

IN THE COUNTY COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

STATE OF FLORIDA

v.

Case No. 98-011760 TC A02

SHAMAN DAVIS,
Defendant.

_____ /

EXCERPTED TESTIMONY

PRESIDING: THE HONORABLE STEVEN COHEN

APPEARANCES:

ON BEHALF OF THE STATE:

BARRY KRISCHER, STATE ATTORNEY
401 North Dixie Highway
West Palm Beach, FL 33401
By: A. STAHL, Assistant State Attorney

ON BEHALF OF THE DEFENDANT:

RICHARD L. JORANDBY, PUBLIC DEFENDER
421 Third Street
West Palm Beach, FL 33401
By: A. BUTLER, Assistant Public Defender

March 16, 1999
Palm Beach County Courthouse
West Palm Beach, Florida

COPY

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1 BE IT REMEMBERED that the following
2 proceedings were had in the above-entitled cause before
3 the HONORABLE STEVEN COHEN, one of the judges of the
4 aforesaid Court, at the Palm Beach County Courthouse,
5 located in the City of West Palm Beach, State of
6 Florida, on the 16th day of March, 1999, with
7 appearances as hereinabove noted, to wit:

8 DIRECT EXAMINATION OF OFFICER KENNETH UFKIN
9 BY MS. STAHL:

10 Q: Thank you, Your Honor.

11 Good morning.

12 A: Good morning.

13 Q: Could you please introduce yourself to the
14 jury and then spell your last name for the record.

15 A: I'm Officer Kenneth Ufkin of the Greenacres
16 Department of Public Safety. That's spelled U-F-K-I-N.

17 Q: Officer if you could just pick up your
18 microphone a little bit.

19 A: Sure. Is that better?

20 Q: Yeah. Thank you.

21 What is your occupation?

22 A: I'm a public safety officer.

23 Q: Is part of your duties, do you conduct breath
24 tests?

25 A: Yes, I do.

1 Q: And is that something that you specifically
2 are trained to do, or is everyone in Greenacres Police
3 Department also a breath operator?

4 A: Yes, it's something I've been specifically
5 trained to do.

6 Q: Okay. What is your background or your
7 training in conducting breath tests?

8 A: I attended a forty hour state approved course
9 with FDLE to become a breath test operator.

10 Q: You mentioned FDLE, what does that stand for?

11 A: Florida Department of Law Enforcement. And
12 they do a lot of the standards.

13 Q: Did they issue, did FDLE issue you a permit
14 to do breath tests?

15 A: Yes, they did.

16 Q: And approximately, well, how long have you
17 been a law enforcement officer?

18 A: In May, it'll be three years with Greenacres.

19 Q: And have you also been a breath operator for
20 three years?,

21 A: No, that's been just under, just over a year.

22 Q: Approximately how many breath tests have you
23 conducted?

24 A: I haven't kept track, I'd take a guess and
25 say probably close to 60, 70, maybe more.

1 Q: On May 29th, or 28th, and 29th of 1998, were
2 you a certified breath operator?

3 A: Yes, I was.

4 Q: And were you the breath operator for, were
5 you the breath operator for Greenacres Public, Police
6 Department on that night?

7 A: Yes, I was.

8 Q: So in other words, if there was a possible
9 DUI, a suspect would be taken to the breath test
10 facility and you would do any and all of the breath
11 tests?

12 A: Right. We have call out lists. And I imagine
13 I was on that list that night, they called me.

14 Q: You got, you were the lucky one.

15 A: I was the lucky one to be chosen.

16 Q: What is the process of how you conduct a
17 breath test?

18 A: From A to B?

19 Q: Yeah.

20 A: I turn on the machine. Let it warm up. It
21 gives you a tone that indicates that you need to read
22 the screen and it tells you what to do from there.

