

... I ADULT... .. alcohol...

CHEMIST AFFIDAVIT

NOW COMES Darcy Richardson, affiant, being duly sworn and on oath, deposes and says:

- 1) The information contained in this affidavit is true and accurate to the best of my knowledge.
- 2) I am a chemist employed by the Vermont Department of Health Laboratory.
- 3) I have testified in Vermont as an expert witness in the field of analytical chemistry, blood alcohol physiology and pharmacology and on the workings of the DataMaster instrument. I have been qualified as an expert witness in every court in which I have testified.
- 4) On March 24th, 2010, I reviewed the affidavit, processing form, and DataMaster evidence ticket of Trooper Jeffrey Trudeau with regard to an arrest of Tracy Peterson for Driving Under the Influence of alcohol. The date of arrest was February 27th, 2010.
- 5) In the affidavit, the officer indicates that the motorist submitted to an evidentiary breath test using an infrared device.
- 6) The infrared device in use in Vermont is the DataMaster, a type of infrared spectrophotometer. Through rulemaking, the Department of Health has adopted infrared spectrophotometry as an approved method of breath testing.
- 7) Through rulemaking the Department of Health has established performance standards for all breath tests. The DataMaster meets the performance standards because:
 - A) The DataMaster analyzes a subject's expired alveolar, or deep lung, air.
 - B) The DataMaster is capable of analyzing replicate samples containing a known amount of alcohol with a precision of plus or minus 5% from their mean when alcohol concentrations are reported to three significant figures.
 - C) The DataMaster meets and exceeds the minimum test accuracy required by the Vermont Department of Health rules for alcohol testing of plus or minus 10% when determining the breath alcohol concentration of a person when the concentration is expressed as weight (g) of alcohol per 210 liters of expired air.
 - D) The DataMaster is capable of detecting the presence of compounds in the breath which could potentially interfere with an accurate determination of a breath alcohol concentration.
 - E) The DataMaster and the procedures for its use have been approved by the Commissioner of Health for the purpose of evidentiary breath alcohol testing.
- 8) The DataMaster has been tested by the Vermont Department of Health and has been found to be an accurate and reliable instrument for measuring alcohol content. The DataMaster has also been tested by the federal government and has been approved by the federal government as an

1. deposed

evidentiary device. The DataMaster appears on the federal government's Conforming Products List.

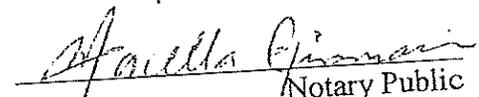
9) A DataMaster result obtained by an officer certified to operate the instrument and when taken in accordance with their Department of Health training, is accurate and reliable and is in compliance with the provisions of the Department of Health rules.

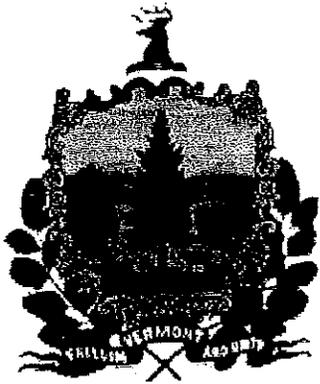
10) After reviewing the affidavit, processing form and DataMaster evidence ticket in this case, and based upon my knowledge of the working of the DataMaster, I believe that the instrument used in this case meets the Department of Health performance standards and that the test result of 0.194 is an accurate and valid indication of the alcohol content in the motorist's system at the time of the test.

Dated at Burlington in the county of Chittenden, Vermont, on this 24th day of March, 2010.


Darcy Richardson, Affiant

Subscribed to and sworn before me on this 24th day of March, 2010.


Maella Giannini
Notary Public



DUI Subject Test

STATE OF VERMONT

DataMaster DMT: 103709
 DOVER PD
 Certification Date: 02/05/2010
 Installation Date: 02/10/2010

Date: 02/27/2010
 Time: 20:35:25

Subject Name: TRACY A PETERSON
 Date of Birth: 07/23/1971 Age: 38
 Gender: F
 License #: S54366815 MA

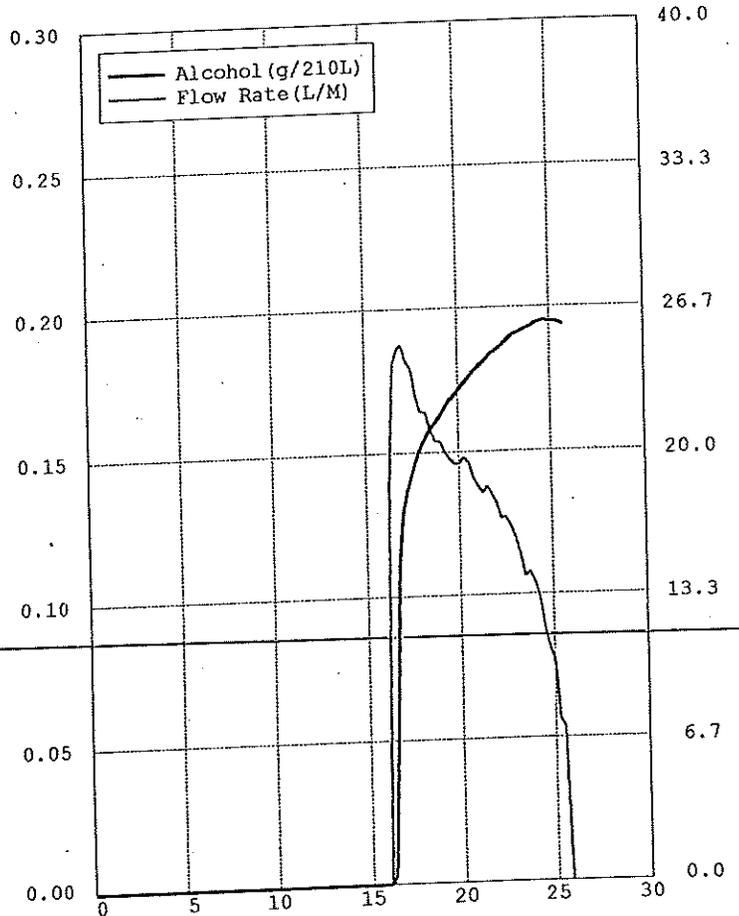
Case #: 10D200609
 Time of Operation: 18:11
 Location of Incident: DAM ROAD
 Town: WHITINGHAM
 County: WINDHAM

Test Operator Name: JEFFREY E TRUDEAU
 Agency: BRATTLEBORO VSP

Obs. Period Start:		20:20
BLANK TEST	0.000	20:36
CALIBRATION CHECK	PASSED	20:36
SIMULATOR VAPOR	0.100	20:36
BLANK TEST	0.000	20:37
SUBJECT SAMPLE (Vol=2.8L)	0.194	20:38

2nd TEST NOT REQUESTED

All alcohol values reported in g/210L
 Sim. Vapor Concentration 0.101
 Sim. Vapor Range 0.096 - 0.106
 Simulator Temp 33.8°C



CHEMIST AFFIDAVIT

NOW COMES Darcy Richardson, affiant, being duly sworn and on oath, deposes and says:

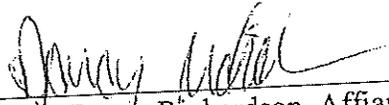
- 1) The information contained in this affidavit is true and accurate to the best of my knowledge.
- 2) I am a chemist employed by the Vermont Department of Health Laboratory.
- 3) I have testified in Vermont as an expert witness in the field of analytical chemistry, blood alcohol physiology and pharmacology and on the workings of the DataMaster instrument. I have been qualified as an expert witness in every court in which I have testified.
- 4) On March 24th, 2010, I reviewed the affidavit, processing form, and DataMaster evidence ticket of Deputy Mark Anderson with regard to an arrest of Timothy Hughes for Driving Under the Influence of alcohol. The date of arrest was February 18th, 2010.
- 5) In the affidavit, the officer indicates that the motorist submitted to an evidentiary breath test using an infrared device.
- 6) The infrared device in use in Vermont is the DataMaster, a type of infrared spectrophotometer. Through rulemaking, the Department of Health has adopted infrared spectrophotometry as an approved method of breath testing.
- 7) Through rulemaking the Department of Health has established performance standards for all breath tests. The DataMaster meets the performance standards because:
 - A) The DataMaster analyzes a subject's expired alveolar, or deep lung, air.
 - B) The DataMaster is capable of analyzing replicate samples containing a known amount of alcohol with a precision of plus or minus 5% from their mean when alcohol concentrations are reported to three significant figures.
 - C) The DataMaster meets and exceeds the minimum test accuracy required by the Vermont Department of Health rules for alcohol testing of plus or minus 10% when determining the breath alcohol concentration of a person when the concentration is expressed as weight (g) of alcohol per 210 liters of expired air.
 - D) The DataMaster is capable of detecting the presence of compounds in the breath which could potentially interfere with an accurate determination of a breath alcohol concentration.
 - E) The DataMaster and the procedures for its use have been approved by the Commissioner of Health for the purpose of evidentiary breath alcohol testing.
- 8) The DataMaster has been tested by the Vermont Department of Health and has been found to be an accurate and reliable instrument for measuring alcohol content. The DataMaster has also been tested by the federal government and has been approved by the federal government as an

evidentiary device. The DataMaster appears on the federal government's Conforming Products List.

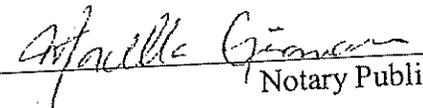
9) A DataMaster result obtained by an officer certified to operate the instrument and when taken in accordance with their Department of Health training, is accurate and reliable and is in compliance with the provisions of the Department of Health rules.

10) After reviewing the affidavit, processing form and DataMaster evidence ticket in this case, and based upon my knowledge of the working of the DataMaster, I believe that the instrument used in this case meets the Department of Health performance standards and that the test result of 0.117 is an accurate and valid indication of the alcohol content in the motorist's system at the time of the test.

Dated at Burlington in the county of Chittenden, Vermont, on this 24th day of March, 2010.


Darcy Richardson, Affiant

Subscribed to and sworn before me on this 24th day of March, 2010.


Notary Public



DUI Subject Test

STATE OF VERMONT

DataMaster DMT: 103609
 WINDHAM COUNTY SO
 Certification Date: 02/04/2010
 Installation Date: 02/09/2010

Date: 02/18/2010
 Time: 01:42:10

Subject Name: TIMOTHY R HUGHS
 Date of Birth: 12/18/1987 Age: 22
 Gender: M
 License #: S42011766 MA

Case #: 10WHC0444
 Time of Operation: 23:51
 Location of Incident: POND ROAD AT INTERSECTION OF SILVER LANE
 Town: VERNON
 County: WINDHAM

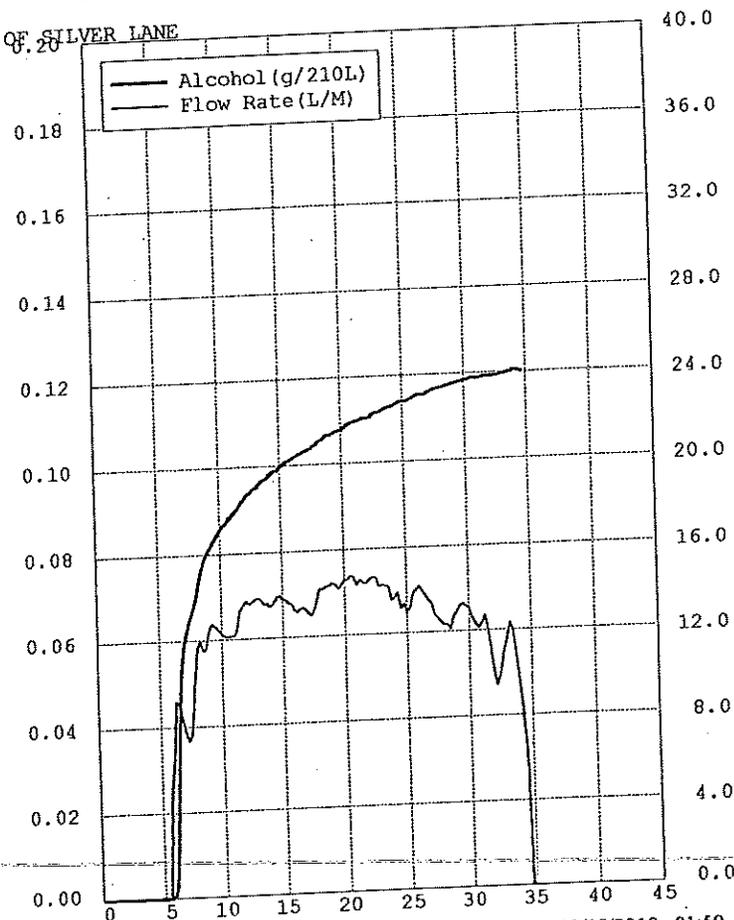
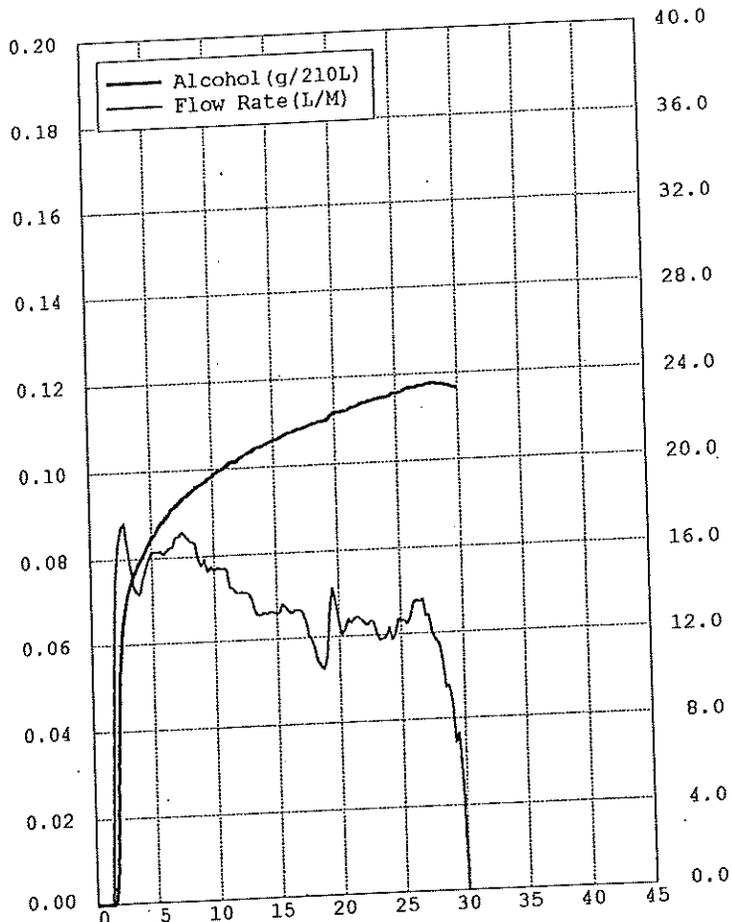
Test Operator Name: MARK R ANDERSON
 Agency: WINDHAM COUNTY SO

Obs. Period Start: 01:26
 Obs. Restart: Spoke with attorney 01:26

BLANK TEST	0.000	01:43
CALIBRATION CHECK	PASSED	01:43
SIMULATOR VAPOR	0.101	01:43
BLANK TEST	0.000	01:44
SUBJECT SAMPLE (Vol=6.4L)	0.117	01:45

BLANK TEST	0.000	01:47
CALIBRATION CHECK	PASSED	01:47
SIMULATOR VAPOR	0.101	01:47
BLANK TEST	0.000	01:48
SUBJECT SAMPLE (Vol=6.1L)	0.120	01:49

All alcohol values reported in g/210L
 Sim. Vapor Concentration 0.103
 Sim. Vapor Range 0.098 - 0.108
 Simulator Temp 33.9°C



120

CHEMIST AFFIDAVIT

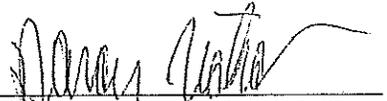
NOW COMES Darcy Richardson, affiant, being duly sworn and on oath, deposes and says:

- 1) The information contained in this affidavit is true and accurate to the best of my knowledge.
- 2) I am a chemist employed by the Vermont Department of Health Laboratory.
- 3) I have testified in Vermont as an expert witness in the field of analytical chemistry, blood alcohol physiology and pharmacology and on the workings of the DataMaster instrument. I have been qualified as an expert witness in every court in which I have testified.
- 4) On March 24th, 2010, I reviewed the affidavit, processing form, and DataMaster evidence ticket of Officer Gregory Eaton with regard to an arrest of Bonnie Nasuta for Driving Under the Influence of alcohol. The date of arrest was February 27th, 2010.
- 5) In the affidavit, the officer indicates that the motorist submitted to an evidentiary breath test using an infrared device.
- 6) The infrared device in use in Vermont is the DataMaster, a type of infrared spectrophotometer. Through rulemaking, the Department of Health has adopted infrared spectrophotometry as an approved method of breath testing.
- 7) Through rulemaking the Department of Health has established performance standards for all breath tests. The DataMaster meets the performance standards because:
 - A) The DataMaster analyzes a subject's expired alveolar, or deep lung, air.
 - B) The DataMaster is capable of analyzing replicate samples containing a known amount of alcohol with a precision of plus or minus 5% from their mean when alcohol concentrations are reported to three significant figures.
 - C) The DataMaster meets and exceeds the minimum test accuracy required by the Vermont Department of Health rules for alcohol testing of plus or minus 10% when determining the breath alcohol concentration of a person when the concentration is expressed as weight (g) of alcohol per 210 liters of expired air.
 - D) The DataMaster is capable of detecting the presence of compounds in the breath which could potentially interfere with an accurate determination of a breath alcohol concentration.
 - E) The DataMaster and the procedures for its use have been approved by the Commissioner of Health for the purpose of evidentiary breath alcohol testing.
- 8) The DataMaster has been tested by the Vermont Department of Health and has been found to be an accurate and reliable instrument for measuring alcohol content. The DataMaster has also been tested by the federal government and has been approved by the federal government as an

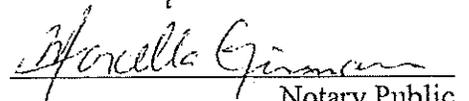
100
evidentiary device. The DataMaster appears on the federal government's Conforming Products List.

