

1 IN THE COUNTY COURT OF THE  
2 17TH JUDICIAL CIRCUIT IN AND  
3 FOR BROWARD COUNTY, FLORIDA

4 STATE OF FLORIDA, )  
5 Plaintiff. )  
6 vs. )  
7 BRADLEY GELLMAN, )  
8 Defendant. )

CASE NO: 00-24810MM10A  
JUDGE: COWART

**ORIGINAL**

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10  
11 Excerpt proceedings had and taken before the  
12 Honorable GARY R. COWART, one of the Judges of said Court,  
13 at the Broward County Courthouse, Room 336, commencing at  
14 or about 10:00 on April 24th, 2002 in the City of Fort  
15 Lauderdale, Broward County, State of Florida, and being a  
16 EXCERPT OF TRIAL.

17  
18 APPEARANCES:

19 MICHAEL J. SATZ, STATE ATTORNEY  
20 By: SHARONDA JOHNSON, ESQUIRE  
21 ASSISTANT STATE ATTORNEY  
22 Appearing on behalf of the State.  
23 By: TED HOLLANDER, P.A.  
24 Appearing on behalf of the Defendant.  
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I N D E X

DIRECT      CROSS      REDIRECT      RECROSS

FOR THE STATE

Deputy Jay Zager      3      15      28      31

FOR THE DEFENSE

Rick Swope      35      61      70      71

EXHIBITS

State's Composite 4.....Pg. 3

1 (WHEREUPON, the following is an excerpt of a  
2 trial had and taken as follows:)

3 \* \* \*

4 THEREUPON:

5 DEPUTY JAY ZAGER

6 a witness of lawful age, being called as a witness by the  
7 State, having been duly sworn, as hereinafter certified,  
8 deposed and testified as follows:

9 THE CLERK: Please state your full name and  
10 spell your last name for the record.

11 THE WITNESS (Mr. Zager): Jay Zager, Z-A-G-E-R.

12 THE COURT: Thank you, sir. You may be seated.  
13 State, you may proceed.

14 MS. JOHNSON: Thank you, Your Honor.

15 DIRECT EXAMINATION

16 BY MS. JOHNSON:

17 Q. Good morning, Deputy Zager.

18 A. Good morning.

19 Q. Where are you employed?

20 A. At the Broward County Sheriff's office.

21 Q. How long have you been employed there?

22 A. This is my 15th year.

23 Q. Okay. And what is your position with the Broward  
24 Sheriff's office?

25 A. Well, that's -- I'm responsible full-time for the

1 breath alcohol testing program there.

2 Q. Okay. And what type of training, if any, did you  
3 receive to assume this position?

4 A. Quite a lot. I received initial training to become  
5 certified in the operation of the breath testing instruments.  
6 From there I received additional training in the field of  
7 inspecting the breath testing analyzers and to repair them if  
8 necessary.

9 Further training on forensic analysis as it deals  
10 specifically with breath alcohol testing. I've been involved  
11 in the field of -- I've written several papers on the subject  
12 of breath alcohol testing. And I attended many, many training  
13 seminars training in the field.

14 Q. Okay. Now, Deputy, I'm going to draw your attention  
15 to the Intoxilyzer that was used on October 5th, 2000. Where  
16 is this particular instrument kept?

17 A. We keep that at our main breath testing facility  
18 right down the block on Broward Boulevard on 27th Avenue.

19 Q. Okay. And are you familiar with this area?

20 A. Yes.

21 Q. Okay. Can you describe the conditions in which the  
22 intoxilyzer is kept?

23 A. Typically, it's kept in a room where it's only  
24 available under lock and key to those people who have actual  
25 licenses or permits to operate it.

1 Q. Okay. Who typically has access to this instrument?

2 A. Well, only those people who are actually involved in  
3 a breath testing program have access to the instruments like  
4 breath technicians, people like myself.