23 Q: Okay. When you say you turned it on, you're
24 referring to the Intoxilizer 5000?

25 A: That's what I'm talking about.

1 Q: Okay. And what is the Intoxilizer 5000?

2 A: It's a breath testing machine. It can test
3 the, the blood alcohol level of your breath per 210.210
4 grams, liters of blood, something like that. I forget
5 the exact measurement.

6 Q: Okay. Technical stuff.

7 A: Yeah.

8 Q: You said that you turn it on and basically it
9 tells you everything to do?

10 A: Yes. It does.

11 Q: What is and did you in fact do that with the
12 defendant, Shaman Davis, on May 28th of 98?

13 A: Yes, I did.

14 Q: Do you, did you instruct Mr. Davis how to
15 blow into the Intoxilizer?

16 A: Yes, I did.

17 Q: How did you explain how to blow into the
18 Intoxilizer?

19 A: My general method of explaining to any
20 defendant, would be --

21 Ms. BUTLER: Objection.

22 Q: Just tell me how you did it with this
23 defendant on that night?

24 A: I believe I, I stated put the mouthpiece in
25 your mouth, get a tight seal with your lips, something

1 to that effect.

2 Q: Okay.

3 A: And blow, you're gonna hear a tone and
4 continue to blow until I ask you to stop.

5 Q: Does the tone signify that the subject's
6 breath is properly --

7 A: No, there is, there is a constant and steady
8 tone and when you are blowing adequately, and that
9 machine will make a tone and it will continue and you
10 need at least a minimum of six seconds of, for that
11 tone to keep going to get an adequate breath sample.

12 Q: And how many adequate breath samples do you
13 need to be in compliance with the FDLE rules?

14 A: Minimum of two.

15 Q: And so you need two separate breath samples
16 each of at least six seconds?

17 A: Correct.

18 Q: And how many minutes apart do they have to be
19 within?

20 A: I believe, well, the machine does it all, but
21 it's a minute at a minimum. I think our machine does
22 about two minutes in between.

23 Q: Okay.

24 Your Honor, if I may approach.

25 THE COURT: Sure.

1 Q: I'm showing you what's been marked as state's
2 exhibit one for identification purposes.

3 Do you recognize this?

4 A: Yes, I do.

5 Q: And what is it?

6 A: It's a breath test affidavit.

7 Q: Is your name on the breath test affidavit?

8 A: Yes, it is.

9 Q: And is the defendant's name, Shaman Davis, on
10 the breath test affidavit?

11 A: Yes, it is.

12 Q: Is the Intoxilizer that you used, the serial
13 number, on the affidavit?

14 A: Yes, it is.

15 Q: What, is the time of the two breath tests on
16 the affidavit?

17 A: Yes, it is.

18 Q: And are the results also on it?

19 A: Yes, they are.

20 Q: Is, the last agency inspection noted on the
21 affidavit?

22 A: Yes, it is.

23 Q: And did you sign the affidavit and also get
24 it notarized?

25 A: Yes, I did.

1 Q: At this time, the state would move what's
2 been marked as state's exhibit one for identification
3 into evidence.

4 THE COURT: Any objection?

5 Ms. BUTLER: No, Your Honor.

6 THE COURT: All right. It'll be admitted
7 as state's one without objection.

8 Q: Office Ufkin, what is the serial number of
9 the Intoxilizer 5000 that you used?

10 A: It's okay to read off the form, correct?

11 Q: Yes.

12 A: It's 66-001649.

13 Q: Okay. On, when was the last agency
14 inspection that was conducted on that Intoxilizer?

15 A: I wrote 05/04/98.

16 Q: So it was done the same month as the
17 defendant's breath test.

18 A: Yes, it was.

19 Q: Is that in compliance with the FDLE rules?

20 A: Yes, it is. Every calendar month, it has to
21 be tested.

22 Q: If you can turn the affidavit over, what is
23 on the back of the affidavit?

24 A: It says operational procedures, 11-D-8.0073,
25 those are FDLE standards.

1 Q: Okay. And is that a list of the operational
2 procedures that you went through to conduct the breath
3 tests?

4 A: Yes, they are.

5 Q: And in essence, is everything that's listed
6 on there more or less what the Intoxilizer tells you to
7 do as you go through the blood test?