- 9) A DataMaster result obtained by an officer certified to operate the instrument and when taken in accordance with their Department of Health training, is accurate and reliable and is in compliance with the provisions of the Department of Health rules.
- 10) After reviewing the affidavit, processing form and DataMaster evidence ticket in this case, and based upon my knowledge of the working of the DataMaster, I believe that the instrument used in this case meets the Department of Health performance standards and that the test result of 0.119 is an accurate and valid indication of the alcohol content in the motorist's system at the time of the test.

Dated at Burlington in the county of Chittenden, Vermont, on this 24th day of March, 2010.


Darcy Richardson, Affiant

Subscribed to and sworn before me on this 24th day of March, 2010.


Notary Public



DUI Subject Test

STATE OF VERMONT

DataMaster DMT: 104309
 BRATTLEBORO PD
 Certification Date: 01/25/2010
 Installation Date: 02/11/2010

Date: 02/27/2010
 Time: 03:59:53

Subject Name: BONNIE J NASUTA
 Date of Birth: 08/21/1982 Age: 27
 Gender: F
 License #: 3205988A VT

Case #: 10BB01460
 Time of Operation: 02:22
 Location of Incident: LATCHIS PARKING LOT
 Town: BRATTLEBORO
 County: WINDHAM

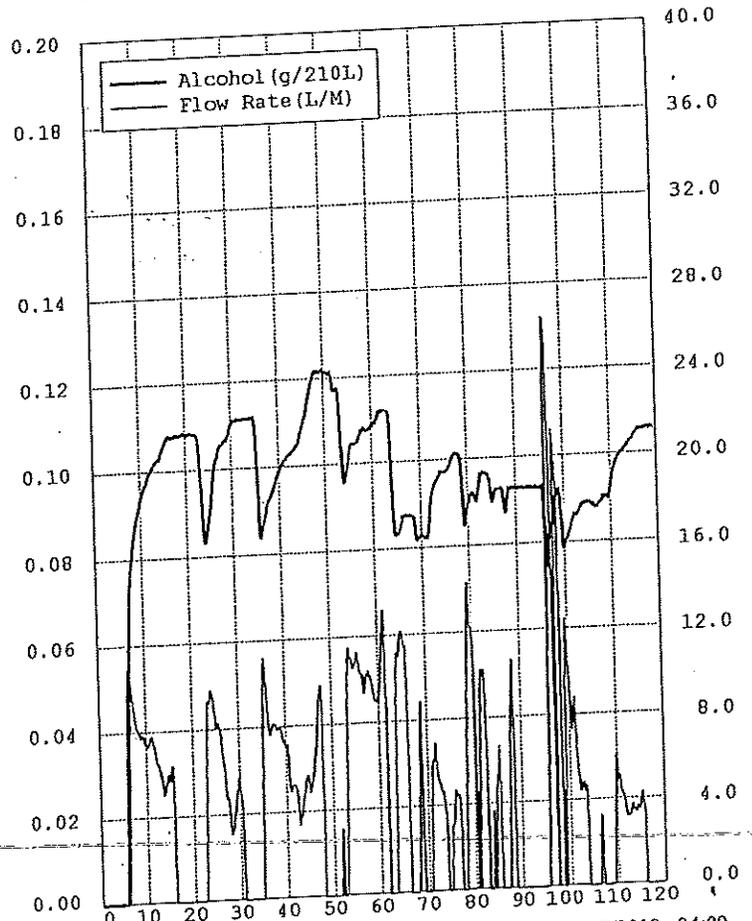
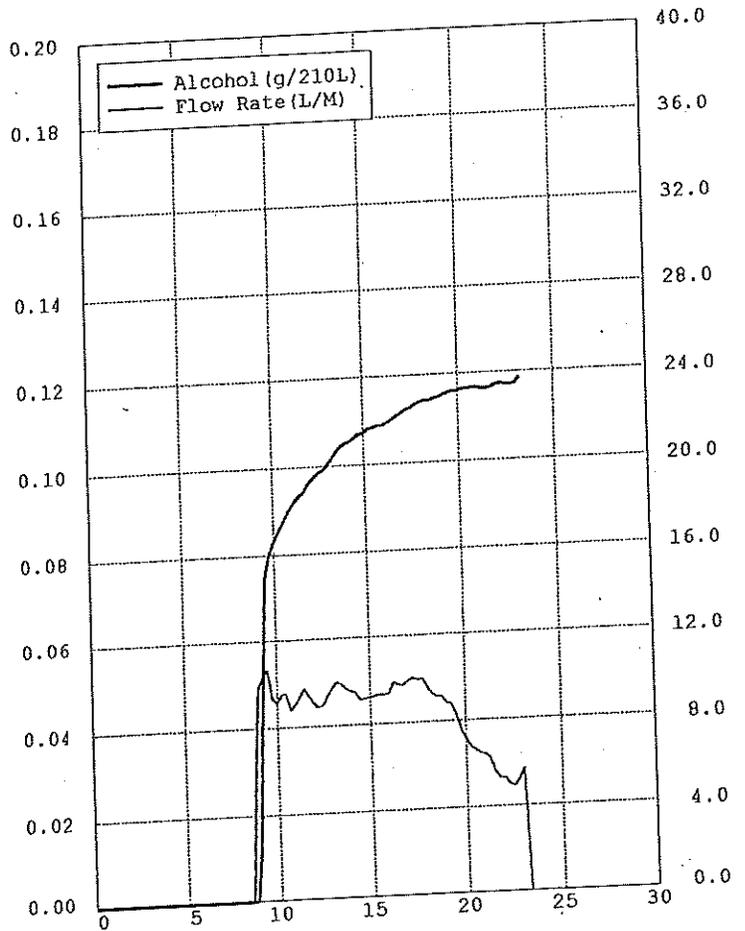
Test Operator Name: GREGORY A EATON
 Agency: BRATTLEBORO PD

Obs. Period Start: 03:44

BLANK TEST	0.000	04:00
CALIBRATION CHECK	PASSED	04:00
SIMULATOR VAPOR	0.098	04:01
BLANK TEST	0.000	04:01
SUBJECT SAMPLE (Vol=2.0L)	0.119	04:02

BLANK TEST	0.000	04:04
CALIBRATION CHECK	PASSED	04:04
SIMULATOR VAPOR	0.098	04:04
BLANK TEST	0.000	04:05
SUBJECT SAMPLE	INCOMPLETE	04:07
BLANK TEST	0.000	04:08
2nd TEST NOT REQUESTED		

All alcohol values reported in g/210L
 Sim. Vapor Concentration 0.100
 Sim. Vapor Range 0.095 - 0.105
 Simulator Temp 33.9°C



CHEMIST AFFIDAVIT

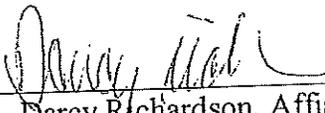
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- 1) The information contained in this affidavit is true and accurate to the best of my knowledge.
- 2) I am a chemist employed by the Vermont Department of Health Laboratory.
- 3) I have testified in Vermont as an expert witness in the field of analytical chemistry, blood alcohol physiology and pharmacology and on the workings of the DataMaster instrument. I have been qualified as an expert witness in every court in which I have testified.
- 4) On April 16th, 2010, I reviewed the affidavit, processing form, and DataMaster evidence ticket of Trooper Drew Cota with regard to an arrest of Richard Cherchio for Driving under the Influence of alcohol. The date of arrest was March 20th, 2010.
- 5) In the affidavit, the officer indicates that the motorist submitted to an evidentiary breath test using an infrared device.
- 6) The infrared device in use in Vermont is the DataMaster, a type of infrared spectrophotometer. Through rulemaking, the Department of Health has adopted infrared spectrophotometry as an approved method of breath testing.
- 7) Through rulemaking the Department of Health has established performance standards for all breath tests. The DataMaster meets the performance standards because:
 - A) The DataMaster analyzes a subject's expired alveolar, or deep lung, air.
 - B) The DataMaster is capable of analyzing replicate samples containing a known amount of alcohol with a precision of plus or minus 5% from their mean when alcohol concentrations are reported to three significant figures.
 - C) The DataMaster meets and exceeds the minimum test accuracy required by the Vermont Department of Health rules for alcohol testing of plus or minus 10% when determining the breath alcohol concentration of a person when the concentration is expressed as weight (g) of alcohol per 210 liters of expired air.
 - D) The DataMaster is capable of detecting the presence of compounds in the breath which could potentially interfere with an accurate determination of a breath alcohol concentration.
 - E) The DataMaster and the procedures for its use have been approved by the Commissioner of Health for the purpose of evidentiary breath alcohol testing.
- 8) The DataMaster has been tested by the Vermont Department of Health and has been found to be an accurate and reliable instrument for measuring alcohol content. The DataMaster has also been tested by the federal government and has been approved by the federal government as an

evidentiary device. The DataMaster appears on the federal government's Conforming Products List.

- 9) A DataMaster result obtained by an officer certified to operate the instrument and when taken in accordance with their Department of Health training, is accurate and reliable and is in compliance with the provisions of the Department of Health rules.
- 10) After reviewing the affidavit, processing form and DataMaster evidence ticket in this case, and based upon my knowledge of the working of the DataMaster, I believe that the instrument used in this case meets the Department of Health performance standards and that the test result of 0.201 is an accurate and valid indication of the alcohol content in the motorist's system at the time of the test.

Dated at Burlington in the county of Chittenden, Vermont, on this 16th day of April, 2010.


Darcy Richardson, Affiant

Subscribed to and sworn before me on this 16th day of April, 2010.


Anabella Gorman
Notary Public



DUI Subject Test

STATE OF VERMONT

DataMaster DMT: 102906
 ST. ALBANS VSP
 Certification Date: 06/30/2008
 Installation Date: 07/01/2008

Date: 03/20/2010
 Time: 13:51:49

Subject Name: RICHARD J CHERCHIO
 Date of Birth: 11/14/1946 Age: 63
 Gender: M
 License #:

Case #: 10A201069
 Time of Operation: 11:49
 Location of Incident:
 Town: SOUTH HERO
 County: GRANDISLE

Test Operator Name: DREW E COTA
 Agency: ST. ALBANS VSP

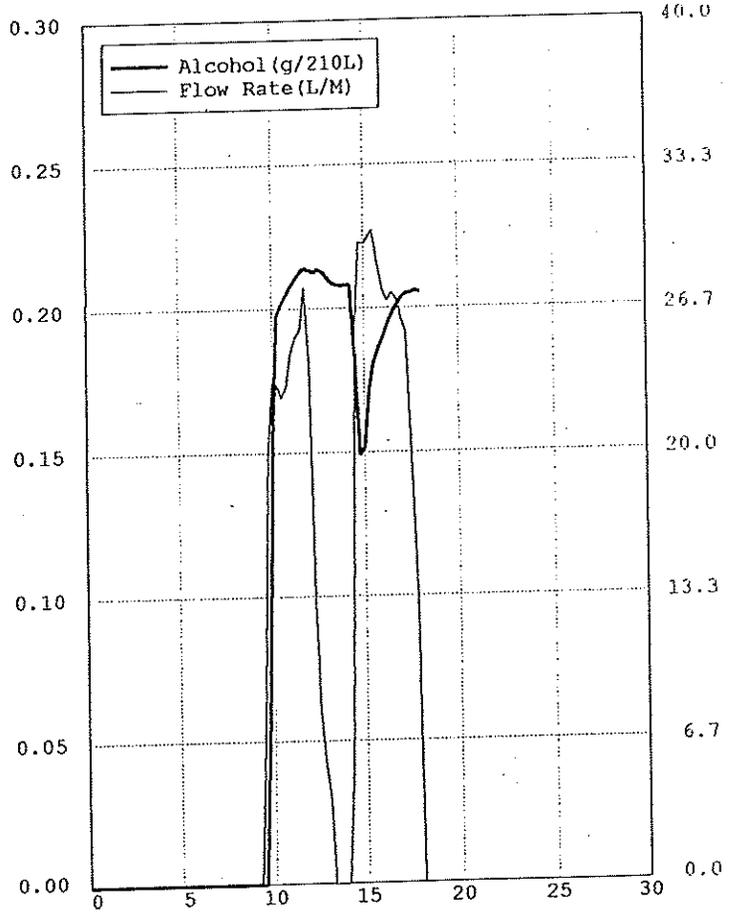
Obs. Period Start: 13:30

BLANK TEST	0.000	13:52
CALIBRATION CHECK	PASSED	13:52
SIMULATOR VAPOR	0.098	13:53
BLANK TEST	0.000	13:53
SUBJECT SAMPLE (Vol=1.5L)	0.201	13:54

BLANK TEST	0.000	13:55
CALIBRATION CHECK	PASSED	13:56
SIMULATOR VAPOR	0.097	13:56

STANDARD OUT OF RANGE

All alcohol values reported in g/210L
 Sim. Vapor Concentration 0.103
 Sim. Vapor Range 0.098 - 0.108
 Simulator Temp 34.0°C



CHEMIST AFFIDAVIT

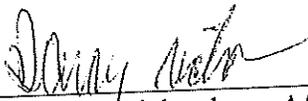
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- 1) The information contained in this affidavit is true and accurate to the best of my knowledge.
- 2) I am a chemist employed by the Vermont Department of Health Laboratory.
- 3) I have testified in Vermont as an expert witness in the field of analytical chemistry, blood alcohol physiology and pharmacology and on the workings of the DataMaster instrument. I have been qualified as an expert witness in every court in which I have testified.
- 4) On April 16th, 2010, I reviewed the affidavit, processing form, and DataMaster evidence ticket of Deputy Dustin Abell with regard to an arrest of Shawn McDonald for Driving under the Influence of alcohol. The date of arrest was April 5th, 2010.
- 5) In the affidavit, the officer indicates that the motorist submitted to an evidentiary breath test using an infrared device.
- 6) The infrared device in use in Vermont is the DataMaster, a type of infrared spectrophotometer. Through rulemaking, the Department of Health has adopted infrared spectrophotometry as an approved method of breath testing.
- 7) Through rulemaking the Department of Health has established performance standards for all breath tests. The DataMaster meets the performance standards because:
 - A) The DataMaster analyzes a subject's expired alveolar, or deep lung, air.
 - B) The DataMaster is capable of analyzing replicate samples containing a known amount of alcohol with a precision of plus or minus 5% from their mean when alcohol concentrations are reported to three significant figures.
 - C) The DataMaster meets and exceeds the minimum test accuracy required by the Vermont Department of Health rules for alcohol testing of plus or minus 10% when determining the breath alcohol concentration of a person when the concentration is expressed as weight (g) of alcohol per 210 liters of expired air.
 - D) The DataMaster is capable of detecting the presence of compounds in the breath which could potentially interfere with an accurate determination of a breath alcohol concentration.
 - E) The DataMaster and the procedures for its use have been approved by the Commissioner of Health for the purpose of evidentiary breath alcohol testing.
- 8) The DataMaster has been tested by the Vermont Department of Health and has been found to be an accurate and reliable instrument for measuring alcohol content. The DataMaster has also been tested by the federal government and has been approved by the federal government as an

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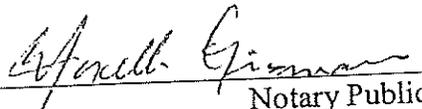
- 9) A DataMaster result obtained by an officer certified to operate the instrument and when taken in accordance with their Department of Health training, is accurate and reliable and is in compliance with the provisions of the Department of Health rules.
- 10) After reviewing the affidavit, processing form and DataMaster evidence ticket in this case, and based upon my knowledge of the working of the DataMaster, I believe that the instrument used in this case meets the Department of Health performance standards and that the test result of 0.131 is an accurate and valid indication of the alcohol content in the motorist's system at the time of the test.