5 Q. Okay. And could you explain to the Jury how this  
6 particular instrument works?

7 A. Sure. The intoxilyzer works off a theory that's  
8 called Infrared Light Absorption. And what that means is, that  
9 inside the intoxilyzer there's a very high-powered course bolt  
10 that produces light called infrared light, a specific type  
11 energy. As a person provides a breath sample into an  
12 instrument like this, the sample is carried through until  
13 eventually it reaches that area where this infrared light is.  
14 At the other end, there's a detector recording how much energy  
15 getting from point A. to point B. If a person blows in there  
16 and they have alcohol or alcohol on their breath, it will  
17 actually obstruct the alcohol -- excuse me -- the energy that's  
18 getting from point A. to point B, it will be absorbed. So,  
19 this infrared energy is absorbed. Less light gets from point  
20 A. to point B. Therefore, what happens is, it causes a  
21 reduction or is shifts in the voltages and ultimately you get a  
22 breath alcohol reading out of it.

23 Q. Okay. Now, Deputy, I'm going to show you what's been  
24 premarked as State's Exhibit D for identification.

25 MS. JOHNSON: Permission to approach the

1 witness, Your Honor?

2 THE COURT: Yes.

3 MS. JOHNSON: Thank you.

4 BY MS. JOHNSON:

5 Q. I'll give you a few minutes to look at the documents.

6 A. Okay.

7 Q. Deputy, do you recognize these documents?

8 A. Yes.

9 Q. Okay. I'm going to draw your attention to the first  
10 document. As to the first document, how do you recognize that?

11 A. Well, I know what this is, it's a copy of my original  
12 registration for the intoxilyzer, specifically, serial numbers  
13 66--4928. And I recognize it by that and by my signatures on  
14 that.

15 Q. Okay. As to the second document, what is that  
16 document?

17 A. This is a photocopy of the annual inspection for  
18 reliability on this Intoxilyzer, the same one.

19 Q. Okay. As to the third document, what is it?

20 A. This is a copy of the inspection that I performed on  
21 this instrument to see if it was working correctly and this one  
22 was dated 10/13 of 2000.

23 Q. Okay. As to the fourth document, what is it?

24 A. Same thing. Another in-house inspection to see if  
25 the condition of the Intoxilyzer instrument. This one is dated

1 9/14/2000.

2 Q. Okay. Now, are these copies of the documents or  
3 originals?

4 A. They are copies.

5 Q. And are they a true and accurate depiction of the  
6 those originals?

7 A. Yes.

8 Q. Okay. And are the documents made in the ordinary  
9 course of business?

10 A. Yes, they are.

11 Q. And are they kept in the ordinary course of business?

12 A. Yes.

13 MS. JOHNSON: At this time, the State wishes to  
14 move into evidence what's been premarked as State's  
15 Exhibit D as State's Composite 4.

16 THE COURT: Any objection?

17 MR. HOLLANDER: No objection.

18 THE COURT: Received as State's Composite 4.

19 (WHEREUPON, the documents were marked as State's  
20 Composite 4 for identification.)

21 MS. JOHNSON: Thank you, Your Honor.

22 BY MS. JOHNSON:

23 Q. Deputy Zager, I want to draw your attention back to  
24 the registration document. Now, I noticed that it's been  
25 signed at the bottom. Do you recognize that signature that is

1 at the bottom?

2 MR. HOLLANDER: Objection, asked and answered.

3 THE COURT: Is there another signature?

4 MS. JOHNSON: Yes.

5 THE COURT: Overruled. You may answer.

6 THE WITNESS: I recognize my signature. I  
7 initialed it.

8 BY MS. JOHNSON:

9 Q. Is there another signature listed beyond your  
10 signature?

11 A. No. There's no place for another signature, just the  
12 name.

13 Q. Well, what name is on that document?

14 A. That name is Juan Sanger, S-A-N-G-E-R.

15 Q. Okay. And who did Sanger work for at the time that  
16 you signed this document?

17 A. He works for the Florida Department of Law  
18 Enforcement.

19 Q. And is that a State agency?

20 A. Yes, it is.

21 Q. Okay. And why is this registration document created?

22 A. It's required under law that these instruments be  
23 registered about the same as your car or anything like that  
24 where the State has to know where it's going to be used,  
25 requires registration. In this case, it's so the State can



1 come out and check to see the reliability and performance of  
2 these instruments in the field.

3 Q. Okay. Deputy, now I'm going to direct your attention  
4 to the second document which is the annual inspection. Drawing  
5 your attention to the document, when was the annual inspection  
6 performed?