8 A: It is.

9 Q: When you're going through the blood test, do
10 you also go through the check list on another piece of
11 paper actually check off as you go?

12 A: Correct. There's separate sheets for that.

13 Q: Is that also in compliance with the Florida
14 Department of Law Enforcement rules?

15 A: Yes, it is.

16 Q: If you can read what the actual breath test
17 results were of Mr. Davis on that night?

18 A: The first result was .094 grams of alcohol
19 per 210 liters of breath. I was trying to say earlier.

20 Q: Okay. And the second breath result was?

21 A: Was .111.

22 Q: Okay. May I approach?

23 THE COURT: Sure.

24 Q: I now show you what's been marked as state's
25 exhibit two for identification.

1 Do you recognize that?

2 A: Yes, I do.

3 Q: And what is that?

4 A: That's the card that is inserted into the
5 machine, the print card.

6 Q: Okay. That's not the actual card, is it?

7 A: No, it's a copy of it.

8 Q: Is it an accurate and exact copy of the
9 breath card?

10 A: Certainly appears to be.

11 Q: Okay. And when you say, and is the card, we
12 say card, but it's paper?

13 A: Right.

14 Q: You put it into the Intoxilizer?

15 A: Yeah, where the machine says insert card, you
16 insert the card.

17 Q: Okay. So basically the Intoxilizer tells you
18 everything to do?

19 A: Indeed it does.

20 Q: When you put in the card, does it, does the
21 Intoxilizer by itself read or print out the results of
22 the breath test, the one that you read to us?

23 A: Right. The machine does everything, minus the
24 handwritten portion at the bottom.

25 Q: Which is your signature?

1 A: Everything on there is my writing.

2 Q: Okay. Does it have the date on the card?

3 A: Yes, it does.

4 Q: And does it have your name on it?

5 A: Yes, it does.

6 Q: Does it have the defendant's name on it?

7 A: Yes, it does.

8 Q: And does it in fact have the breath results
9 that you observed the defendant, the defendant's breath
10 results?

11 A: Correct.

12 Q: I, the state would now move state's exhibit
13 two for identification into evidence.

14 THE COURT: Any objection.

15 MS. BUTLER: No objection.

16 THE COURT: All right. Admitted without
17 objection.

18 Q: I have no further questions.

19 THE COURT: All right. Cross examination.

20 CROSS EXAMINATION OF OFFICER UFKIN

21 BY MS. BUTLER:

22 Q: Thank you, Your Honor.

23 Okay. Officer Ufkin, you're fairly new to the
24 public safety office?

25 A: Sure.

1 Q: As of last May, you'd been there about two
2 years then?

3 A: Correct.

4 Q: And you had been a breath technician for --

5 A: Since December of that prior year.

6 Q: For several months.

7 A: It had been a few months. Correct.

8 Q: You're not a chemist or a physicist?

9 A: No, I'm not.

10 Q: Or a engineer?

11 A: No.

12 Q: You don't need to be to operate the breath
13 machine?

14 A: No.

15 Q: Because the machine does everything for you
16 and you just follow the directions?

17 A: Yes, ma'am.

18 Q: You weren't present at the stop of Mr. Davis,
19 were you?

20 A: No, ma'am.

21 Q: You didn't see [inaudible]?

22 A: No, that's Sgt. Gary Lewis.

23 Q: Your part of it was just to come in and do
24 the breath test?

25 A: That's me.

1 Q: And Mr. Davis was very cooperative with you?

2 A: Yes, ma'am.

3 Q: Agreed to take the test?

4 A: Yes, ma'am.

5 Q: Didn't do anything to mess up the test so to
6 speak?

7 A: Not that I recall.

8 Q: Does that sometimes happen, that people will?

9 A: Sometimes we'll catch people playing with it,
10 yes.

11 Q: Okay. And he didn't do that?

12 A: No, ma'am.

13 Q: Okay. I saw the video where the machine was,
14 but where is, where is the breath tested, where is the
15 actual Intoxilizer 5000 located?