Dated at Burlington in the county of Chittenden, Vermont, on this 16th day of April, 2010.



Darcy Richardson, Affiant

Subscribed to and sworn before me on this 16th day of April, 2010.



Notary Public



DUI Subject Test

STATE OF VERMONT

DataMaster DMT: 103406
 GRAND ISLE COUNTY SO
 Certification Date: 06/30/2008
 Installation Date: 07/03/2008

Date: 04/05/2010
 Time: 22:09:22

Subject Name: SHAWN J MCDONALD
 Date of Birth: 04/20/1982 Age: 27
 Gender: M
 License #: 11947735 VT

Case #: 10GIC0411
 Time of Operation: 21:26
 Location of Incident: REYNOLDS ROAD
 Town: GRAND ISLE
 County: GRANDISLE

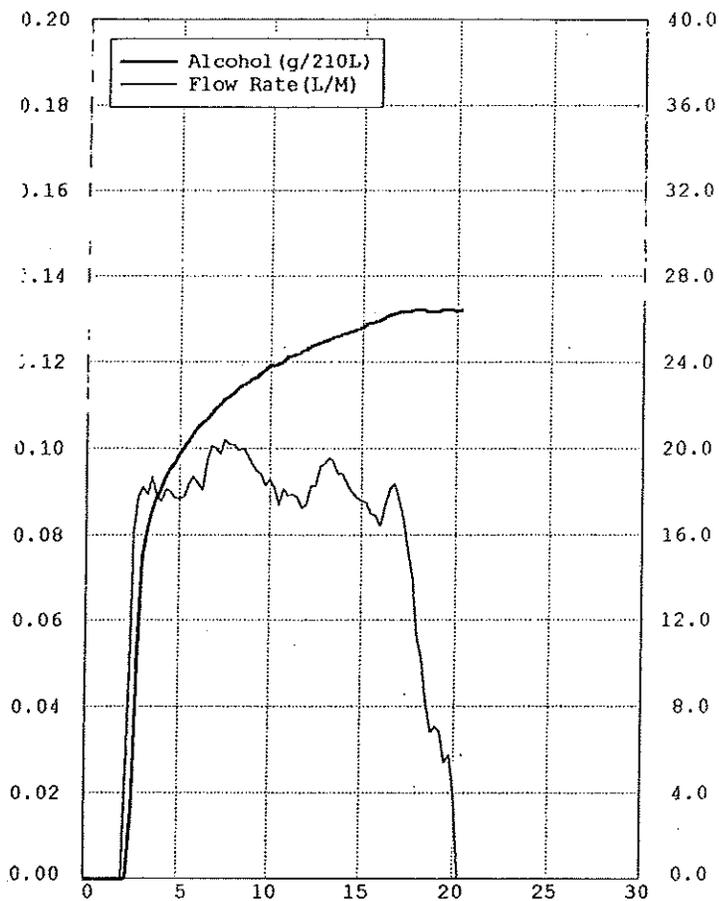
Test Operator Name: DUSTIN J ABELL
 Agency: GRAND ISLE COUNTY SO

Obs. Period Start: 21:54

BLANK TEST	0.000	22:10
CALIBRATION CHECK	PASSED	22:10
SIMULATOR VAPOR	0.099	22:10
BLANK TEST	0.000	22:11
SUBJECT SAMPLE (Vol=5.0L)	0.131	22:12

2nd TEST NOT REQUESTED

All alcohol values reported in g/210L
 Sim. Vapor Concentration 0.101
 Sim. Vapor Range 0.096 - 0.106
 Simulator Temp 34.1°C



CHEMIST AFFIDAVIT

NOW COMES Darcy Richardson, affiant, being duly sworn and on oath, deposes and says:

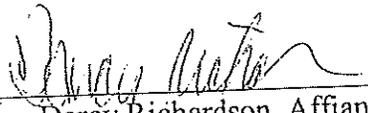
- 1) The information contained in this affidavit is true and accurate to the best of my knowledge.
- 2) I am a chemist employed by the Vermont Department of Health Laboratory.
- 3) I have testified in Vermont as an expert witness in the field of analytical chemistry, blood alcohol physiology and pharmacology and on the workings of the DataMaster instrument. I have been qualified as an expert witness in every court in which I have testified.
- 4) On April 30th, 2010, I reviewed the affidavit, processing form, and DataMaster evidence report of Officer Adam Petlock with regard to an arrest of Daniel Kemp for Driving under the Influence of alcohol. The date of arrest was April 3rd, 2010.
- 5) In the affidavit, the officer indicates that the motorist submitted to an evidentiary breath test using an infrared device.
- 6) The infrared device in use in Vermont is the DataMaster, a type of infrared spectrophotometer. Through rulemaking, the Department of Health has adopted infrared spectrophotometry as an approved method of breath testing.
- 7) Through rulemaking the Department of Health has established performance standards for all breath tests. The DataMaster meets the performance standards because:
 - A) The DataMaster analyzes a subject's expired alveolar, or deep lung, air.
 - B) The DataMaster is capable of analyzing replicate samples containing a known amount of alcohol with a precision of plus or minus 5% from their mean when alcohol concentrations are reported to three significant figures.
 - C) The DataMaster meets and exceeds the minimum test accuracy required by the Vermont Department of Health rules for alcohol testing of plus or minus 10% when determining the breath alcohol concentration of a person when the concentration is expressed as weight (g) of alcohol per 210 liters of expired air.
 - D) The DataMaster is capable of detecting the presence of compounds in the breath which could potentially interfere with an accurate determination of a breath alcohol concentration.
 - E) The DataMaster and the procedures for its use have been approved by the Commissioner of Health for the purpose of evidentiary breath alcohol testing.
- 8) The DataMaster has been tested by the Vermont Department of Health and has been found to be an accurate and reliable instrument for measuring alcohol content. The DataMaster has also been tested by the federal government and has been approved by the federal government as an

evidentiary device. The DataMaster appears on the federal government's Conforming Products List.

9) A DataMaster result obtained by an officer certified to operate the instrument and when taken in accordance with their Department of Health training, is accurate and reliable and is in compliance with the provisions of the Department of Health rules.

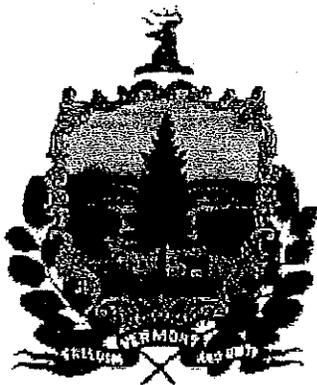
10) After reviewing the affidavit, processing form and DataMaster evidence ticket in this case, and based upon my knowledge of the working of the DataMaster, I believe that the instrument used in this case meets the Department of Health performance standards and that the test result of 0.241 is an accurate and valid indication of the alcohol content in the motorist's system at the time of the test.

Dated at Burlington in the county of Chittenden, Vermont, on this 30th day of April, 2010.


Darcy Richardson, Affiant

Subscribed to and sworn before me on this 30th day of April, 2010.


Dorene Ramsey
Notary Public



DUI Subject Test

STATE OF VERMONT

DataMaster DMT: 104309
 BRATTLEBORO PD
 Certification Date: 01/25/2010
 Installation Date: 02/11/2010

Date: 04/03/2010
 Time: 03:10:46

Subject Name: DANIEL S KEMP
 Date of Birth: 06/04/1976 Age: 33
 Gender: M
 License #: 91471701 VT

Case #: 10BB02352
 Time of Operation: 02:30
 Location of Incident: AMERICAS BEST INN LOT
 Town: BRATTLEBORO
 County: WINDHAM

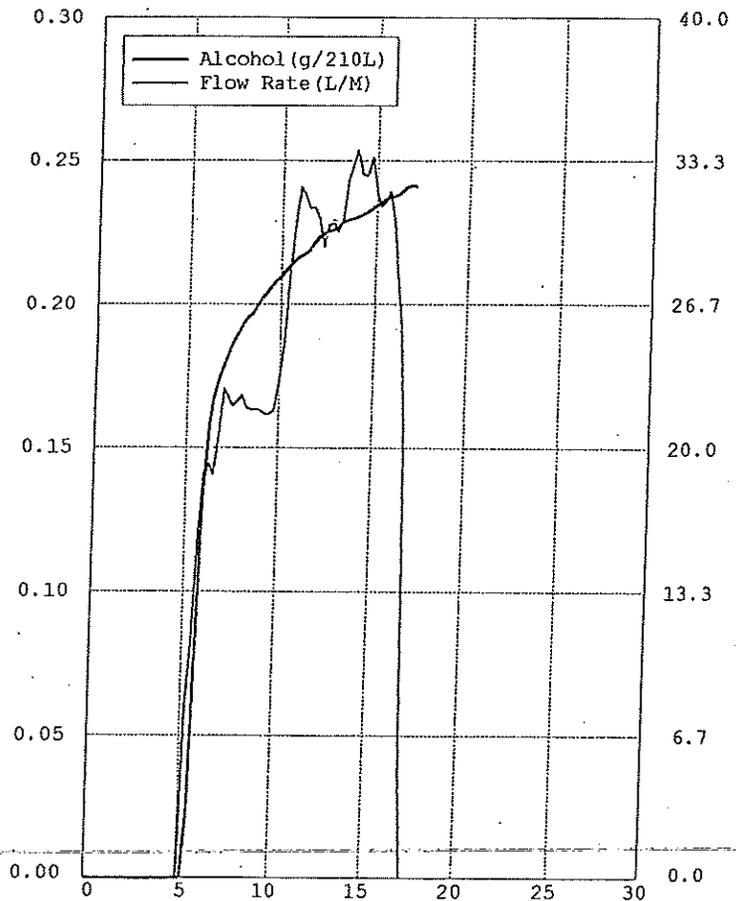
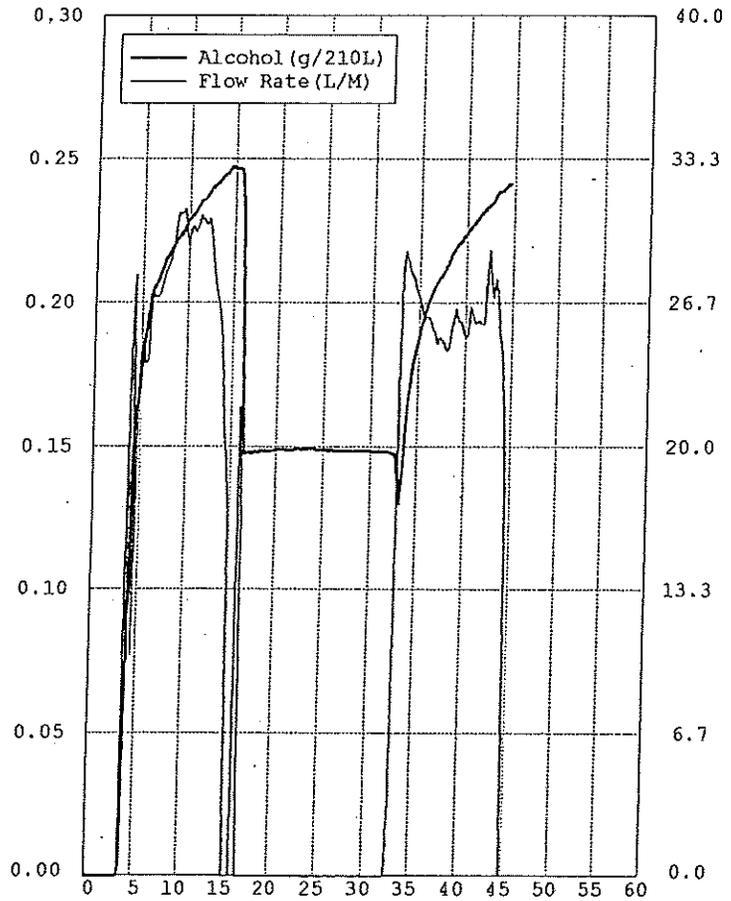
Test Operator Name: ADAM K PETLOCK
 Agency: BRATTLEBORO PD

Obs. Period Start: 02:50

BLANK TEST	0.000	03:11
CALIBRATION CHECK	PASSED	03:11
SIMULATOR VAPOR	0.099	03:12
BLANK TEST	0.000	03:12
SUBJECT SAMPLE (Vol=5.0L)	0.241	03:13

BLANK TEST	0.000	03:15
CALIBRATION CHECK	PASSED	03:15
SIMULATOR VAPOR	0.098	03:15
BLANK TEST	0.000	03:16
SUBJECT SAMPLE (Vol=5.1L)	0.241	03:16

All alcohol values reported in g/210L
 Sim. Vapor Concentration 0.100
 Sim. Vapor Range 0.095 - 0.105
 Simulator Temp 34.0°C



CHEMIST AFFIDAVIT

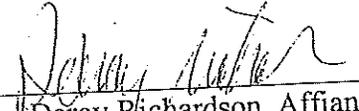
NOW COMES Darcy Richardson, affiant, being duly sworn and on oath, deposes and says:

- 1) The information contained in this affidavit is true and accurate to the best of my knowledge.
- 2) I am a chemist employed by the Vermont Department of Health Laboratory.
- 3) I have testified in Vermont as an expert witness in the field of analytical chemistry, blood alcohol physiology and pharmacology and on the workings of the DataMaster instrument. I have been qualified as an expert witness in every court in which I have testified.
- 4) On April 30th, 2010, I reviewed the affidavit, processing form, and DataMaster evidence report of Trooper Tyson Kinney with regard to an arrest of Eric Lunde for Driving under the Influence of alcohol. The date of arrest was March 17th, 2010.
- 5) In the affidavit, the officer indicates that the motorist submitted to an evidentiary breath test using an infrared device.
- 6) The infrared device in use in Vermont is the DataMaster, a type of infrared spectrophotometer. Through rulemaking, the Department of Health has adopted infrared spectrophotometry as an approved method of breath testing.
- 7) Through rulemaking the Department of Health has established performance standards for all breath tests. The DataMaster meets the performance standards because:
 - A) The DataMaster analyzes a subject's expired alveolar, or deep lung, air.
 - B) The DataMaster is capable of analyzing replicate samples containing a known amount of alcohol with a precision of plus or minus 5% from their mean when alcohol concentrations are reported to three significant figures.
 - C) The DataMaster meets and exceeds the minimum test accuracy required by the Vermont Department of Health rules for alcohol testing of plus or minus 10% when determining the breath alcohol concentration of a person when the concentration is expressed as weight (g) of alcohol per 210 liters of expired air.
 - D) The DataMaster is capable of detecting the presence of compounds in the breath which could potentially interfere with an accurate determination of a breath alcohol concentration.
 - E) The DataMaster and the procedures for its use have been approved by the Commissioner of Health for the purpose of evidentiary breath alcohol testing.
- 8) The DataMaster has been tested by the Vermont Department of Health and has been found to be an accurate and reliable instrument for measuring alcohol content. The DataMaster has also been tested by the federal government and has been approved by the federal government as an

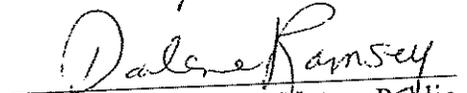
evidentiary device. The DataMaster appears on the federal government's Conforming Products List.

