25 correct?



1           A    As a separate and distinct analyses with  
2           separate and distinct results, yes.

3           Q    Okay.  Then can you explain why the distilled  
4           or deionized water analysis as a procedure comes after  
5           the Alcohol Reference Solution preparation procedure?

6           A    I can't tell you why they decided to put things  
7           in specific order.

8           Q    Okay.  So, you don't know if -- why that was  
9           put in there is because of when they were -- or when  
10          they were mixing or creating their own Alcohol Reference  
11          Solutions?

12          A    I don't think this manual existed back in the  
13          Intoxilyzer 5000 days when they were mixing and  
14          preparing their own Alcohol Reference Solutions.

15          Q    Okay.  And wouldn't it have been --  
16          procedurally wouldn't you have expected that  
17          forensically that back in 2004 if they are mixing their  
18          own solutions that testing the water before using it as  
19          a blank would have been even more necessary way back in  
20          the day?  I mean because now they are getting their own  
21          -- they are getting their stock solutions from a NIST  
22          traceable manufacturer.

23          A    I don't believe they are getting their stock  
24          solutions -- they are -- what they are getting is pure  
25          laboratory grade Ethanol.  The stock solutions like the

1 mouth alcohol and acetone they are still mixing and  
2 creating.

3 Q Okay. And all right so then let me -- same  
4 question but just with the Alcohol Reference Solution?

5 A Okay. Repeat the question again?

6 Q Sure. Wouldn't you expect forensically that,  
7 that a procedure for testing the distilled or deionized  
8 water would be contained in the procedures manual when  
9 they are creating or mixing their own Alcohol Reference  
10 Solutions, instead of as now getting them from a NIST  
11 traceable manufacturer?

12 A Well, you have to look at the evolution. Not  
13 necessarily because like I said I don't think there was  
14 a procedurals manual back then.

15 Q Back when?

16 A Back when 5000 was in use.

17 Q Okay.

18 A To my recollection right off the top, but you  
19 have to remember the evolution of breath testing, it had  
20 before 2006 when the National Safety Counsel published  
21 replicate samples. So, as the evolution of breath  
22 testing additional quality assurance measures were being  
23 implemented all the time.

24 Q Okay. So, it's kind of a fluid processes then?

25 A It can be.

1 Q Okay. And so, if there was no need for --  
2 if there was really forensically no need for this  
3 procedure meaning no need to really test the water  
4 before using it as a blank, then should FDLE remove it  
5 from the procedures manual?

6 A Well, you're making an assumption that there  
7 should be no need. I think all the distilled or  
8 deionized water should probably be tested. If we are  
9 going to put, you know, the Alcohol Reference Solution  
10 through huge testing but buy deionized water from  
11 Publix, you know, that -- you have a high bar on one  
12 side and a very low bar on the other.

13 Q Okay. And what if water from one of the  
14 deionized spigots at FDLE was used?

15 A I can't comment on that because I don't know,  
16 you know, what testing is used, what traceability is  
17 used. I don't know. I don't even know if in fact they  
18 have it there.

19 Q Okay. And what -- just out of curiosity, what  
20 traceability would there be for deionized or distilled  
21 water?

22 A They could test it independent of everything  
23 else.

24 Q Okay. But aside from that?

25 A Well, if they're manufacturing it, there is no

1 traceability unless they do it themselves.

2 Q Okay.

3 A They purchase it from a manufacturer like  
4 Alcohol Reference Solution, you could check the lineage  
5 from the manufacturer.

6 Q Okay. And wouldn't you expect if there was  
7 something in the distilled or deionized water that would  
8 have alcohol in it, wouldn't you expect that to be  
9 caught by the GC during the analysis of the Alcohol  
10 Reference Solution?

11 A It could.

12 Q Okay. And if that was the case, if there was  
13 something that was identified in there, it would have to  
14 be, I guess, an alcohol that would be similar to  
15 Ethanol, correct?

16 A No, not necessarily. It could come up as  
17 Isopropanol or methanol, but -- because the GC would  
18 separate them out and identify them separately.

19 Q Okay. And -- but what I'm saying is if it  
20 identifies something as isopropanol or methanol or any  
21 one of the other alcohol similar to ethanol, that would  
22 be readily distinguishable from being ethanol, correct?

23 A On a GC result?

24 Q Yes.

25 A It could, yes.

1 Q Okay. And in your experience have you ever  
2 seen the testing of Alcohol Reference Solutions where  
3 the deionized water blank had come back with the result  
4 that had ethanol in it?

5 A I don't remember reviewing any distilled water  
6 results other than during that 2006, '07, '08 tap water  
7 issue.

8 Q But again you don't remember the results of  
9 that one?

10 A I don't.

11 Q Okay. And -- Okay. Would -- Is your opinion  
12 testimony with regards to testing of the distilled or  
13 deionized water separately, would that be the same for  
14 not just the Alcohol Reference Solution but the same for  
15 the stock solutions like mouth alcohol and the acetone?