7 A. This one, on 11/7/2000.

8 Q. And is it signed at the bottom?

9 A. Yes, it is.

10 Q. And who's signature is it at the bottom?

11 A. Juan Sanger.

12 Q. Okay. And why is this document created?

13 A. Again, under law it's required that analyzers be  
14 checked by the State. They run it through a series of rather  
15 intense tests and they're checking to see whether it passes or  
16 not and then if it does, it's reliable, the tests produced are  
17 reliable tests.

18 Q. Okay. Now, I'm going to draw your attention to the  
19 third document. With respect to the third document, what does  
20 it show regarding the Intoxilyzer used?

21 A. It shows -- what specifically, sorry?

22 Q. Well, is it calibrated?

23 MR. HOLLANDER: Objection, leading.

24 THE COURT: Sustain.

25 BY MS. JOHNSON:

1 Q. Would you please explain the third document as to how  
2 it shows the Intoxilyzer being used?

3 A. Sure. It shows that we performed -- myself performed  
4 various tests to see if it was working. And after running it  
5 through a series of calibration checks for accuracy per  
6 precision, I found that it was reliable and accurate.

7 Q. Okay. And are these the procedures that are always  
8 followed?

9 A. Yes, specific set of procedures.

10 Q. And what procedures are used?

11 A. Well, we perform forensic safeguards on it to check  
12 the calibration. We check the various functions of the  
13 instrument to see if you blow into it we want to make sure it  
14 reads zero so we know it can establish that. If anything else  
15 is zero when we had the alcohol it would obviously fail. We  
16 run it through a series of diagnostic checks and we run it  
17 through calibrations checks to see how accurately it picks up  
18 alcohol.

19 Q. Okay. I see to the fourth document that there was  
20 another monthly report. Why are there two monthly reports?

21 A. Well, if you want to rely upon the breath sample, you  
22 have to be able to accomplish control over it. And by that, I  
23 mean, you want to be able to bracket the results so if you have  
24 a test that was taken one month before -- excuse me -- if you  
25 have a controlled or inspection taken a month before and one

1 taken the month afterwards, there's been no indication of any  
2 problems with it. That's a forensic control. We now have  
3 control to say that yes, the results obtained on there are  
4 reliable and accurate.

5 Q. Okay. And what was the result of each inspection?

6 A. Each one was performed satisfactory. Every one was  
7 found to comply with the rules for accuracy, precision, and  
8 reliability.

9 Q. Okay. And was the intoxilyzer 66--004928 working  
10 properly on October 5th, 2000?

11 A. Yes.

12 Q. Okay. Deputy Zager, could you explain to the Jury  
13 what the Wid Mark Theory is and how it works?

14 A. Sure. The Wid Mark Theory is a theory developed back  
15 in the early part of, I guess, the last century now early part  
16 of 1900 by a Doctor Eric Widmark, who was a very well noted  
17 alcohol researcher. And he came up with a theory to easily and  
18 accurately determine how much alcohol a person has in their  
19 system by essentially plugging in information into the theory.  
20 In other words, it's a way to find out how much drinks a person  
21 has in their body.

22 Q. Okay. And have you ever made calculations according  
23 to the principal surrounding Wid Mark Theory?

24 A. Sure.

25 Q. Can you approximate how many times you've done this?

1 A. Well over a thousand.

2 Q. Okay. Have you ever been qualified or accepted as an  
3 expert in how to apply the Wid Mark Theory?

4 A. Yes.

5 Q. And how many times?

6 A. I'm sure several hundred times.

7 Q. And has that been in this judicial circuit?

8 A. Various times.

9 MS. JOHNSON: At this time, the State wishes to  
10 move Deputy Zager in as an expert in the Wid Mark  
11 Theory.

12 MR. HOLLANDER: I don't think the proper  
13 foundation has been laid for that, Judge.

14 THE COURT: Sustain, at this time.

15 BY MS. JOHNSON:

16 Q. Okay. Well, Deputy Zager, what information do you  
17 need in order to apply the Wid Mark theory?

18 MR. HOLLANDER: Relevance, Judge, objection.

19 THE COURT: Sustain as to relevance at this  
20 point.

21 BY MS. JOHNSON:

22 Q. Could you elaborate a little bit more on your  
23 qualifications in applying the Wid Mark Theory?

24 A. Sure. It was a formula that I learned early on in my  
25 training with forensic breath alcohol testing. It's a theory

1 that's accepted widely within the scientific community  
2 concerning alcohol analysis.