- 9) A DataMaster result obtained by an officer certified to operate the instrument and when taken in accordance with their Department of Health training, is accurate and reliable and is in compliance with the provisions of the Department of Health rules.
- 10) After reviewing the affidavit, processing form and DataMaster evidence ticket in this case, and based upon my knowledge of the working of the DataMaster, I believe that the instrument used in this case meets the Department of Health performance standards and that the test result of 0.095 is an accurate and valid indication of the alcohol content in the motorist's system at the time of the test.

Dated at Burlington in the county of Chittenden, Vermont, on this 30th day of April, 2010.


Darcy Richardson, Affiant

Subscribed to and sworn before me on this 30th day of April, 2010.


Notary Public



DUI Subject Test

STATE OF VERMONT

DataMaster DMT: 104509
 BRATTLEBORO VSP
 Certification Date: 02/05/2010
 Installation Date: 02/11/2010

Date: 03/17/2010
 Time: 23:34:29

Subject Name: ERIC F LUNDE
 Date of Birth: 03/08/1944 Age: 66
 Gender: M
 License #: 4123855A VT

Case #: 10D200749
 Time of Operation: 22:09
 Location of Incident: WESTERN AVE
 Town: BRATTLEBORO
 County: WINDHAM

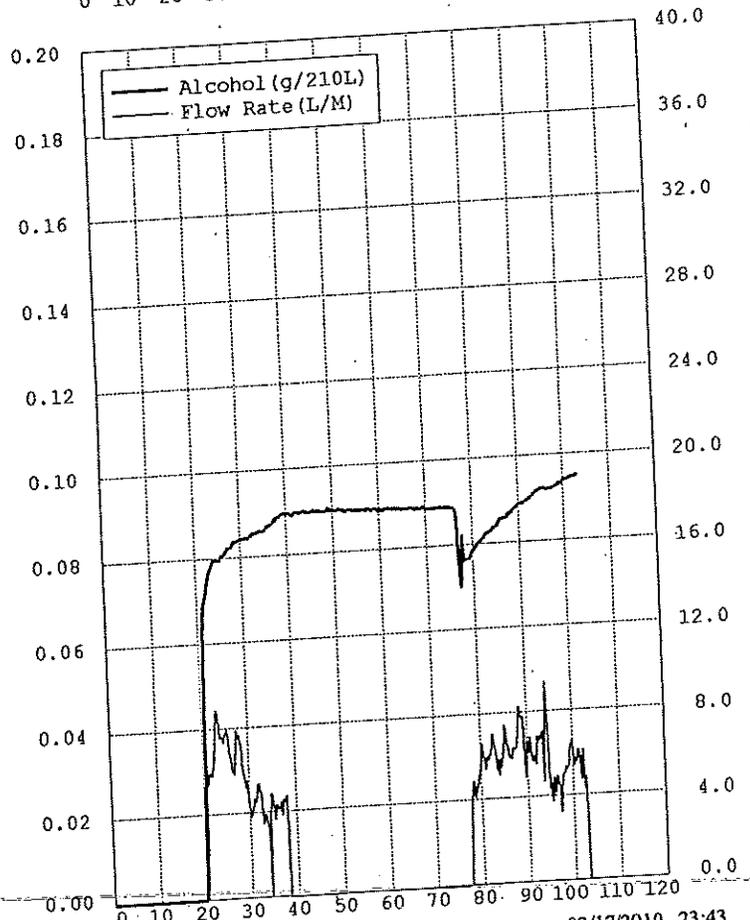
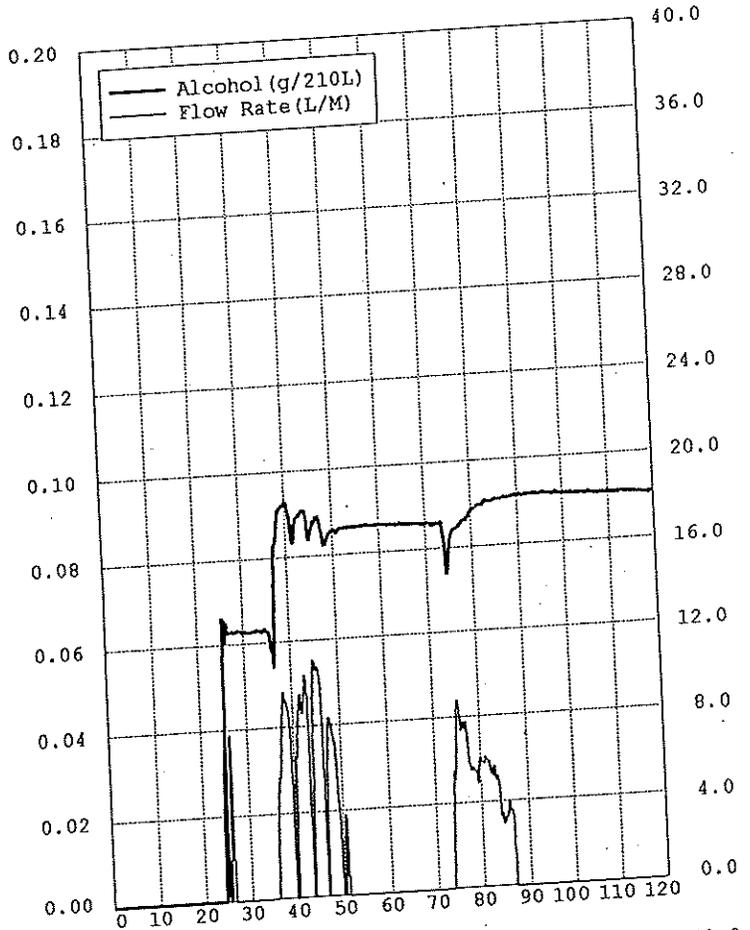
Test Operator Name: TYSON M KINNEY
 Agency: BRATTLEBORO VSP

Obs. Period Start: 23:15

BLANK TEST	0.000	23:35
CALIBRATION CHECK	PASSED	23:35
SIMULATOR VAPOR	0.100	23:35
BLANK TEST	0.000	23:36
SUBJECT SAMPLE	INCOMPLETE	23:38
BLANK TEST	0.000	23:39
SUBJECT SAMPLE (Vol=2.4L)	0.095	23:41

2nd TEST NOT REQUESTED

All alcohol values reported in g/210L
 Sim. Vapor Concentration 0.103
 Sim. Vapor Range 0.098 - 0.108
 Simulator Temp 34.1°C



03/17/2010 23:43

CHEMIST AFFIDAVIT

NOW COMES Darcy Richardson, affiant, being duly sworn and on oath, deposes and says:

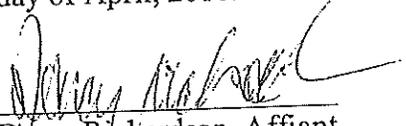
- 1) The information contained in this affidavit is true and accurate to the best of my knowledge.
- 2) I am a chemist employed by the Vermont Department of Health Laboratory.
- 3) I have testified in Vermont as an expert witness in the field of analytical chemistry, blood alcohol physiology and pharmacology and on the workings of the DataMaster instrument. I have been qualified as an expert witness in every court in which I have testified.
- 4) On April 30th, 2010, I reviewed the affidavit, processing form, and DataMaster evidence report of Trooper Travis Valcourt with regard to an arrest of Nicholas Colin for Driving under the Influence of alcohol. The date of arrest was March 29th, 2010.
- 5) In the affidavit, the officer indicates that the motorist submitted to an evidentiary breath test using an infrared device.
- 6) The infrared device in use in Vermont is the DataMaster, a type of infrared spectrophotometer. Through rulemaking, the Department of Health has adopted infrared spectrophotometry as an approved method of breath testing.
- 7) Through rulemaking the Department of Health has established performance standards for all breath tests. The DataMaster meets the performance standards because:
 - A) The DataMaster analyzes a subject's expired alveolar, or deep lung, air.
 - B) The DataMaster is capable of analyzing replicate samples containing a known amount of alcohol with a precision of plus or minus 5% from their mean when alcohol concentrations are reported to three significant figures.
 - C) The DataMaster meets and exceeds the minimum test accuracy required by the Vermont Department of Health rules for alcohol testing of plus or minus 10% when determining the breath alcohol concentration of a person when the concentration is expressed as weight (g) of alcohol per 210 liters of expired air.
 - D) The DataMaster is capable of detecting the presence of compounds in the breath which could potentially interfere with an accurate determination of a breath alcohol concentration.
 - E) The DataMaster and the procedures for its use have been approved by the Commissioner of Health for the purpose of evidentiary breath alcohol testing.
- 8) The DataMaster has been tested by the Vermont Department of Health and has been found to be an accurate and reliable instrument for measuring alcohol content. The DataMaster has also been tested by the federal government and has been approved by the federal government as an

evidentiary device. The DataMaster appears on the federal government's Conforming Products List.

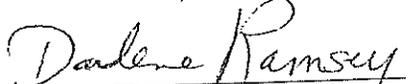
9) A DataMaster result obtained by an officer certified to operate the instrument and when taken in accordance with their Department of Health training, is accurate and reliable and is in compliance with the provisions of the Department of Health rules.

10) After reviewing the affidavit, processing form and DataMaster evidence ticket in this case, and based upon my knowledge of the working of the DataMaster, I believe that the instrument used in this case meets the Department of Health performance standards and that the test result of 0.130 is an accurate and valid indication of the alcohol content in the motorist's system at the time of the test.

Dated at Burlington in the county of Chittenden, Vermont, on this 30th day of April, 2010.


Darcy Richardson, Affiant

Subscribed to and sworn before me on this 30th day of April, 2010.


Darlene Ramsey
Notary Public



DUI Subject Test

STATE OF VERMONT

DataMaster DMT: 104509
 BRATTLEBORO VSP
 Certification Date: 02/05/2010
 Installation Date: 02/11/2010

Date: 03/29/2010
 Time: 03:21:22

Subject Name: NICHOLAS J COLIN
 Date of Birth: 07/24/1991 Age: 18
 Gender: M
 License #: 505726944 NM

Case #: 10D200856
 Time of Operation: 01:52
 Location of Incident: SAND HILL RD
 Town: PUTNEY
 County: WINDHAM

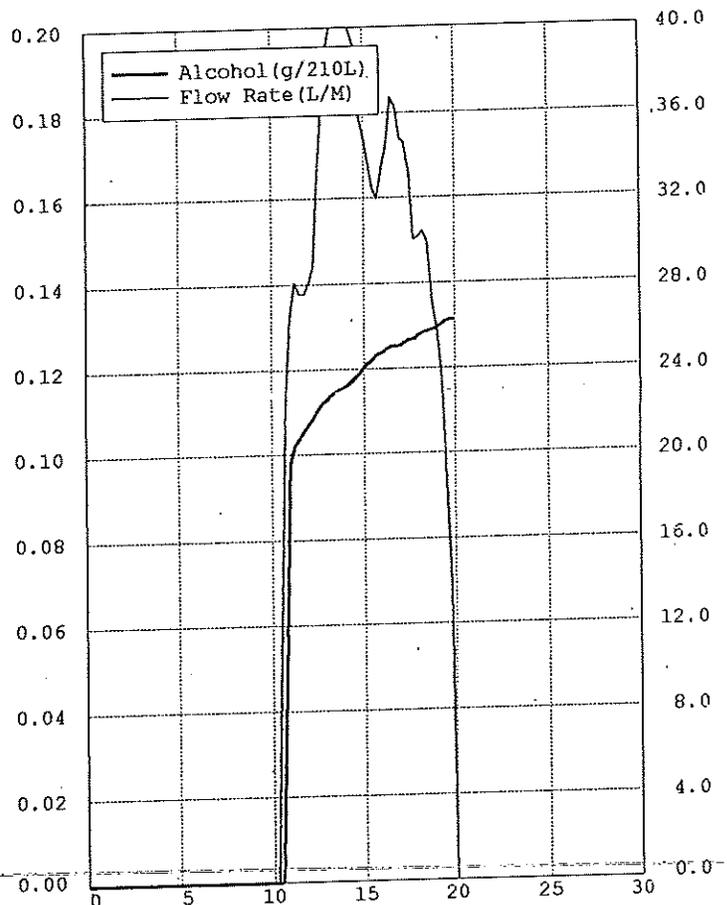
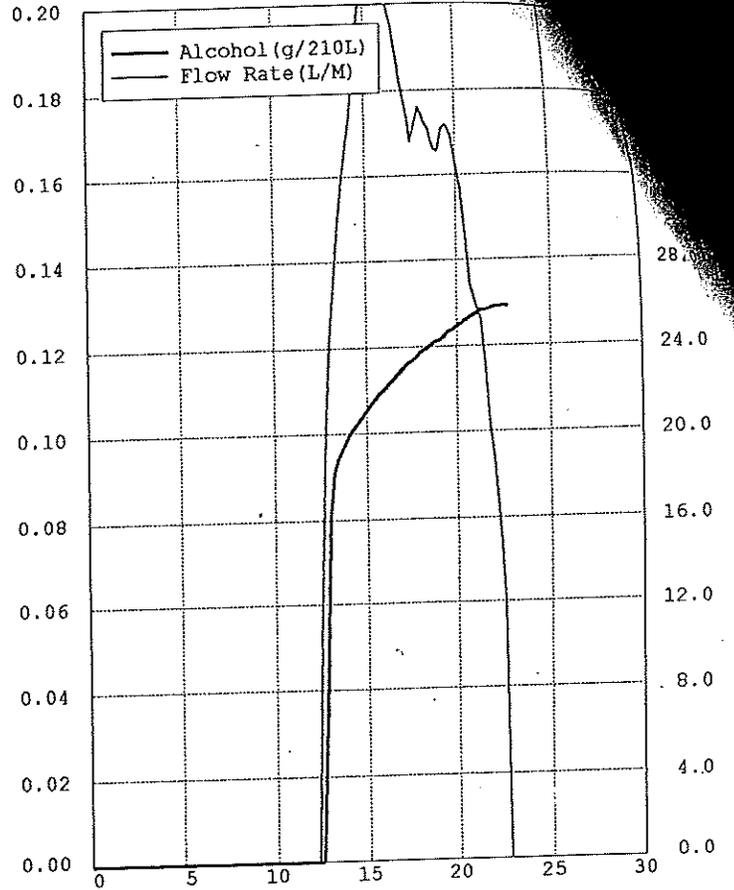
Test Operator Name: TRAVIS VALCOURT
 Agency: BRATTLEBORO VSP

Obs. Period Start: 03:02

BLANK TEST	0.000	03:22
CALIBRATION CHECK	PASSED	03:22
SIMULATOR VAPOR	0.099	03:22
BLANK TEST	0.000	03:23
SUBJECT SAMPLE (Vol=5.4L)	0.130	03:23

BLANK TEST	0.000	03:25
CALIBRATION CHECK	PASSED	03:25
SIMULATOR VAPOR	0.098	03:26
BLANK TEST	0.000	03:26
SUBJECT SAMPLE (Vol=5.0L)	0.132	03:27

All alcohol values reported in g/210L
 Sim. Vapor Concentration 0.103
 Sim. Vapor Range 0.098 - 0.108
 Simulator Temp 34.1°C



CHEMIST AFFIDAVIT

NOW COMES Darcy Richardson, affiant, being duly sworn and on oath, deposes and says:

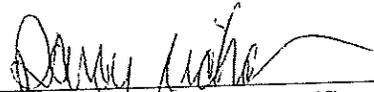
- 1) The information contained in this affidavit is true and accurate to the best of my knowledge.
- 2) I am a chemist employed by the Vermont Department of Health Laboratory.
- 3) I have testified in Vermont as an expert witness in the field of analytical chemistry, blood alcohol physiology and pharmacology and on the workings of the DataMaster instrument. I have been qualified as an expert witness in every court in which I have testified.
- 4) On May 14th, 2010, I reviewed the affidavit, processing form, and DataMaster evidence ticket of Officer Bradley Deroo with regard to an arrest of Amanda Savage for Driving under the Influence of alcohol. The date of arrest was April 10th, 2010.
- 5) In the affidavit, the officer indicates that the motorist submitted to an evidentiary breath test using an infrared device.
- 6) The infrared device in use in Vermont is the DataMaster, a type of infrared spectrophotometer. Through rulemaking, the Department of Health has adopted infrared spectrophotometry as an approved method of breath testing.
- 7) Through rulemaking the Department of Health has established performance standards for all breath tests. The DataMaster meets the performance standards because:
 - A) The DataMaster analyzes a subject's expired alveolar, or deep lung, air.
 - B) The DataMaster is capable of analyzing replicate samples containing a known amount of alcohol with a precision of plus or minus 5% from their mean when alcohol concentrations are reported to three significant figures.
 - C) The DataMaster meets and exceeds the minimum test accuracy required by the Vermont Department of Health rules for alcohol testing of plus or minus 10% when determining the breath alcohol concentration of a person when the concentration is expressed as weight (g) of alcohol per 210 liters of expired air.
 - D) The DataMaster is capable of detecting the presence of compounds in the breath which could potentially interfere with an accurate determination of a breath alcohol concentration.
 - E) The DataMaster and the procedures for its use have been approved by the Commissioner of Health for the purpose of evidentiary breath alcohol testing.
- 8) The DataMaster has been tested by the Vermont Department of Health and has been found to be an accurate and reliable instrument for measuring alcohol content. The DataMaster has also been tested by the federal government and has been approved by the federal government as an

videntiary device. The DataMaster appears on the federal government's Conforming Products List.