16 A: Where is it located within the station?

17 Q: Yes.

18 A: It's in the cell area. On a counter.

19 Q: Is that in a big room or--

20 A: Well, the cells, I don't know the square
21 footage but the cell area is fairly large. And that I
22 on a, on a counter top that's located between two
23 sections of the cells. There's like a small hallway and
24 that it's located in.

25 Q: So it's in the hallway on a counter?

- 1 A: Correct.
- 2 Q: The cells being like --
- 3 A: Like a jail. Yes.
- 4 Q: Okay.
- 5 A: Bars, concrete.
- 6 Q: I assume there's no windows, right?
- 7 A: No. There's not.
- 8 Q: Is it next to a wall?
- 9 A: Yes.
- 10 Q: Okay. The prosecutor asked you about the
- 11 following of a checklist?
- 12 A: Correct.
- 13 Q: I'd like to show you what's marked as
- 14 state's, defense exhibit one for identification.
- 15 Do you recognize that?
- 16 A: Yes, ma'am.
- 17 Q: And is that the checklist that you follow?
- 18 A: Yes, it is.
- 19 Q: Is that the one you followed in this case?
- 20 A: Yes, ma'am.
- 21 Q: Okay. And that just tells you everything that
- 22 you have to do?
- 23 A: Essentially. Just look at this form and
- 24 observe the screen, the little monitor on the
- 25 Intoxilizer 5000, and then just check them off as you

1 go. Providing the information is correct.

2 Q: Okay. And at the bottom of that, it says
3 something about control test sequence?

4 MS. STAHL: Judge, may we approach?

5 THE COURT: Yes.

6 [bench conference].

7 MS. STAHL: This is one of my motions
8 in limine that I thought I was gonna do
9 before. The control test issue has been
10 litigated and has been ruled on several
11 times. First of all, it's probably beyond
12 the scope of this operator's knowledge.
13 Second, it's not required. It's used to
14 completely mislead the jury. And I, and I
15 ask that it not be questioned about.

16 MS. BUTLER: It's been litigated
17 [inaudible]. The control test issue was
18 [inaudible]. I didn't have a question about
19 that.

20 MS. STAHL: Well, as long as I can, I
21 can redirect on the fact that it's not
22 required, it's never done.

23 [end of bench conference].

24 Q: So Officer, as to the [inaudible] does
25 mention if the control test noted, you --

1 A: Correct.

2 Q: And I'd also like to show you what's marked
3 into evidence as state's exhibit number one.

4 And that's the affidavit you said you used
5 that night?

6 A: Yes, ma'am.

7 Q: If you could turn the affidavit over
8 [inaudible] the operational procedures, correct?

9 A: Correct.

10 Q: And at the bottom, it also talks about the
11 control test sequence?

12 A: Right.

13 Q: And it has a little star and goes back up to
14 number eight, because that's where you would do the
15 control test sequence if it was done, is that correct?

16 A: Correct.

17 Q: Do you know what the control test is?

18 A: Not real sure. I think that it means that
19 this is checking the error inside the chamber that the
20 breath sample goes to.

21 Q: Basically this is correct, that a person
22 would blow into the breath machine, take a reading, and
23 then the control would be done with a known, a known
24 alcohol amount to be put in to test, the breathalyzer
25 machine would then say, okay, this is X amount. So you

1 need to check to make sure the breathalyzer machine was
2 working and then the defendant or the person would go
3 on and do the second sample.