16 A As far as what?

17 Q Would your opinion be the same that it needs to  
18 be tested before being used?

19 A Well, the mouth alcohol solution when we went  
20 to the 8000 was no longer a quantitative analysis  
21 because the amount of alcohol was irrelevant because it  
22 wasn't being mixed. It was -- the purpose was to  
23 determine the operational Intoxilyzer 8000 slope  
24 detector, not a quantitative analysis of the amount of  
25 alcohol. It was just designed and purposed to use for

1 mouth alcohol testing. It was not used to mix any  
2 more. That's part of the reason they did away with  
3 mixing their own solutions.

4 Q Okay.

5 A The acetone stock is mixed with deionized or  
6 distilled water to create a acetone simulator for  
7 inspection purposes and yes, probably should be tested.

8 Q Okay. As far as the mouth alcohol solution  
9 though, it doesn't matter if there was a -- there would  
10 be alcohol contained or ethanol contained in the  
11 distilled or deionized water that they are using to mix  
12 the mouth alcohol solution because they are just testing  
13 to see if alcohol is present, is that right?

14 A During the 8000 testing or with the GC testing?

15 Q During the 8000 testing?

16 A The purpose is to trigger the slope detector.

17 Q Okay. So, like I said, it doesn't matter the  
18 amount, correct?

19 A The amount of ethanol?

20 Q Ethanol.

21 A Well, yes you don't want the concentration so  
22 high that you get range exceeded all the time. You want  
23 it where it's -- it's humanly possible to deliver that  
24 sample from a subject where in fact the slope detector  
25 would trigger and not the range exceeded. So it's not

1 critically important, it can fluctuate but it can't  
2 be you know, -- it can't be Everclear because then you  
3 going to have a range exceeded every single time and not  
4 a mouth alcohol trigger.

5 Q Okay. And for acetone you are saying it's  
6 important because the additional alcohol that might be  
7 contained in deionized water could trigger the  
8 instrument or give a numerical reading?

9 A No, what I'm saying is that the acetone detect  
10 is specifically an alcohol free test. There used to be  
11 a time way, way back when where the interfering subtract  
12 function of the 5000 was tested with alcohol and  
13 acetone. However, it has evolved on the 8000 to a  
14 simply identifying of the interfering substance without  
15 alcohol present whatsoever.

16 Q Okay. So, have you ever seen where the acetone  
17 stock solution test came back with a positive ethanol  
18 result?

19 A On the 8000?

20 Q Yes.

21 A I can't tell you that I have not because there  
22 has been many times -- 1000s acetone tests I've been a  
23 part of and 100% sure that I have seen alcohol readings,  
24 and they normally tend to show that there is an improper  
25 calibration of the acetone detect on the 8000.

1 Q Okay. Do you have any other opinions that  
2 you were asked to testify about besides --

3 A Not at this time, no.

4 Q Okay. So, just --

5 MR. CANET: Let me, he might get hired to testify  
6 at the trial, so it's possible that you know, once he  
7 gets past this, he may have to prepare for trial  
8 testimony.

9 MR. BERMAN: No, I'm just saying is there any --  
10 I'm just asking are there any other issues that he was  
11 asked to render an opinion on that he would be  
12 testifying now or well for this hearing.

13 MR. CANET: No, just yeah -- no, no. I'm just  
14 letting you know that he might get hired for a trial.

15 MR. BERMAN: Okay. I mean if his -- I mean if his  
16 opinion changes between the hearing and the trial.

17 MR. CANET: Yeah, sure.

18 MR. BERMAN: I mean we'd -- we'd need to know  
19 because --

20 MR. CANET: Correct.

21 MR. BERMAN: -- we need to know.

22 MR. CANET: You know, listen I don't mean to overly  
23 complicate things. You understand that there are  
24 different issues that would come up by the trial that  
25 you would be --



1 MR. BERMAN: No, no absolutely, absolutely. I'm  
2 just doing the hearing --

3 MR. CANET: All right. Got you.

4 MR. BERMAN: -- I'm not prepping for trial.

5 MR. CANET: Yeah, yeah. All right.

6 Q (MR. BERMAN) So, just that Mr. Malhiot the  
7 opinion that the distilled or deionized water should be  
8 tested with regards to the procedures that are in place  
9 before being used as either a blank in the Alcohol  
10 Reference Solution or being used to mix the mouth  
11 alcohol or acetone stock solution?

12 A Yes.

13 Q Okay. Nothing else?

14 A Not at this time.

15 Q Okay. Did you have a chance to review any of  
16 the documentation that the State sent over in  
17 discovered?

18 A I have briefly -- I had not -- I believe a  
19 bunch of certificates and analyses of the solutions I  
20 have not gone over each individual one, but I will be  
21 before motion.

22 Q Okay. If your opinion changes in any way or  
23 the basis for your opinion a change meaning that it's  
24 based on any of those documents?

25 A I will let Counsel know.

1 Q Thank you very much. And aside from that I  
2 don't think I have anything. Do you have anything  
3 Carlos?

4 CROSS EXAMINATION

5 BY MR. CANET:

6 Q Matt, what input if any did you ever have  
7 regarding the manual that we have been talking about or  
8 any versions of the manual that we have been talking  
9 about?