3 MR. HOLLANDER: Objection, all asked and  
4 answered.

5 THE COURT: Overruled.

6 BY MS. JOHNSON:

7 Q. Go ahead.

8 A. I've been trained -- actually, I've used the theory  
9 in the field by actually dosing people and recording how much  
10 alcohol it takes to get them up to a certain level of  
11 impairment. So, I've used it in the field and trained others  
12 on it.

13 Q. Okay. Did you take any courses on this area?

14 A. There's no specific course or certification in Wid  
15 Mark; however, I was trained on it initially. I was trained  
16 actually by individuals who have actually revalidated whole  
17 study by some doctors in the field keeping the use of Wid Mark  
18 again so, yes, I have.

19 MS. JOHNSON: Okay. Once again, the State  
20 wishes to move Deputy Zager in as an expert in the  
21 Wid Mark Theory.

22 MR. HOLLANDER: Same objection.

23 THE COURT: Overruled, at this time point. He  
24 will be received as an expert in the application of  
25 the Wid Mark Theory.

1 MS. JOHNSON: Thank you, Your Honor.

2 BY MS. JOHNSON:

3 Q. Deputy, what information do you need in order to  
4 apply the Wid Mark Theory?

5 A. Well, we need to know -- I need to know whether we're  
6 dealing with male or female, what the body weight of the person  
7 is, and what the breath blood alcohol level is.

8 Q. Okay. Well, hypothetically, say someone is a male  
9 about 200 --

10 A. Most importantly, I need a calculator cause it's  
11 algebra. I would be here all day.

12 Q. Hypothetically, say someone is a male, about 225  
13 pounds, and has a breath reading of a .103. Using that  
14 information, can you tell the Jury -- this Jury the range in  
15 the amount of alcohol or the number of drinks that must be  
16 present in one's system to produce that breath result?

17 A. Sure. Piece of cake. Okay. Using the information  
18 you provided of a male at 225, with a breath alcohol level  
19 .103, what I obtained was a -- drinks in the body at the time  
20 that that test was given was of 7.4. So, there's 7.4 drinks in  
21 the body.

22 Q. Okay. What do you mean by the term "drink"?

23 A. The term "drink" for a standard drink when we use it  
24 is, one alcoholic beverage that contains approximately one  
25 ounce of 80 proof alcohol. So, one 12-ounce bottle of beer

1 contains about one ounce of 80 proof alcohol; five ounces of  
2 wine on average, contains about one ounce of alcohol 80 proof;  
3 and one ounce shot of hard liquor contains about one ounce of  
4 alcohol.

5 Q. Okay. Thank you, Deputy.

6 MS. JOHNSON: I have nothing further.

7 THE COURT: Cross?

8 MS. JOHNSON: At this time, the State wishes to  
9 publish the documents to the Jury.

10 THE COURT: You may.

11 MR. HOLLANDER: While she's doing that, Judge,  
12 may I set the board up?

13 THE COURT: Yes.

14 CROSS EXAMINATION

15 BY MR. HOLLANDER:

16 Q. Deputy Zager, how are you today?

17 A. Fine, thank you.

18 Q. We heard about the training that you have. What  
19 formal education do you have in order to obtain a position that  
20 you have at the Broward Sheriff's Office?

21 A. There's no requirement for any type of advanced  
22 degree in order to do this.

23 Q. Is there any requirement for any kind of degree at  
24 all?

25 A. No, there's none.

1 Q. You had testified on direct examination that under  
2 your -- you're the supervisor in this program -- under your  
3 rules or the rules, the Intoxilyzer 5000 should be kept in a  
4 locked facility where it's under lock and key, correct?

5 A. Yes.

6 Q. That's what the standard is, right?

7 A. Yes.

8 Q. So, hypothetically, it would be improper to store it  
9 in a location with an open door or anybody can walk in; that  
10 would be improper, would it not?

11 A. Well, that's if there's no operators around.  
12 Obviously, when it's in use, there's people in the control  
13 room. When it's not in use, it's hidden away under lock and  
14 key.

15 Q. Well, what if it isn't? What if the testimony has  
16 been that the machine is always kept in a room where doors are  
17 always left unlocked? What if that was the testimony? Would  
18 that be against the rules?