4 A: I'm a little confused about your wording but
5 I think what you said is essentially what happens.

6 Q: The person would blow, that would be test
7 one. Then a control has to be done with a known amount,
8 to check the machine's accuracy, and then the person
9 would blow again.

10 A: I honestly don't know, I'm a breath operator,
11 I don't know how the maintenance of the thing works.

12 Q: Okay. I'm actually, perhaps I'm confusing
13 you. Because I don't mean for the maintenance, this is
14 the operational procedures for a breath technician,
15 correct?

16 A: Mostly. A lot of these things are internal
17 tests that are done by the machine and I don't have to
18 really be aware of how they are done.

19 Q: Okay. The operational procedures on the back
20 of the affidavit, one through sixteen?

21 A: Right.

22 Q: That's what you say that the breath machine
23 does and you check it off, right? Saying turn it on, it
24 says date and time.

25 A: As long as I'm able to read what the machine

1 is saying and it's to use, to use the word, as long as
2 they gibe, then I just check it off.

3 Q: As long as what the machine's doing and what
4 it says is right, then you put a check.

5 A: Right.

6 Q: Where it says, eight, star, and at the
7 bottom, the star is control test sequence, that's just
8 not done?

9 A: Which one are you referring to?

10 Q: I can point it out.

11 On the back of the affidavit?

12 A: Right. Automatically runs air blank, is that
13 what you're talking about?

14 Q: At the bottom of the checklist, it says
15 control test. It talks about a control test. It just
16 says something about a control test, just read that,
17 it's not in evidence yet.

18 A: I'm not real sure what all that means, I take
19 it means the same thing as air blank.

20 Q: Well, actually, at that time, my point is,
21 you don't do a control test?

22 A: I don't do one, the machine does.

23 Q: To your knowledge, there's nothing called a
24 control test that you run when you do the Intoxilizer?

25 A: No, the machine does everything. I push

1 buttons.

2 Q: Okay. And you don't do the maintenance of it?
3 The machine itself?

4 A: No. No.

5 Q: You just do the operations and you just did
6 the operations that night?

7 A: Correct.

8 Q: Okay. That's all I was trying to say, perhaps
9 I got too in detail, sorry.

10 Nothing further.

11 THE COURT: All right. Any redirect?

12 REDIRECT EXAMINATION OF OFFICER UFKIN

13 BY MS. STAHL:

14 Q: Yes.

15 You're not really sure how the control test
16 is run because it's never run, correct? You don't do a
17 control test?

18 A: No, I don't.

19 Q: It's not required by FDLE to do a control
20 test, is that right?

21 A: No.

22 Q: In fact, you're not even trained on doing it,
23 because it's never ever used in any breath --

24 Ms. BUTLER: Objection, leading, Your
25 Honor.

1 THE COURT: I -- continue.

2 Q: In your, I think you said around seventy
3 breath tests, did you ever have to or were you ever
4 required to do a control test?

5 MS. BUTLER: Objection [inaudible].

6 THE COURT: Overruled.

7 A: I can answer that, correct?

8 THE COURT: Yes.

9 A: I've never run a control test.

10 Q: Ms. Butler asked you, your part in dealing
11 with the defendant was just to do the breath test?

12 A: Right.

13 Q: Did you, did you make any observations about
14 the defendant as --

15 Ms. BUTLER: Objection, beyond the scope,
16 Your Honor.

17 THE COURT: [inaudible] repeat the
18 question.

19 Q: In your part of having contact with the
20 defendant and doing the breath test, did you make any
21 observations of the defendant while he was doing the
22 breath test?

