

APPROACH POINT CROSS EXAMINATION

4/12/2011

NAME: Jay Zager

PAGE: 1

SUBJECT/TOPIC: SFST

FACT POINTS:

SOURCE:

* If your law allows it, file motion in limine regarding any critique of the officers performance on SFSTs based on his review of the video.

Indicates he is "certified" by NHTSA
There is no NHTSA certification!

Definition of "FST": "where you walk a line, where you stand on one leg, etcetera. Those are standardized by the National Highway Safety Traffic Administration, or NHTSA, and there is a – that is a governing body out of the Department of Transportation that standardized these tasks for testing persons that are stopped for Driving Under the Influence."

Walker pg 12

OK – But can you tell us what a standardized field sobriety test is?

There are a set of instructions that are pre-printed on a card and he recommends using that to administer the tests.

Walker pg 13

In fact, cannot remember the instructions without the card.

Where does his card come from – how do we know that it comports with the NHTSA guidelines?
NHTSA does not issue these cards with the manuals.

Guidelines: Level surface, not a lot of distraction, not a dangerous area because of traffic, well lit.

Walker pg 13

But what does the NHTSA manual say regarding the location of the test as opposed to what he is saying?
What about the preface to the manual?

Over 65 is a factor in the reliability of the tests.

Walker pg 21

Testifies as to what "he would have done" in administering the tests

Walker pg 23

*File motion in limine to prevent this
*Object – what he "would have done" is not relevant

Says the NHTSA guidelines say that if a person is blind in one eye, that this can effect their depth perception and cause problems with the Walk and Turn

Walker pg 27

This is not in the NHTSA manual. Tell him to find it.