19 A. No, because it's being kept in a facility that is  
20 still locked. What we are concerned about is the use of the  
21 instrument when nobody is present. For instance, like a  
22 cleaning crew coming in, something --

23 Q. Does the B.A.T. facility get cleaned?

24 A. It certainly does.

25 Q. When does the facility get cleaned?



1 A. Usually, in the morning sometimes, I believe.

2 Q. So, let's just hypothetically say that one day the  
3 cleaning crew is there and the door to that videoroom is open.  
4 Is it a possibility that somebody could go in there and touch  
5 it; is that a possibility?

6 A. If the door is left open?

7 Q. The door is left unlocked.

8 A. If you left it open anything can happen. That's  
9 possible.

10 Q. The State introduced into evidence a document called,  
11 I think you referred it as Form 23, correct? You're familiar  
12 with that?

13 A. The Operations Procedures Checklist, yes.

14 MR. HOLLANDER: May I approach the witness,  
15 Judge?

16 THE COURT: Yes.

17 BY MR. HOLLANDER:

18 Q. Deputy, please take a reading of the note at the  
19 bottom and read that to yourself, and after you've read that  
20 please let me know.

21 A. Okay.

22 Q. Thank you. What does it say at the bottom of Form  
23 23?

24 A. It talks about if a controlled test is run at the  
25 time.

1 Q. Right. Now, first of all, what is a controlled test?

2 A. It's one test at the time of a breath test.

3 Q. Now, do you -- and I don't mean you individually --  
4 does Broward Sheriff's Office, as a procedure, do a controlled  
5 test after or before a breath test is given?

6 A. No.

7 Q. So, hypothetically, if we had testimony that Broward  
8 Sheriff's Office and the machines do a control test by  
9 themselves, that would not be accurate?

10 A. I don't know in what context they're talking about.  
11 A controlled, if you're talking about actually hooking up a  
12 separate sample to check calibration at that point in time, if  
13 one was set, it was not available or if done at the time, we  
14 don't do that, no.

15 Q. Now, this Form 23, that's the Florida Department of  
16 Law Enforcement form, right?

17 A. Yeah.

18 Q. And they're the people that oversee the breath  
19 testing?

20 A. Yes.

21 Q. And that's a note preprinted on their own form that  
22 says that you can do a controlled test, and if you do, here are  
23 the rules to follow?

24 A. Yes, it's optional.

25 Q. But, Broward Sheriff's Office chooses not to do a

1 controlled test?

2 A. Right. There's no requirement to do that.

3 Q. Another set of documents that was introduced into  
4 evidence is this 4 four page composite, and I believe what you  
5 testified to, I'm not sure if you did, the way that these  
6 maintenance logs are prepared and the way the tests are done  
7 is, you put in a known sample into that machine that you know  
8 is a certain amount of alcohol, then you test it to see if the  
9 machine reads within a certain range; is that true?

10 A. Yes.

11 Q. So, let's first talk about the annual inspection that  
12 you took no part in, but by Mr. Sanger, you said; he did that,  
13 right?

14 A. Right. I was present for it.

15 Q. You were present, but he was in charge of doing it?

16 A. Oh, yes.

17 Q. So, what I want to do is take your attention to the  
18 area where you tested the machine at the .05 level, which  
19 means, you know you put in a sample .05. Of the ten times that  
20 this machine was tested at .05, how many times out of ten did  
21 the machine read .05?

22 A. Well, if you're talking about exactly at .050?

23 Q. Yes. I'm talking about you putting in a sample you  
24 know is .050, how many times did the machine read .050; out of  
25 ten times, how many times?

1 A. One time.

2 Q. At the .080 level, how many times out of ten did this  
3 machine read .080?

4 A. Three times.

5 Q. Okay. At the .200 level, how many times out of ten  
6 did the machine read at point .200?

7 A. One time.

8 Q. At that level, the point .200 level, how many times  
9 -- you said one time it was on, four times it was not at the  
10 .200. Of the nine times it was off, how many times did this  
11 machine read over the .200?

12 A. Nine times.

13 Q. Nine times. So, every time the machine was not on it  
14 was over.

15 Now, let's talk about -- let's talk about the monthly  
16 inspection. Now, this one is conducted by you, your signature  
17 is on this, and the first one is September of 2000. At the  
18 .050 -- the test is the same, but now, it's three times instead  
19 of ten times, correct?