23 MS. BUTLER: Objection, beyond the scope.

24 THE COURT: Overruled.

25 A: Yes, I did.

1 Q: Did you notice any odor?

2 A: Yes, ma'am. I did.

3 Q: What odor?

4 A: I smelled a slight odor of alcoholic
5 beverage.

6 Q: And did you, did you smell it from the
7 defendant?

8 A: It was emanating from his person.

9 Q: You say emanating from his person --

10 A: Yeah.

11 Q: Did you smell it on him?

12 A: Yes, I did.

13 Q: Okay. And how close were you to the
14 defendant?

15 A: At some points, within a foot.

16 Q: Okay. Thank you.

17 THE COURT: Is this witness excused and
18 released?

19 Ms. STAHL: Yes.

20 THE COURT: Thank you, Officer, you can
21 step down.

22 [WHEREUPON, the testimony of this witness was
23 concluded].

24 DIRECT EXAMINATION OF OFFICER PIPER

25 BY MS. STAHL:

1 Q: Good morning.

2 A: Good morning.

3 Q: Can you please introduce yourself to our jury
4 and spell your last name for the record?

5 A: Lieutenant Kevin Piper. Last name is spelled
6 P-I-P-E-R. I'm with the city of Greenacres, Department
7 of Public Safety.

8 Q: What do you do within Greenacres Public
9 Safety?

10 A: Normally, I'm the training coordinator. Most
11 of my daily work is involved in training. Additionally,
12 I'm the Intoxilizer maintenance officer, so I do all
13 the maintenance regarding the Intoxilizer instrument.

14 Q: When you say you train, you do training, road
15 patrol training to officers?

16 A: That's part of it. We're a combined public
17 safety agency so I do do fire training and many other
18 things. But I do do the road patrol training also.

19 Q: What is your training to be an Intoxilizer
20 maintenance technician?

21 A: Well, I have the basic course which allows,
22 there's three levels of certification. The course
23 allows me to operate the instrument, give a test to a
24 defendant that we suspect is driving under the
25 influence. The next level certificate requires an

1 agency inspection certificate. That allows me to
2 perform monthly maintenance checks on the instrument to
3 make sure that it's reading accurately and functioning
4 properly in accordance with the state established
5 guidelines. And the last level of certificate I have is
6 the maintenance and repair where I'm actually, was
7 trained to do minor repairs to the instrument, like
8 repair the printer if the printer gets dirty or gritty
9 on the little bar. I can replace a battery in it that
10 has to be soldered and diagnosed. More difficult
11 problems that may require it to be sent out to the
12 factory for service or higher level maintenance than
13 myself. It does empower me to do low level maintenance
14 at the agency.

15 Q: How long have you been a maintenance
16 technician?

17 A: I first got certified on the Intoxilizer in
18 1992. So I've been doing that ever since then. I've
19 been designated department maintenance officer since
20 93. Early 94.

21 [voices talking over].

22 A: Different courtroom that I'm used to.

23 Q: Okay. Continue.

24 A: Since about 94, I've been the agency
25 inspector. That's about the time they re-vamped all the

1 certificates, because back in 92, you went to one class
2 and that empowered you to do maintenance and testing.
3 And it was the state decided to break that up into the
4 several different certificates. Back in that area, 94,
5 95.

6 Q: And are you issued a permit by Florida
7 Department of Law Enforcement to maintain the
8 Intoxilizer?

9 A: Yes, I am.

10 Q: May I approach the witness?

11 THE COURT: Yes.

12 Q: I'm showing you part of state's composite
13 exhibit three for identification.

14 Do you recognize that?

15 A: Yes, ma'am, I do.

16 Q: And what are those?

17 A: Those are my three certificates for my three
18 levels of certification

19 Q: And is that what you just described to us?

20 A: Yes, ma'am.

21 Q: And those are all issued by FDLE?

22 A: Yes, they are.

23 Q: When you do maintenance on the Intoxilizer,
24 how often do you do it?

25 A: Once each calendar month, unless a problem

1 comes up and then I have to adjust the time as we fall
2 forward or fall back depending on the time changes.
3 It's a manual adjustment.

4 Q: Let me stop you there. You said unless a
5 problem comes up. If there is some type of problem
6 with the Intoxilizer, internally or maybe the printer
7 or anything, how would you know?