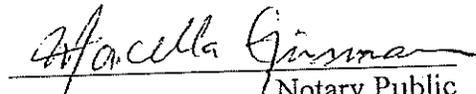
9) A DataMaster result obtained by an officer certified to operate the instrument and when taken in accordance with their Department of Health training, is accurate and reliable and is in compliance with the provisions of the Department of Health rules.

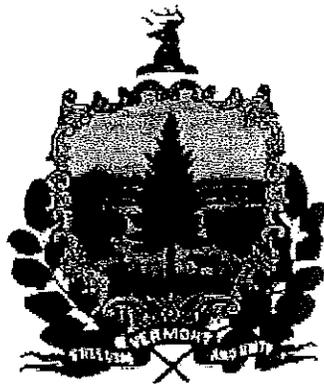
10) After reviewing the affidavit, processing form and DataMaster evidence ticket in this case, and based upon my knowledge of the working of the DataMaster, I believe that the instrument used in this case meets the Department of Health performance standards and that the test result of 0.063 is an accurate and valid indication of the alcohol content in the motorist's system at the time of the test.

Dated at Burlington in the county of Chittenden, Vermont, on this 14th day of May, 2010.


Darcy Richardson, Affiant

Subscribed to and sworn before me on this 14th day of May, 2010.


Notary Public



DUI Subject Test

STATE OF VERMONT

DataMaster DMT: 104109
 WILMINGTON PD
 Certification Date: 02/05/2010
 Installation Date: 02/10/2010

Date: 04/10/2010
 Time: 02:39:29

Subject Name: AMANDA J SAVAGE
 Date of Birth: 09/09/1981 Age: 28
 Gender: F
 License #: 31796075 VT

Case #: 10WM00449
 Time of Operation: 01:27
 Location of Incident: ROUTE 100 NORTH, RIVER VALLEY MARKET
 Town: WILMINGTON
 County: WINDHAM

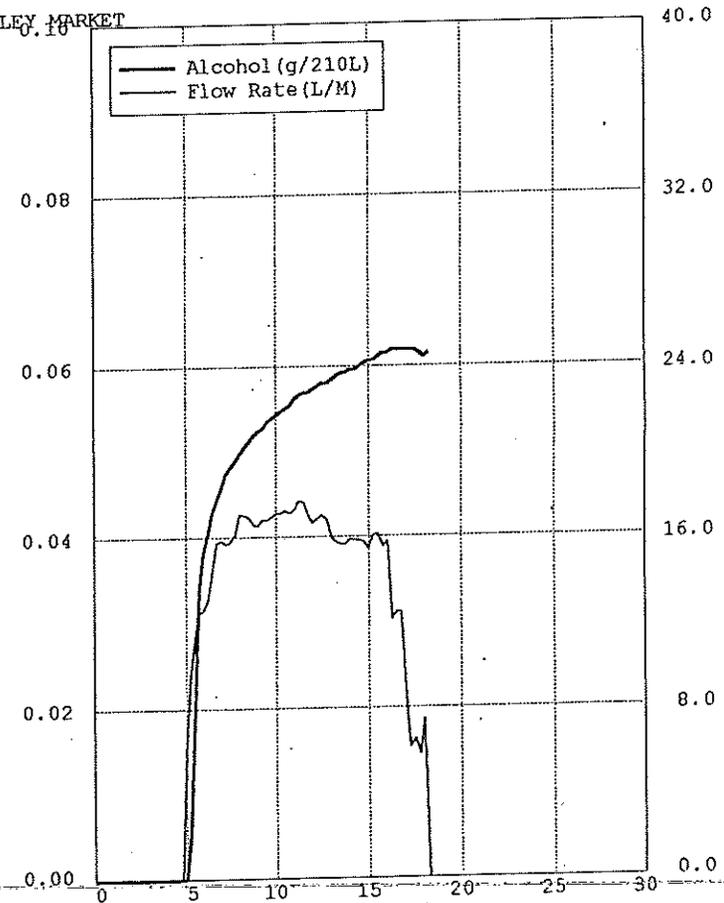
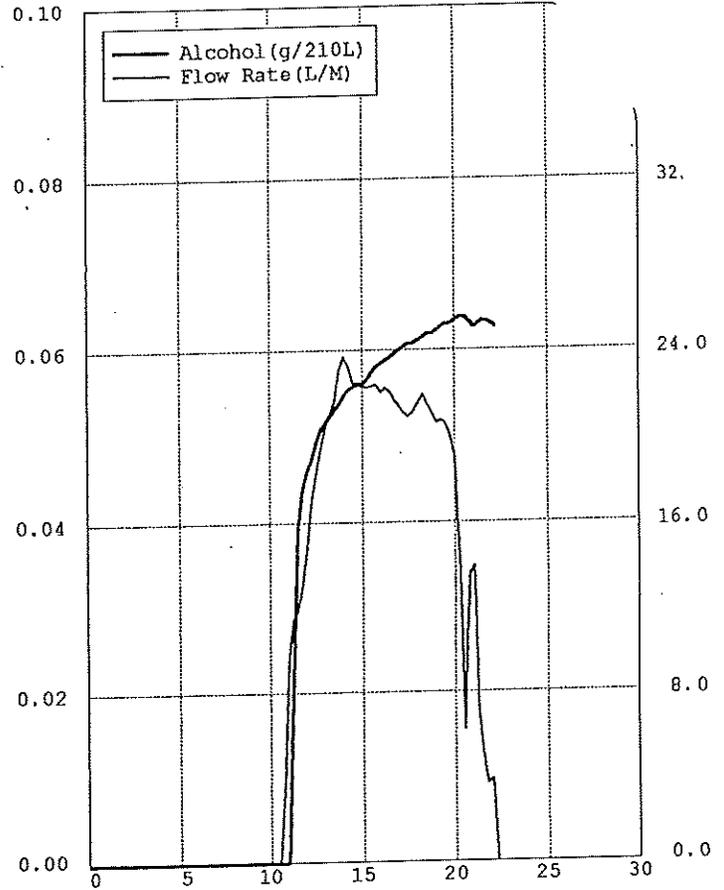
Test Operator Name: BRADLEY F DEROO
 Agency: WILMINGTON PD

Obs. Period Start: 02:22

BLANK TEST	0.000	02:40
CALIBRATION CHECK	PASSED	02:40
SIMULATOR VAPOR	0.093	02:40
BLANK TEST	0.000	02:41
SUBJECT SAMPLE (Vol=3.3L)	0.063	02:42

BLANK TEST	0.000	02:43
CALIBRATION CHECK	PASSED	02:43
SIMULATOR VAPOR	0.093	02:44
BLANK TEST	0.000	02:44
SUBJECT SAMPLE (Vol=3.2L)	0.062	02:45

All alcohol values reported in g/210L
 Sim. Vapor Concentration 0.098
 Sim. Vapor Range 0.093 - 0.103
 Simulator Temp 34.1°C



CHEMIST AFFIDAVIT

NOW COMES Darcy Richardson, affiant, being duly sworn and on oath, deposes and says:

- 1) The information contained in this affidavit is true and accurate to the best of my knowledge.
- 2) I am a chemist employed by the Vermont Department of Health Laboratory.
- 3) I have testified in Vermont as an expert witness in the field of analytical chemistry, blood alcohol physiology and pharmacology and on the workings of the DataMaster instrument. I have been qualified as an expert witness in every court in which I have testified.
- 4) On May 14th, 2010, I reviewed the affidavit, processing form, and DataMaster evidence ticket of Officer Jason O'Brian with regard to an arrest of Robert Foran III for Driving under the Influence of alcohol. The date of arrest was April 11th, 2010.
- 5) In the affidavit, the officer indicates that the motorist submitted to an evidentiary breath test using an infrared device.
- 6) The infrared device in use in Vermont is the DataMaster, a type of infrared spectrophotometer. Through rulemaking, the Department of Health has adopted infrared spectrophotometry as an approved method of breath testing.
- 7) Through rulemaking the Department of Health has established performance standards for all breath tests. The DataMaster meets the performance standards because:
 - A) The DataMaster analyzes a subject's expired alveolar, or deep lung, air.
 - B) The DataMaster is capable of analyzing replicate samples containing a known amount of alcohol with a precision of plus or minus 5% from their mean when alcohol concentrations are reported to three significant figures.
 - C) The DataMaster meets and exceeds the minimum test accuracy required by the Vermont Department of Health rules for alcohol testing of plus or minus 10% when determining the breath alcohol concentration of a person when the concentration is expressed as weight (g) of alcohol per 210 liters of expired air.
 - D) The DataMaster is capable of detecting the presence of compounds in the breath which could potentially interfere with an accurate determination of a breath alcohol concentration.
 - E) The DataMaster and the procedures for its use have been approved by the Commissioner of Health for the purpose of evidentiary breath alcohol testing.
- 8) The DataMaster has been tested by the Vermont Department of Health and has been found to be an accurate and reliable instrument for measuring alcohol content. The DataMaster has also been tested by the federal government and has been approved by the federal government as an

CHEMIST AFFIDAVIT

FORAN III, Esq.

NOW COMES Darcy Richardson, affiant, being duly sworn and on oath, deposes and says:

- 1) I am a chemist employed by the Vermont Department of Health Laboratory.
- 2) I have testified in Vermont as an expert witness in the field of analytical chemistry, blood alcohol physiology and pharmacology and on the workings of the DataMaster instrument. I have been qualified as an expert witness in every court in which I have testified.
- 3) Given particular factual information I am able to estimate breath alcohol concentration [BrAC] values for breath samples obtained at a particular time for an earlier specific time. This estimate is founded upon known principles of absorption and elimination of alcohol by the human body.
- 4) Given the following facts in the case of *State v. Robert Foran III*
 - a. Time of breath sample collection: 0205 hours
 - b. Result of analysis for alcohol = 0.107 (g/210L)
 - c. Subject is a male weighing 259 pounds
 - d. the time of operation was 0041 hours
- 5) and the assumptions that:
 - a. the subject's alcohol elimination rate was 0.015/hr,
 - b. the last alcoholic beverage was consumed approximately 20 minutes prior to operation.
- 6) I have calculated that the BrAC at the time of operation would have been between 0.122 and 0.128 depending on the consumption of the last drink. The upper value takes into account a test value of 0.107 plus 0.021. The value added is the estimated amount of alcohol eliminated between the time of operation and the time of the test. The lower value results from the subtraction of the alcohol from 1/3 of a standard drink from the upper value of 0.128. In this scenario it is conservatively assumed that 1/3 of the last drink would have been in effect at the time of testing but not substantially in effect at the time of operation.
- 7) The stated estimate of BrAC at 0041 hours is based on information provided to me by Officer Jason O'Brian and applies specifically only to that information noted above. The value calculated is an estimate due to the recognized variables in the analytical process and in biological and physiological variations among individuals.

Dated at Burlington in the county of Chittenden, Vermont, on this 14th day of May, 2010.

Darcy Richardson
Darcy Richardson, Affiant

Subscribed to and sworn before me on this 14th day of May, 2010.

Maella Ginn
Notary Public



DUI Subject Test

STATE OF VERMONT

DataMaster DMT: 104309
 BRATTLEBORO PD
 Certification Date: 01/25/2010
 Installation Date: 02/11/2010

Date: 04/11/2010
 Time: 01:59:41

Subject Name: ROBERT W FORAN
 Date of Birth: 12/29/1977 Age: 32
 Gender: M
 License #: 12FNR77291 NH

Case #: 10BB02590
 Time of Operation: 00:41
 Location of Incident: FRIENDLYS PUTNEY ROAD
 Town: BRATTLEBORO
 County: WINDHAM

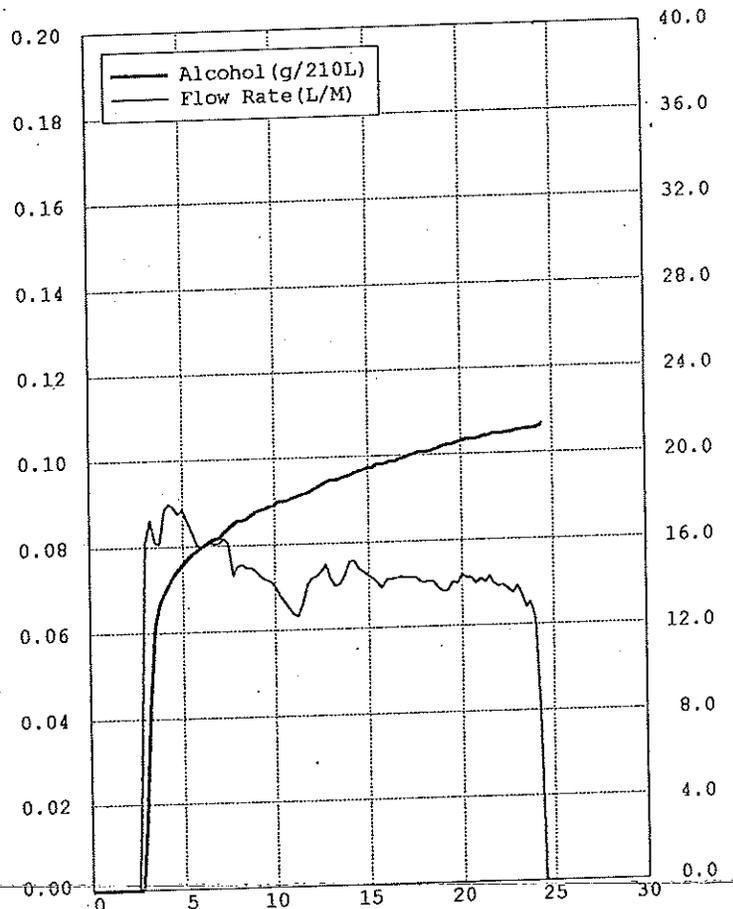
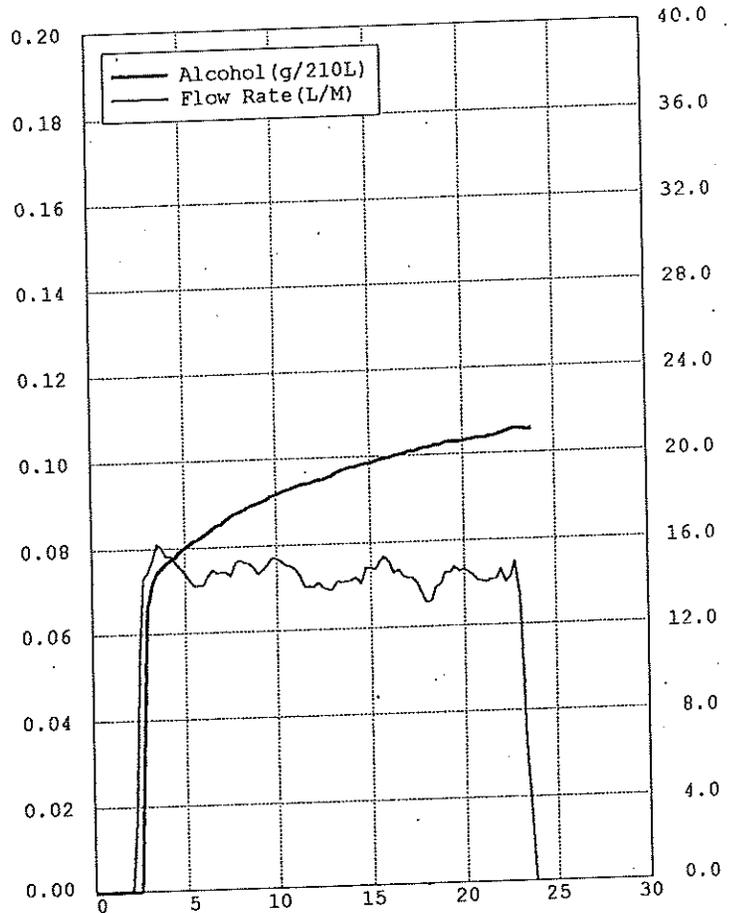
Test Operator Name: J O'BRIAN
 Agency: BRATTLEBORO PD