20 A. Yes.

21 Q. At the point .05 level, how many times out of three  
22 did it come out at .050?

23 A. One time.

24 Q. At the point .08 level, how many times out of three  
25 did it come out at point .080?

1 A. One time.

2 Q. The two that were not right, were they over reading  
3 or under reading?

4 A. Over.

5 Q. At the .200 level, of the three times tested at .200,  
6 how many times did the machine read .200?

7 A. No times.

8 Q. And of the three that it was off, how many times of  
9 the three did it over read?

10 A. Well, it didn't over read anything. It's  
11 mischaracterized. It's over a .200, but it certainly passed.

12 Q. I understand the passing for your inspection. The  
13 question is, at the three tests at .200 -- you're putting a  
14 sample that you know is .200. Of the three times it wasn't  
15 exact, how many of the three were over .200?

16 A. They were all over the .200.

17 Q. Thank you. The next monthly inspection at the .05  
18 level, of the three, how many times did it read .50?

19 A. No times.

20 Q. At the .08 level, how many times did it read .80?

21 A. No times.

22 Q. And at the .200 level, how many times did it read  
23 .200?

24 A. No times.

25 Q. Thank you. Now, after you assess these rules, it

1 says there can be variances, right?

2 A. Yes.

3 Q. So, when you test a machine at the .05 level, is it  
4 true that a reading of .045 would be considered a valid sample  
5 according to your rules and the F.D.L.E. rules?

6 A. Yes.

7 Q. F.D.L.E. is another form of law enforcement, right?

8 A. Yes.

9 Q. Florida Department of Law Enforcement, right?

10 A. Yes.

11 Q. So, .045 would be considered valid according to your  
12 and F.D.L.E. rules?

13 A. Yes.

14 Q. Is it also true that at the same time a .055 reading  
15 would be considered valid?

16 A. That's correct.

17 Q. Okay. What in percentage -- what is the difference  
18 between .045 and .050? What's the percentage in difference  
19 there?

20 A. Ten percent.

21 Q. Okay. What's the difference between .050 and .055?

22 A. Same thing.

23 Q. Ten percent. Thank you. Before a breath is given,  
24 you would agree there's great importance in this 20-minute  
25 observation period, correct?

1 A. Yes, at least 15 minutes of it.

2 Q. And during that period of time -- the rules say 20  
3 minutes, do they not?

4 A. They do.

5 Q. And you're saying 15 is okay?

6 A. Yes, from a forensic standpoint. We overkill that  
7 20.

8 Q. But, all the rules say 20, but you're saying 15 is  
9 all right?

10 A. They do.

11 Q. In that 15 or 20 minute period, you would say it's  
12 important to watch a person, make sure there's no belching,  
13 regurgitating, nothing of that nature, as it could affect the  
14 validity of that test?

15 A. Belching doesn't, regurgitating certainly does. But,  
16 we want to make sure they haven't put anything in their mouth.

17 Q. Okay. You also would agree there's something called  
18 an O2 Agreement, right?

19 A. Yes.

20 Q. What does the O2 Agreement say?

21 A. Well, we take two samples when a person is required  
22 to give a breath test. We take one sample and we take another  
23 sample approximately two minutes later. They need to be within  
24 .020.

25 Q. Of each other?

1 A. Of each other.

2 Q. So, let's just say, hypothetically, a first breath is  
3 a .103 all right? Let's take that as an example. And let's say  
4 that the next breath test comes out a .083. Let's just say  
5 that hypothetically. Would that be considered a valid sample  
6 according to your rules?

7 A. Yes, extreme one, but yes.

8 Q. Okay. Now, this test in this case was done on the  
9 Intoxilyzer 5000, correct?

10 A. Yes.

11 Q. Is it true that Broward Sheriff's Office has ordered  
12 an Intoxilyzer 6000?

13 A. No.

14 Q. That's not true?

15 A. No.

16 Q. Is there an Intoxilyzer 6000 in existence?

17 Q. There is, but it's only used in Europe. We don't  
18 have it?

19 Q. The Intoxilyzer 6000 was made after the Intoxilyzer  
20 5000; is that true?

21 A. Yes, I'll agree with that.

22 Q. Okay. You of heard of something called absorption  
23 with relation to alcohol?

24 A. Yes.

25 Q. What is absorption?