8 A: Through my training, I can diagnose a large
9 number of a variety of these problems. They very rarely
10 come up. The most recent problem we had was probably
11 almost a year ago, where the printer was dirty and it
12 just got dirt from being operated so many times and
13 basically entails wiping it off with a rag to clean it.

14 Q: We're gonna go through some of the tests that
15 you run on the Intoxilizer. But other than the
16 problems that you might diagnose, is the Intoxilizer
17 self diagnosing?

18 A: Yes. The instrument diagnoses itself at the
19 start, every time you turn it on, it checks its
20 temperature, its computer memory, it even checks the
21 printer to insure that the entire instrument, all the
22 way across the board works fine. If it doesn't pass its
23 diagnostic, it will tell you that it fails for some
24 particular reason or just not operate.

25 Q: And if it did so, what would you do with the

1 Intoxilizer?

2 A: Depending on what the results are, I can
3 repair it to my knowledge, determine if it's a
4 maintenance that I can do there. If it's anything that
5 I can't do right there on the spot, then I take it out
6 of service and I send it to a factory technician to
7 have it repaired. And I, I annotate that in the running
8 log that says I removed it from service for a
9 particular reason. And then there are guidelines for
10 bringing the instrument back into service, where the
11 state comes down and inspects that instrument before
12 it's used again.

13 Q: So if it's anything other than something
14 simple that you could just do right then and there,
15 like wiping off the dirt, you would take the
16 Intoxilizer off line and it wouldn't be used until it's
17 then corrected and re-checked?

18 A: Yes, ma'am.

19 Q: You're not there every night for every breath
20 test, correct?

21 A: No, ma'am, I'm not.

22 Q: So for a breath operator, who's conducting
23 the test, just switching it on, they don't need, they
24 don't need to know how to check it, because the
25 Intoxilizer is actually checking itself?

1 A: Correct. It's gonna check itself, they have
2 no need to know how to diagnose problems.

3 Q: Okay. That's your job?

4 A: That's my job. Yes, ma'am.

5 Q: Now, you said you do monthly maintenance,
6 once every calendar month, which means some time within
7 the month, it doesn't have to be the first of every
8 month?

9 A: Correct.

10 Q: And is that in compliance with the FDLE
11 rules?

12 A: Yes, ma'am, it is.

13 Q: Do you also do an annual inspection?

14 A: I do an annual inspection with the FDLE
15 inspector. We have Dwight Hackney for this regional
16 area. And he comes down and I accompany him while he
17 actually does this annual inspection of the instrument
18 to include where the instrument's situated. It's very
19 detailed and very long process.

20 Q: When you do your monthly maintenance, if you
21 can, or actually, let me back up.

22 I handed you the rest of state's composite
23 exhibit three. What is what I labeled as B although
24 you might not see it, what is the next bunch of papers?

25 A: The very next paper is the registration

1 certification that, basically it states that this
2 instrument is in compliance with the guidelines for
3 alcohol testing in the state of Florida and it's
4 assigned a registration number through FDLE, the
5 alcohol testing program.

6 Q: And the registration certificate that I
7 handed you, what is the serial, does it have a serial
8 number on it, of the Intoxilizer that was used on the
9 defendant?

10 A: Yes, ma'am, it does.

11 Q: And what is the serial number?

12 A: The serial number is 6601649, it's the only
13 instrument at our agency.

14 Q: Okay. And does that mean that it's registered
15 with the state?

16 A: Yes, ma'am.

17 Q: Just generally, if you can explain for our
18 jury, what you do when you conduct a monthly
19 maintenance check on the Intoxilizer?

20 A: A monthly maintenance test, what we do is we
21 check the cleanliness of the instrument. We turn it on
22 and check that the self diagnostic runs and it'll
23 actually say, okay, if it successfully completes its
24 diagnostic process. Once we do that, we'll go ahead
25 and attach what we call a wet simulator to the