Obs. Period Start: 01:41

BLANK TEST	0.000	02:00
CALIBRATION CHECK	PASSED	02:00
SIMULATOR VAPOR	0.100	02:01
BLANK TEST	0.000	02:01
SUBJECT SAMPLE	INTERFERENCE	02:02

BLANK TEST	0.000	02:03
CALIBRATION CHECK	PASSED	02:04
SIMULATOR VAPOR	0.100	02:04
BLANK TEST	0.000	02:05
SUBJECT SAMPLE (Vol=5.2L)	0.107	02:05

All alcohol values reported in g/210L
 Sim. Vapor Concentration 0.100
 Sim. Vapor Range 0.095 - 0.105
 Simulator Temp 33.9°C



CHEMIST AFFIDAVIT

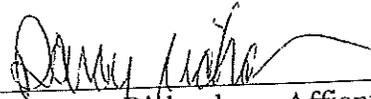
NOW COMES Darcy Richardson, affiant, being duly sworn and on oath, deposes and says:

- 1) The information contained in this affidavit is true and accurate to the best of my knowledge.
- 2) I am a chemist employed by the Vermont Department of Health Laboratory.
- 3) I have testified in Vermont as an expert witness in the field of analytical chemistry, blood alcohol physiology and pharmacology and on the workings of the DataMaster instrument. I have been qualified as an expert witness in every court in which I have testified.
- 4) On May 14th, 2010, I reviewed the affidavit, processing form, and DataMaster evidence ticket of Deputy Jason Ziter with regard to an arrest of Hary LaBarge for Driving under the Influence of alcohol. The date of arrest was April 24th, 2010.
- 5) In the affidavit, the officer indicates that the motorist submitted to an evidentiary breath test using an infrared device.
- 6) The infrared device in use in Vermont is the DataMaster, a type of infrared spectrophotometer. Through rulemaking, the Department of Health has adopted infrared spectrophotometry as an approved method of breath testing.
- 7) Through rulemaking the Department of Health has established performance standards for all breath tests. The DataMaster meets the performance standards because:
 - A) The DataMaster analyzes a subject's expired alveolar, or deep lung, air.
 - B) The DataMaster is capable of analyzing replicate samples containing a known amount of alcohol with a precision of plus or minus 5% from their mean when alcohol concentrations are reported to three significant figures.
 - C) The DataMaster meets and exceeds the minimum test accuracy required by the Vermont Department of Health rules for alcohol testing of plus or minus 10% when determining the breath alcohol concentration of a person when the concentration is expressed as weight (g) of alcohol per 210 liters of expired air.
 - D) The DataMaster is capable of detecting the presence of compounds in the breath which could potentially interfere with an accurate determination of a breath alcohol concentration.
 - E) The DataMaster and the procedures for its use have been approved by the Commissioner of Health for the purpose of evidentiary breath alcohol testing.
- 8) The DataMaster has been tested by the Vermont Department of Health and has been found to be an accurate and reliable instrument for measuring alcohol content. The DataMaster has also been tested by the federal government and has been approved by the federal government as an

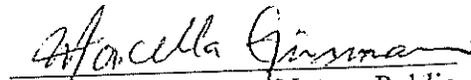
videntiary device. The DataMaster appears on the federal government's Conforming Products List.

- 9) A DataMaster result obtained by an officer certified to operate the instrument and when taken in accordance with their Department of Health training, is accurate and reliable and is in compliance with the provisions of the Department of Health rules.
- 10) After reviewing the affidavit, processing form and DataMaster evidence ticket in this case, and based upon my knowledge of the working of the DataMaster, I believe that the instrument used in this case meets the Department of Health performance standards and that the test result of 0.063 is an accurate and valid indication of the alcohol content in the motorist's system at the time of the test.

Dated at Burlington in the county of Chittenden, Vermont, on this 14th day of May, 2010.


Darcy Richardson, Affiant

Subscribed to and sworn before me on this 14th day of May, 2010.


Notary Public



DUI Subject Test

STATE OF VERMONT

DataMaster DMT: 103406
 GRAND ISLE COUNTY SO
 Certification Date: 06/30/2008
 Installation Date: 07/03/2008

Date: 04/24/2010
 Time: 21:25:58

Subject Name: HARRY J LABARGE
 Date of Birth: 10/28/1963 Age: 46
 Gender: M
 License #: 6067554L NY

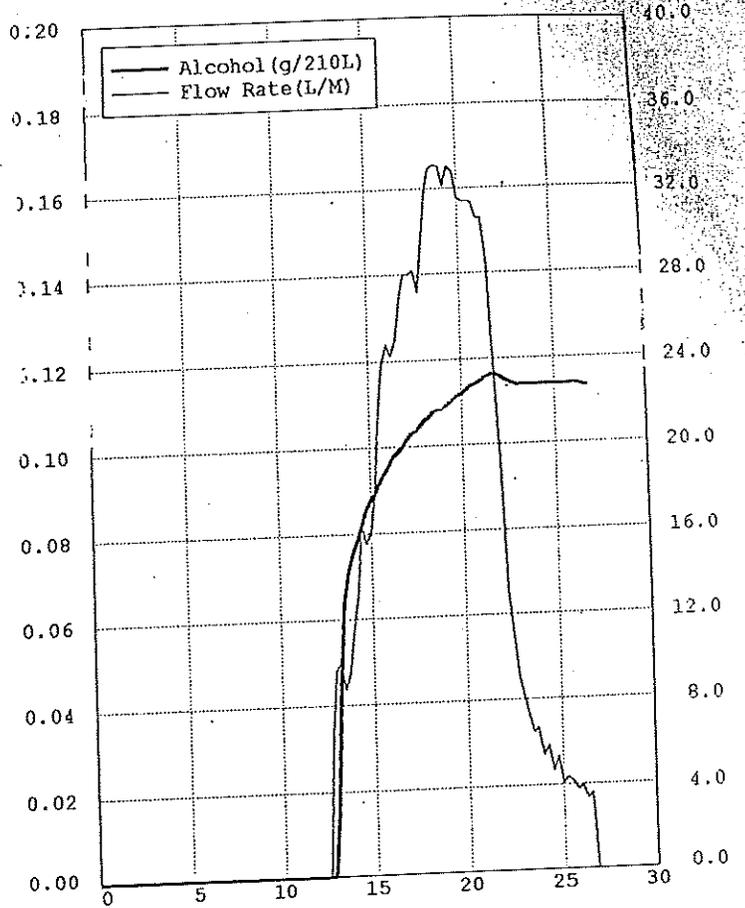
Case #: 10GIC0513
 Time of Operation: 20:22
 Location of Incident: US RT 2 NORTH HERO
 Town: NORTH HERO
 County: GRANDISLE

Test Operator Name: JASON A ZITER
 Agency: GRAND ISLE COUNTY SO

Obs. Period Start:		21:05
BLANK TEST	0.000	21:26
CALIBRATION CHECK	PASSED	21:27
SIMULATOR VAPOR	0.098	21:27
BLANK TEST	0.000	21:28
SUBJECT SAMPLE (Vol=4.2L)	0.113	21:28

2nd TEST NOT REQUESTED

All alcohol values reported in g/210L
 Sim. Vapor Concentration 0.101
 Sim. Vapor Range 0.096 - 0.106
 Simulator Temp 34.2°C

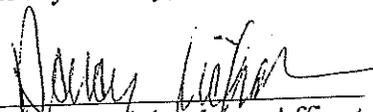


CHEMIST AFFIDAVIT

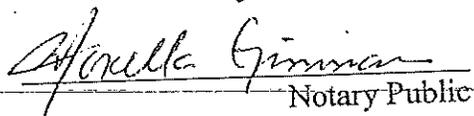
NOW COMES Darcy Richardson, affiant, being duly sworn and on oath, deposes and says:

- 1) I am a chemist employed by the Vermont Department of Health Laboratory.
- 2) I have testified in Vermont as an expert witness in the field of analytical chemistry, blood alcohol physiology and pharmacology and on the workings of the DataMaster instrument. I have been qualified as an expert witness in every court in which I have testified.
- 3) Given particular factual information I am able to estimate breath alcohol concentration [BrAC] values for breath samples obtained at a particular time for an earlier specific time. This estimate is founded upon known principles of absorption and elimination of alcohol by the human body.
- 4) Given the following facts in the case of *State v. Harry LaBarge*
 - a. Time of breath sample collection: 2128 hours
 - b. Result of analysis for alcohol = 0.113 g/210L
 - c. Time of operation was 2022 hours
- 5) and the assumptions that:
 - a. the subject's alcohol elimination rate was 0.015/hr,
 - b. the last alcoholic beverage was consumed at least 30 minutes prior to operation;
- 6) I have calculated that the BrAC at the time of operation would have been 0.129. This value takes into account a test value of 0.113 plus 0.016. The value added is the estimated amount of alcohol eliminated between the time of operation and the time of the test.
- 7) The stated estimate of BrAC at 2022 hours is based on information provided to me by Deputy Jason Ziter and applies specifically to that information noted above. The value calculated is an estimate due to the recognized variables in the analytical process and in biological and physiological variations among individuals.

Dated at Burlington in the county of Chittenden, Vermont, on this 14th day of May, 2010.


Darcy Richardson, Affiant

Subscribed to and sworn before me on this 14th day of May, 2010.


Notary Public

LaBarge, Harry

CHEMIST AFFIDAVIT

NOW COMES Darcy Richardson, affiant, being duly sworn and on oath, deposes and says:

- 1) The information contained in this affidavit is true and accurate to the best of my knowledge.
- 2) I am a chemist employed by the Vermont Department of Health Laboratory.
- 3) I have testified in Vermont as an expert witness in the field of analytical chemistry, blood alcohol physiology and pharmacology and on the workings of the DataMaster instrument. I have been qualified as an expert witness in every court in which I have testified.
- 4) On May 14th, 2010, I reviewed the affidavit, processing form, and DataMaster evidence ticket of Trooper Michael Studin with regard to an arrest of David Boucher for Driving under the Influence of alcohol. The date of arrest was May 5th, 2010.
- 5) In the affidavit, the officer indicates that the motorist submitted to an evidentiary breath test using an infrared device.
- 6) The infrared device in use in Vermont is the DataMaster, a type of infrared spectrophotometer. Through rulemaking, the Department of Health has adopted infrared spectrophotometry as an approved method of breath testing.
- 7) Through rulemaking the Department of Health has established performance standards for all breath tests. The DataMaster meets the performance standards because:
 - A) The DataMaster analyzes a subject's expired alveolar, or deep lung, air.
 - B) The DataMaster is capable of analyzing replicate samples containing a known amount of alcohol with a precision of plus or minus 5% from their mean when alcohol concentrations are reported to three significant figures.
 - C) The DataMaster meets and exceeds the minimum test accuracy required by the Vermont Department of Health rules for alcohol testing of plus or minus 10% when determining the breath alcohol concentration of a person when the concentration is expressed as weight (g) of alcohol per 210 liters of expired air.
 - D) The DataMaster is capable of detecting the presence of compounds in the breath which could potentially interfere with an accurate determination of a breath alcohol concentration.
 - E) The DataMaster and the procedures for its use have been approved by the Commissioner of Health for the purpose of evidentiary breath alcohol testing.
- 8) The DataMaster has been tested by the Vermont Department of Health and has been found to be an accurate and reliable instrument for measuring alcohol content. The DataMaster has also been tested by the federal government and has been approved by the federal government as an

videntiary device. The DataMaster appears on the federal government's Conforming Products List.

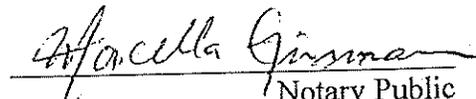
9) A DataMaster result obtained by an officer certified to operate the instrument and when taken in accordance with their Department of Health training, is accurate and reliable and is in compliance with the provisions of the Department of Health rules.

10) After reviewing the affidavit, processing form and DataMaster evidence ticket in this case, and based upon my knowledge of the working of the DataMaster, I believe that the instrument used in this case meets the Department of Health performance standards and that the test result of 0.063 is an accurate and valid indication of the alcohol content in the motorist's system at the time of the test.

Dated at Burlington in the county of Chittenden, Vermont, on this 14th day of May, 2010.


Darcy Richardson, Affiant

Subscribed to and sworn before me on this 14th day of May, 2010.

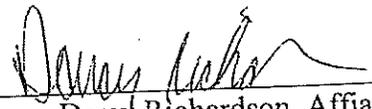

Anabella Girsman
Notary Public

CHEMIST AFFIDAVIT

NOW COMES Darcy Richardson, affiant, being duly sworn and on oath, deposes and says:

- 1) I am a chemist employed by the Vermont Department of Health Laboratory.
- 2) I have testified in Vermont as an expert witness in the field of analytical chemistry, blood alcohol physiology and pharmacology and on the workings of the DataMaster instrument. I have been qualified as an expert witness in every court in which I have testified.
- 3) Given particular factual information I am able to estimate breath alcohol concentration [BrAC] values for breath samples obtained at a particular time for an earlier specific time. This estimate is founded upon known principles of absorption and elimination of alcohol by the human body.
- 4) Given the following facts in the case of *State v. David Boucher*
 - a. Time of breath sample collection: 1929 hours.
 - b. Result of analysis for alcohol = 0.110 g/210L
 - c. Time of operation was 1816 hours
- 5) and the assumptions that:
 - a. the subject's alcohol elimination rate was 0.015/hr,
 - b. the last alcoholic beverage was consumed at least 30 minutes prior to operation;
- 6) I have calculated that the BrAC at the time of operation would have been 0.128. This value takes into account a test value of 0.110 plus 0.018. The value added is the estimated amount of alcohol eliminated between the time of operation and the time of the test.
- 7) The stated estimate of BrAC at 1816 hours is based on information provided to me by Trooper Michael Studin and applies specifically to that information noted above. The value calculated is an estimate due to the recognized variables in the analytical process and in biological and physiological variations among individuals.

Dated at Burlington in the county of Chittenden, Vermont, on this 14th day of May, 2010.


Darcy Richardson, Affiant

Subscribed to and sworn before me on this 14th day of May, 2010.