10 A During my employment I developed the  
11 calibration procedures for 8000. I developed and  
12 reviewed and gave input on lot of the manuals that were  
13 published. As a matter of fact, all the manuals that  
14 were published prior to 2010.

15 Q All right. Do you remember or do you have any  
16 idea what the history of section 2.18 is?

17 A I don't.

18 Q Okay. So, you don't know who -- you know, who  
19 was responsible or whose brainchild that may have been?

20 A I don't.

21 Q Okay. Have you ever read any testimony or seen  
22 anything else that might indicate that maybe Laura or  
23 Patrick Murphy came up with it?

24 A I have to review again. I do remember reading  
25 some stuff, but I couldn't definitively answer that

1 question at this time.

2 Q Okay. All right, I have nothing further. I  
3 don't know if Garrett has some followup?

4 MR. BERMAN: Nope. I think I'm good.

5 MR. CANET: What about you Matt?

6 MR. BERMAN: Matt you want to read or waive?

7 WITNESS: I would like to read and I'm sure you  
8 have my email address they could send it to and I can do  
9 an errata sheet and send it back.

10 MR. BERMAN: Okay. Can you give his email?

11 COURT REPORTER: Can I get that on record?

12 MR. BERMAN: Sure. Can you put that on the record  
13 Matt?

14 WITNESS: Sure. It's M-M-A-L-H-I-O-T  
15 @forencisalcohol.com. Forencisalcohol all one word.

16 MR. CANET: That's really easy to remember.

17 MR. BERMAN: Got it?

18 COURT REPORTER: Okay.

19 MR. BERMAN: All right. Okay. Thank you very  
20 much. Excuse me time right now is 10:37 a.m. so, I'm  
21 just going to round up to an hour, okay?

22 WITNESS: Sounds good. Thank you gentlemen, if you  
23 have any questions, I will be available.

24 MR. BERMAN: All right. Thank you very much.

25 MR. CANET: Thank you Matt.

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WITNESS: Bye.

(Deposition ended at 10:37 p.m.)

(Reading and signing of the deposition by the  
witness has been reserved.)

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VERBATIM SUPPORT SERVICES  
12 SE 7TH STREET, SUITE 702  
FORT LAUDERDALE, FL 33301

June 4, 2018

ATTN: Matthew Malhiot - C/O: State of Florida.

IN RE: Sate of Florida vs. Bryan Carter,

CASE NO.: 16011795MU10A

Dear Mr. Malhiot,

Please be advised that your deposition taken on June 4, 2018, in the case described above has been transcribed and is ready for your review. Please contact us for an appointment to read and sign this deposition at your earliest convenience.

If you do not read and sign the deposition within 30 days, the original, which has already been forwarded to the ordering attorney, may be filed with Clerk of the Court. If you wish to waive your signature, sign your name at the bottom of this letter and return it to us. If you have any questions regarding this matter, please feel free to contact us at (954) 467-8204.

Sincerely,

Michelle Nichols

Reporter and Notary Public

I WAIVE MY SIGNATURE \_\_\_\_\_

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CERTIFICATE OF REPORTER

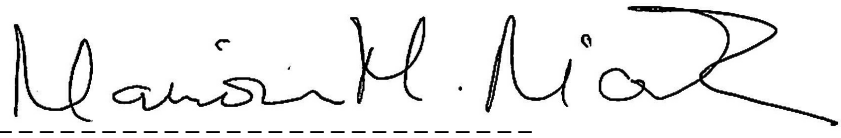
STATE OF FLORIDA  
COUNTY OF BROWARD

I, MICHELLE NICHOLS, do hereby certify that the foregoing testimony was taken before me; that the witness was duly sworn by me; and that the foregoing pages constitute a true record of the testimony given by said witness.

I further certify that I am not a relative or employee or attorney or counsel of any of the parties or a relative or employee of such attorney or counsel, nor financially interested in the action.

Under penalties of perjury, I declare that I have read the foregoing certificate and that the facts stated herein are true.

Signed this 4th day of June 2018.



MICHELLE NICHOLS

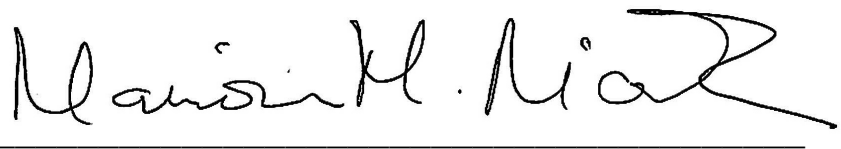
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CERTIFICATE OF OATH

STATE OF FLORIDA  
COUNTY OF BROWARD

I, the undersigned authority, certify that  
MATTHEW MALHIOT personally appeared before me and was  
duly sworn.

Witness my hand and official seal this 4th day  
of June 2018.



---

Michelle Nichols, Court Reporter  
Notary Public, State of Florida  
Commission No.: GG194900  
Commission Expiration: 03/12/2022