Notary Public

Boucher, David



DUI Subject Test

STATE OF VERMONT

DataMaster DMT: 103509
 ROCKINGHAM VSP
 Certification Date: 02/05/2010
 Installation Date: 02/09/2010

Date: 04/23/2010
 Time: 19:26:16

Subject Name: DAVID P BOUCHER
 Date of Birth: 09/05/1965 Age: 44
 Gender: M
 License #: 094522207 CT

Case #: 10D101129
 Time of Operation: 18:16
 Location of Incident: I-91 MM 34 NB
 Town: ROCKINGHAM
 County: WINDHAM

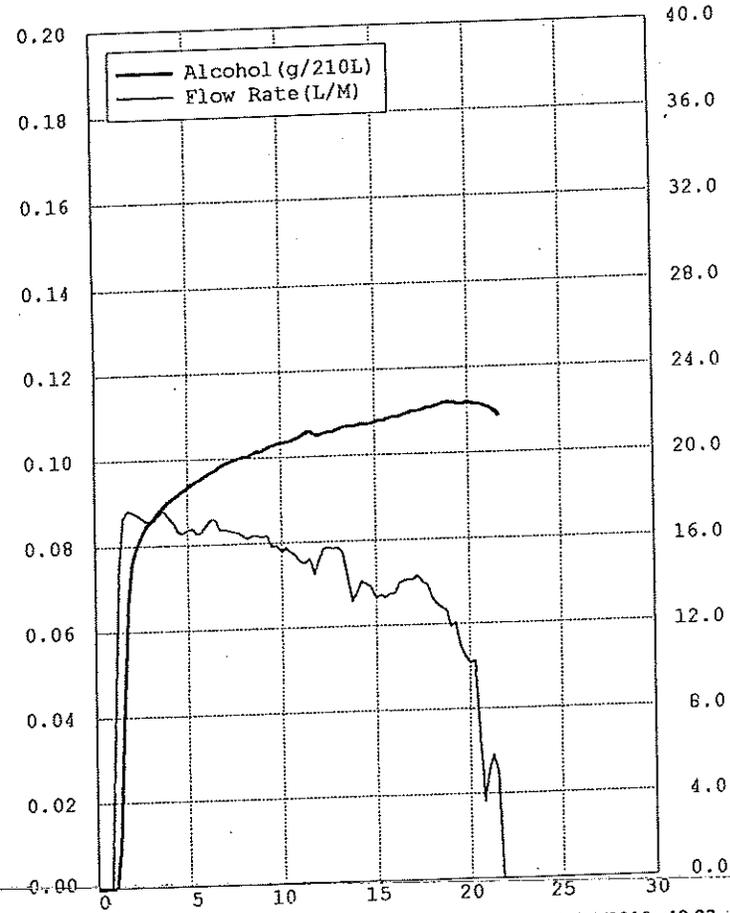
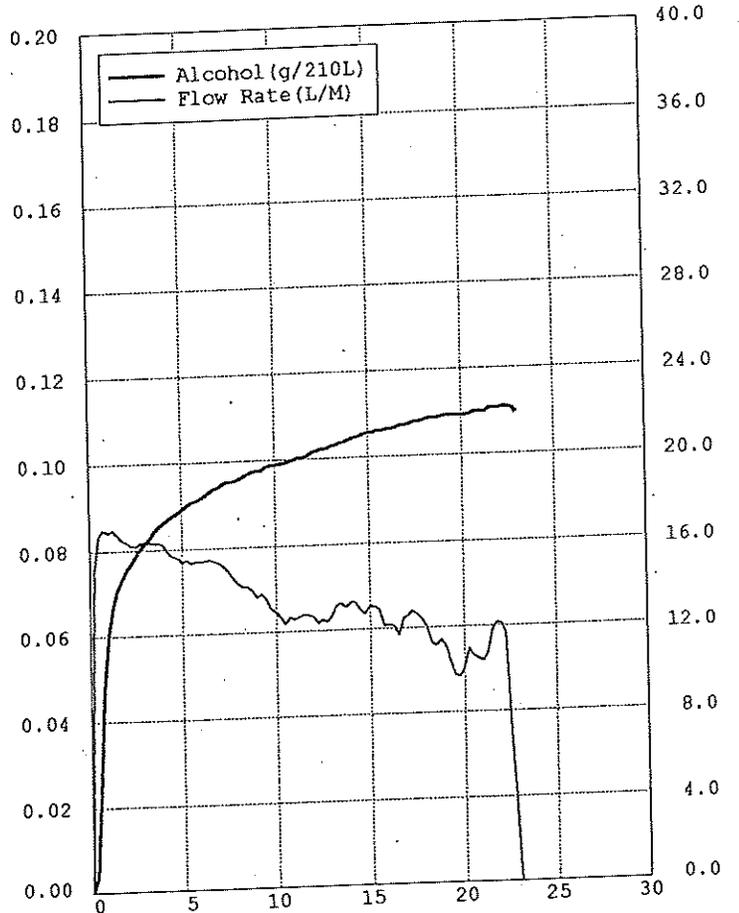
Test Operator Name: MICHAEL S STUDIN
 Agency: ROCKINGHAM VSP

Obs. Period Start: 18:58
 Obs. Restart: LAWYER 19:11

BLANK TEST	0.000	19:27
CALIBRATION CHECK	PASSED	19:27
SIMULATOR VAPOR	0.095	19:27
BLANK TEST	0.000	19:28
SUBJECT SAMPLE (Vol=5.0L)	0.110	19:29

BLANK TEST	0.000	19:30
CALIBRATION CHECK	PASSED	19:30
SIMULATOR VAPOR	0.095	19:31
BLANK TEST	0.000	19:32
SUBJECT SAMPLE (Vol=5.0L)	0.108	19:32

All alcohol values reported in g/210L
 Sim. Vapor Concentration 0.098
 Sim. Vapor Range 0.093 - 0.103
 Simulator Temp 33.9°C



CHEMIST AFFIDAVIT

NOW COMES Darcy Richardson, affiant, being duly sworn and on oath, deposes and says:

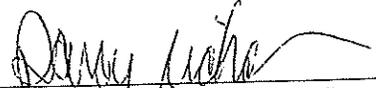
- 1) The information contained in this affidavit is true and accurate to the best of my knowledge.
- 2) I am a chemist employed by the Vermont Department of Health Laboratory.
- 3) I have testified in Vermont as an expert witness in the field of analytical chemistry, blood alcohol physiology and pharmacology and on the workings of the DataMaster instrument. I have been qualified as an expert witness in every court in which I have testified.
- 4) On May 14th, 2010, I reviewed the affidavit, processing form, and DataMaster evidence ticket of Officer Christine Jordan with regard to an arrest of Jami Mitcheal for Driving under the Influence of alcohol. The date of arrest was April 13th, 2010.
- 5) In the affidavit, the officer indicates that the motorist submitted to an evidentiary breath test using an infrared device.
- 6) The infrared device in use in Vermont is the DataMaster, a type of infrared spectrophotometer. Through rulemaking, the Department of Health has adopted infrared spectrophotometry as an approved method of breath testing.
- 7) Through rulemaking the Department of Health has established performance standards for all breath tests. The DataMaster meets the performance standards because:
 - A) The DataMaster analyzes a subject's expired alveolar, or deep lung, air.
 - B) The DataMaster is capable of analyzing replicate samples containing a known amount of alcohol with a precision of plus or minus 5% from their mean when alcohol concentrations are reported to three significant figures.
 - C) The DataMaster meets and exceeds the minimum test accuracy required by the Vermont Department of Health rules for alcohol testing of plus or minus 10% when determining the breath alcohol concentration of a person when the concentration is expressed as weight (g) of alcohol per 210 liters of expired air.
 - D) The DataMaster is capable of detecting the presence of compounds in the breath which could potentially interfere with an accurate determination of a breath alcohol concentration.
 - E) The DataMaster and the procedures for its use have been approved by the Commissioner of Health for the purpose of evidentiary breath alcohol testing.
- 8) ~~The DataMaster has been tested by the Vermont Department of Health and has been found to be~~ an accurate and reliable instrument for measuring alcohol content. The DataMaster has also been tested by the federal government and has been approved by the federal government as an

videntiary device. The DataMaster appears on the federal government's Conforming Products List.

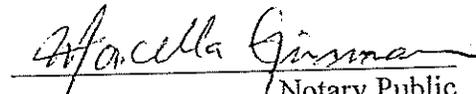
9) A DataMaster result obtained by an officer certified to operate the instrument and when taken in accordance with their Department of Health training, is accurate and reliable and is in compliance with the provisions of the Department of Health rules.

10) After reviewing the affidavit, processing form and DataMaster evidence ticket in this case, and based upon my knowledge of the working of the DataMaster, I believe that the instrument used in this case meets the Department of Health performance standards and that the test result of 0.063 is an accurate and valid indication of the alcohol content in the motorist's system at the time of the test.

Dated at Burlington in the county of Chittenden, Vermont, on this 14th day of May, 2010.


Darcy Richardson, Affiant

Subscribed to and sworn before me on this 14th day of May, 2010.

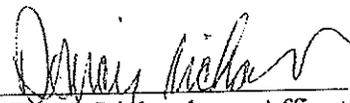

Anabella Girma
Notary Public

CHEMIST AFFIDAVIT

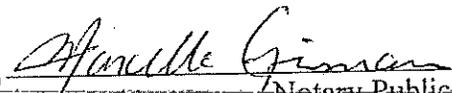
NOW COMES Darcy Richardson, affiant, being duly sworn and on oath, deposes and says:

- 1) I am a chemist employed by the Vermont Department of Health Laboratory.
- 2) I have testified in Vermont as an expert witness in the field of analytical chemistry, blood alcohol physiology and pharmacology and on the workings of the DataMaster instrument. I have been qualified as an expert witness in every court in which I have testified.
- 3) Given particular factual information I am able to estimate breath alcohol concentration [BrAC] values for breath samples obtained at a particular time for an earlier specific time. This estimate is founded upon known principles of absorption and elimination of alcohol by the human body.
- 4) Given the following facts in the case of *State v. Jami Mitchael*
 - a. Time of breath sample collection: 0253 hours
 - b. Result of analysis for alcohol = 0.182 g/210L
 - c. Time of operation was 0144 hours
- 5) and the assumptions that:
 - a. the subject's alcohol elimination rate was 0.015/hr,
 - b. the last alcoholic beverage was consumed at least 30 minutes prior to operation;
- 6) I have calculated that the BrAC at the time of operation would have been 0.199. This value takes into account a test value of 0.182 plus 0.017. The value added is the estimated amount of alcohol eliminated between the time of operation and the time of the test.
- 7) The stated estimate of BrAC at 0144 hours is based on information provided to me by Officer Christine Jordan applies specifically to that information noted above. The value calculated is an estimate due to the recognized variables in the analytical process and in biological and physiological variations among individuals.

Dated at Burlington in the county of Chittenden, Vermont, on this 14th day of May, 2010.


Darcy Richardson, Affiant

Subscribed to and sworn before me on this 14th day of May, 2010.


Notary Public

Mitchael



DUI Subject Test

STATE OF VERMONT

DataMaster DMT: 104209
 BELLOWS FALLS PD
 Certification Date: 02/05/2010
 Installation Date: 02/09/2010

Date: 04/13/2010
 Time: 02:50:24

Subject Name: JAMI G MITCHEAL
 Date of Birth: 07/30/1978 Age: 31
 Gender: F
 License #: 07MLJ78301 NH

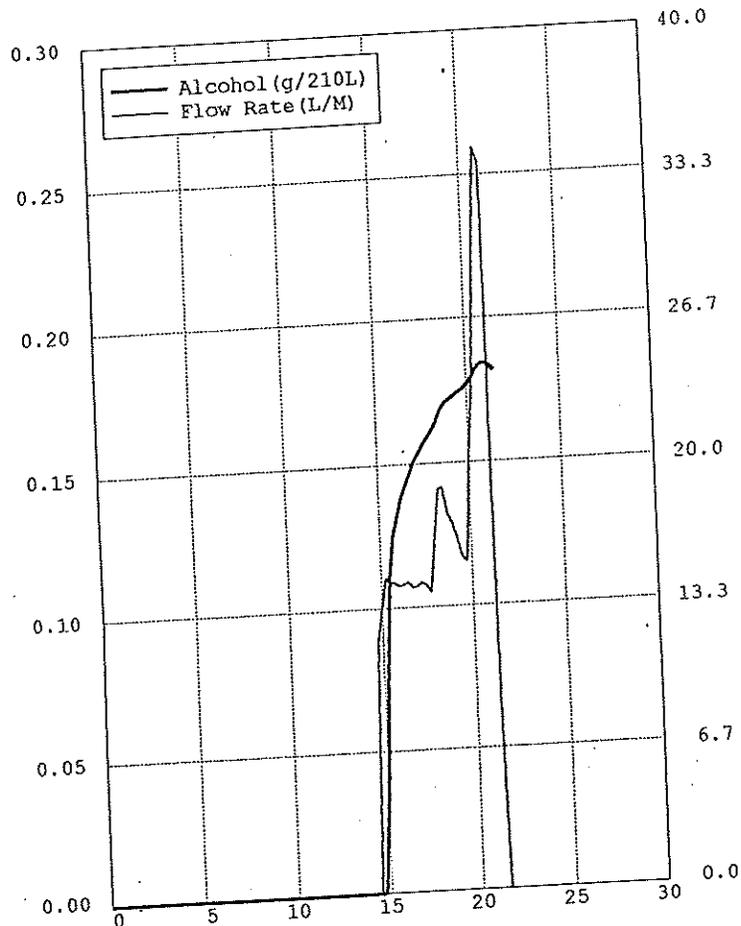
Case #: 10BF01006
 Time of Operation: 01:44
 Location of Incident: SCHOOL ST/HADLEY ST
 Town: ROCKINGHAM
 County: WINDHAM

Test Operator Name: CHRISTINE P JORDAN
 Agency: BELLOWS FALLS PD

Obs. Period Start:		02:35
BLANK TEST	0.000	02:51
CALIBRATION CHECK	PASSED	02:51
SIMULATOR VAPOR	0.100	02:51
BLANK TEST	0.000	02:52
SUBJECT SAMPLE (Vol=1.9L)	0.182	02:53

2nd TEST NOT REQUESTED

All alcohol values reported in g/210L
 Sim. Vapor Concentration 0.103
 Sim. Vapor Range 0.098 - 0.108
 Simulator Temp 34.0°C



CHEMIST AFFIDAVIT

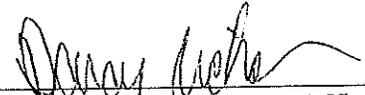
NOW COMES Darcy Richardson, affiant, being duly sworn and on oath, deposes and says:

- 1) The information contained in this affidavit is true and accurate to the best of my knowledge.
- 2) I am a chemist employed by the Vermont Department of Health Laboratory.
- 3) I have testified in Vermont as an expert witness in the field of analytical chemistry, blood alcohol physiology and pharmacology and on the workings of the DataMaster instrument. I have been qualified as an expert witness in every court in which I have testified.
- 4) On May 14th, 2010, I reviewed the affidavit, processing form, and DataMaster evidence ticket of Officer Matthew Murano with regard to an arrest of Suerena Cayer for Driving under the Influence of alcohol. The date of arrest was April 10th, 2010.
- 5) In the affidavit, the officer indicates that the motorist submitted to an evidentiary breath test using an infrared device.
- 6) The infrared device in use in Vermont is the DataMaster, a type of infrared spectrophotometer. Through rulemaking, the Department of Health has adopted infrared spectrophotometry as an approved method of breath testing.
- 7) Through rulemaking the Department of Health has established performance standards for all breath tests. The DataMaster meets the performance standards because:
 - A) The DataMaster analyzes a subject's expired alveolar, or deep lung, air.
 - B) The DataMaster is capable of analyzing replicate samples containing a known amount of alcohol with a precision of plus or minus 5% from their mean when alcohol concentrations are reported to three significant figures.
 - C) The DataMaster meets and exceeds the minimum test accuracy required by the Vermont Department of Health rules for alcohol testing of plus or minus 10% when determining the breath alcohol concentration of a person when the concentration is expressed as weight (g) of alcohol per 210 liters of expired air.
 - D) The DataMaster is capable of detecting the presence of compounds in the breath which could potentially interfere with an accurate determination of a breath alcohol concentration.
 - E) The DataMaster and the procedures for its use have been approved by the Commissioner of Health for the purpose of evidentiary breath alcohol testing.
- 8) The DataMaster has been tested by the Vermont Department of Health and has been found to be an accurate and reliable instrument for measuring alcohol content. The DataMaster has also been tested by the federal government and has been approved by the federal government as an

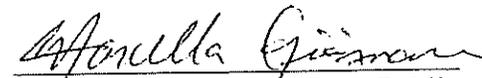
evidentiary device. The DataMaster appears on the federal government's Conforming Products List.

- 9) A DataMaster result obtained by an officer certified to operate the instrument and when taken in accordance with their Department of Health training, is accurate and reliable and is in compliance with the provisions of the Department of Health rules.
- 10) After reviewing the affidavit, processing form and DataMaster evidence ticket in this case, and based upon my knowledge of the working of the DataMaster, I believe that the instrument used in this case meets the Department of Health performance standards and that the test result of 0.149 is an accurate and valid indication of the alcohol content in the motorist's system at the time of the test.

Dated at Burlington in the county of Chittenden, Vermont, on this 14th day of May, 2010.


Darcy Richardson, Affiant

Subscribed to and sworn before me on this 14th day of May, 2010.


Anella Guzman
Notary Public



DUI Subject Test

STATE OF VERMONT

DataMaster DMT: 104109
 WILMINGTON PD
 Certification Date: 02/05/2010
 Installation Date: 02/10/2010

Date: 04/10/2010
 Time: 20:28:05

Subject Name: SUERENA C CAYER
 Date of Birth: 05/06/1969 Age: 40
 Gender: F
 License #: 81733481 VT

Case #: 10WM00451
 Time of Operation: 19:03
 Location of Incident: FAIRVIEW RD
 Town: WILMINGTON
 County: WINDHAM

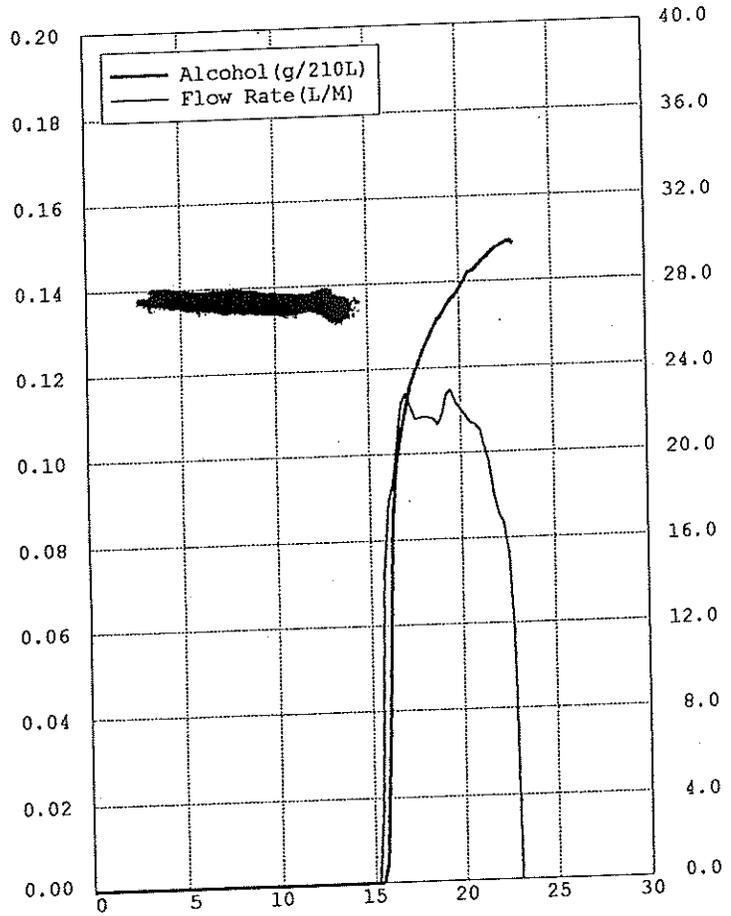
Test Operator Name: M MURANO
 Agency: WILMINGTON PD

Obs. Period Start: 20:10

BLANK TEST	0.000	20:29
CALIBRATION CHECK	PASSED	20:29
SIMULATOR VAPOR	0.093	20:29
BLANK TEST	0.000	20:30
SUBJECT SAMPLE (Vol=2.4L)	0.149	20:30

2nd TEST NOT REQUESTED

All alcohol values reported in g/210L
 Sim. Vapor Concentration 0.098
 Sim. Vapor Range 0.093 - 0.103
 Simulator Temp 34.1°C



CHEMIST AFFIDAVIT

Perry, Amber
NOW COMES Darcy Richardson, affiant, being duly sworn and on oath, deposes and says:

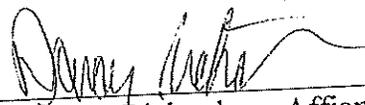
- 1) The information contained in this affidavit is true and accurate to the best of my knowledge.
- 2) I am a chemist employed by the Vermont Department of Health Laboratory.
- 3) I have testified in Vermont as an expert witness in the field of analytical chemistry, blood alcohol physiology and pharmacology and on the workings of the DataMaster instrument. I have been qualified as an expert witness in every court in which I have testified.
- 4) On May 14th, 2010, I reviewed the affidavit, processing form, and DataMaster evidence ticket of Officer Kris Bowdish with regard to an arrest of Amber Perry for Driving under the Influence of alcohol. The date of arrest was May 1st, 2010.
- 5) In the affidavit, the officer indicates that the motorist submitted to an evidentiary breath test using an infrared device.
- 6) The infrared device in use in Vermont is the DataMaster, a type of infrared spectrophotometer. Through rulemaking, the Department of Health has adopted infrared spectrophotometry as an approved method of breath testing.
- 7) Through rulemaking the Department of Health has established performance standards for all breath tests. The DataMaster meets the performance standards because:
 - A) The DataMaster analyzes a subject's expired alveolar, or deep lung, air.
 - B) The DataMaster is capable of analyzing replicate samples containing a known amount of alcohol with a precision of plus or minus 5% from their mean when alcohol concentrations are reported to three significant figures.
 - C) The DataMaster meets and exceeds the minimum test accuracy required by the Vermont Department of Health rules for alcohol testing of plus or minus 10% when determining the breath alcohol concentration of a person when the concentration is expressed as weight (g) of alcohol per 210 liters of expired air.
 - D) The DataMaster is capable of detecting the presence of compounds in the breath which could potentially interfere with an accurate determination of a breath alcohol concentration.
 - E) The DataMaster and the procedures for its use have been approved by the Commissioner of Health for the purpose of evidentiary breath alcohol testing.
- 8) The DataMaster has been tested by the Vermont Department of Health and has been found to be an accurate and reliable instrument for measuring alcohol content. The DataMaster has also been tested by the federal government and has been approved by the federal government as an

evidentiary device. The DataMaster appears on the federal government's Conforming Products List.

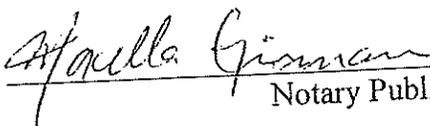
9) A DataMaster result obtained by an officer certified to operate the instrument and when taken in accordance with their Department of Health training, is accurate and reliable and is in compliance with the provisions of the Department of Health rules.

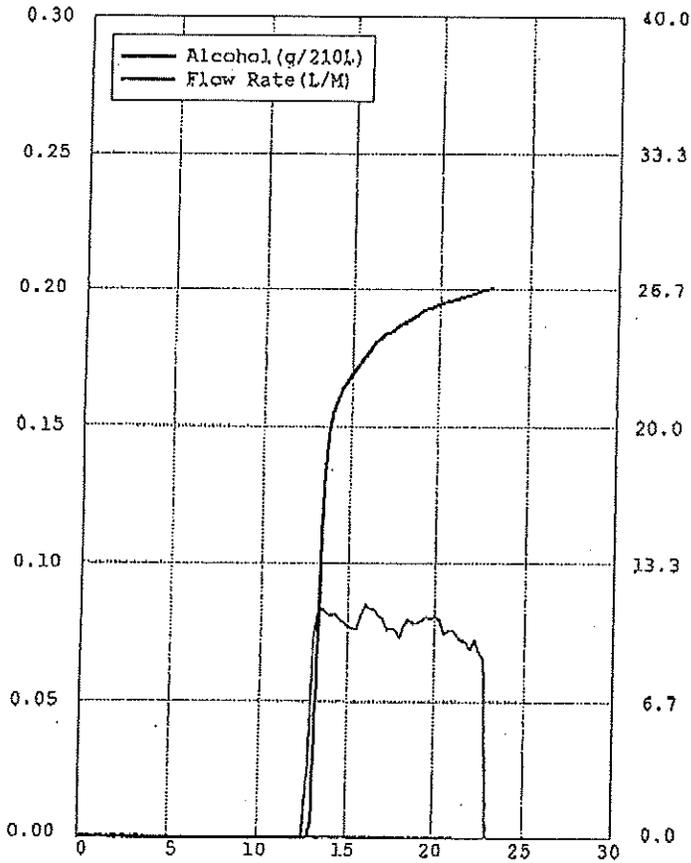
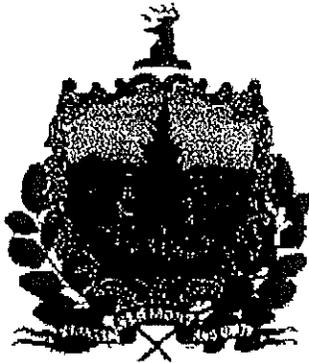
10) After reviewing the affidavit, processing form and DataMaster evidence ticket in this case, and based upon my knowledge of the working of the DataMaster, I believe that the instrument used in this case meets the Department of Health performance standards and that the test result of 0.201 is an accurate and valid indication of the alcohol content in the motorist's system at the time of the test.

Dated at Burlington in the county of Chittenden, Vermont, on this 14th day of May, 2010.


Darcy Richardson, Affiant

Subscribed to and sworn before me on this 14th day of May, 2010.


Notary Public



DUI Subject Test

STATE OF VERMONT

DataMaster DMT: 100137
MIDDLEBURY PD
Certification Date: 04/27/2010
Installation Date: 04/28/2010

Date: 05/01/2010
Time: 21:34:46

Subject Name: AMBER S PERRY
Date of Birth: 09/14/1978 Age: 31
Gender: F
License #: 92167429 VT

C #: 10MB2268
1 of Operation: 19:32
Location of Incident: 36 SEMINARY STREET
Town: MIDDLEBURY
County: ADDISON

Test Operator Name: KRIS S BOWDISH
Agency: MIDDLEBURY PD

Obs. Period Start:		21:15
BLANK TEST	0.000	21:35
CALIBRATION CHECK	PASSED	21:35
SIMULATOR VAPOR	0.099	21:36
BLANK TEST	0.000	21:36
SUBJECT SAMPLE (Vol=1.7L)	0.201	21:37

RESPONSE TIMEOUT

All alcohol values reported in g/210L
Sim. Vapor Concentration 0.100
Sim. Vapor Range 0.095 - 0.105
Simulator Temp 34.0°C

CHEMIST AFFIDAVIT

NOW COMES Darcy Richardson, affiant, being duly sworn and on oath, deposes and says:

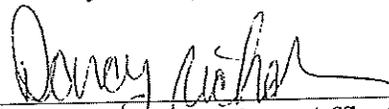
- 1) The information contained in this affidavit is true and accurate to the best of my knowledge.
- 2) I am a chemist employed by the Vermont Department of Health Laboratory.
- 3) I have testified in Vermont as an expert witness in the field of analytical chemistry, blood alcohol physiology and pharmacology and on the workings of the DataMaster instrument. I have been qualified as an expert witness in every court in which I have testified.
- 4) On May 14th, 2010, I reviewed the affidavit, processing form, and DataMaster evidence ticket of Trooper Stephen McNamara with regard to an arrest of Gregory Raymond for Driving under the Influence of alcohol. The date of arrest was April 29th, 2010.
- 5) In the affidavit, the officer indicates that the motorist submitted to an evidentiary breath test using an infrared device.
- 6) The infrared device in use in Vermont is the DataMaster, a type of infrared spectrophotometer. Through rulemaking, the Department of Health has adopted infrared spectrophotometry as an approved method of breath testing.
- 7) Through rulemaking the Department of Health has established performance standards for all breath tests. The DataMaster meets the performance standards because:
 - A) The DataMaster analyzes a subject's expired alveolar, or deep lung, air.
 - B) The DataMaster is capable of analyzing replicate samples containing a known amount of alcohol with a precision of plus or minus 5% from their mean when alcohol concentrations are reported to three significant figures.
 - C) The DataMaster meets and exceeds the minimum test accuracy required by the Vermont Department of Health rules for alcohol testing of plus or minus 10% when determining the breath alcohol concentration of a person when the concentration is expressed as weight (g) of alcohol per 210 liters of expired air.
 - D) The DataMaster is capable of detecting the presence of compounds in the breath which could potentially interfere with an accurate determination of a breath alcohol concentration.
 - E) The DataMaster and the procedures for its use have been approved by the Commissioner of Health for the purpose of evidentiary breath alcohol testing.
- 8) The DataMaster has been tested by the Vermont Department of Health and has been found to be an accurate and reliable instrument for measuring alcohol content. The DataMaster has also been tested by the federal government and has been approved by the federal government as an

Raymond, Gregory

evidentiary device. The DataMaster appears on the federal government's Conforming Products List.

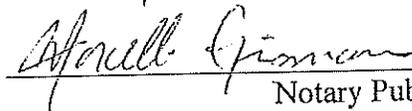
- 9) A DataMaster result obtained by an officer certified to operate the instrument and when taken in accordance with their Department of Health training, is accurate and reliable and is in compliance with the provisions of the Department of Health rules.
- 10) After reviewing the affidavit, processing form and DataMaster evidence ticket in this case, and based upon my knowledge of the working of the DataMaster, I believe that the instrument used in this case meets the Department of Health performance standards and that the test result of 0.146 is an accurate and valid indication of the alcohol content in the motorist's system at the time of the test.

Dated at Burlington in the county of Chittenden, Vermont, on this 14th day of May, 2010.

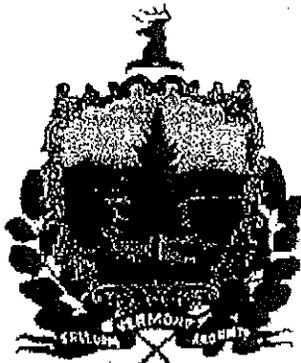


Darcy Richardson, Affiant

Subscribed to and sworn before me on this 14th day of May, 2010.



Notary Public



DUI Subject Test

STATE OF VERMONT

DataMaster DMT: 100135
NEW HAVEN VSP
Certification Date: 04/27/2010
Installation Date: 04/28/2010

Date: 04/29/2010
Time: 01:24:05

Subject Name: GREGORY E RAYMOND
Date of Birth: 12/12/1988 Age: 21
Gender: M
License #: 02214806 VT

Case #: 10C201068
Time of Operation: 23:10
Location of Incident: SMEAD RD
Town: SALISBURY
County: ADDISON

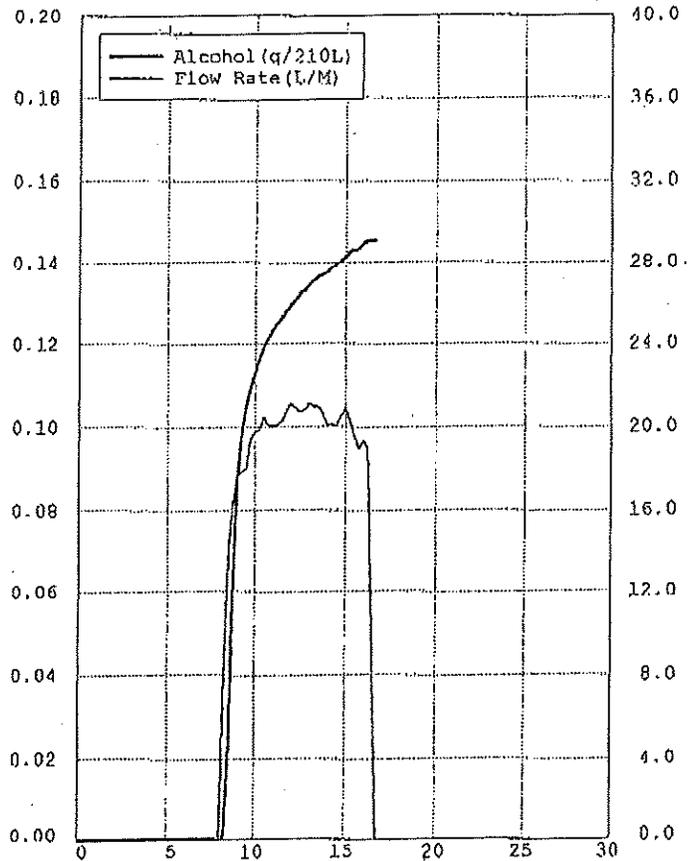
Test Operator Name: STEPHEN E MCNAMARA
Agency: NEW HAVEN VSP

Obs. Period Start: 01:03

BLANK TEST	0.000	01:25
CALIBRATION CHECK	PASSED	01:25
SIMULATOR VAPOR	0.099	01:25
BLANK TEST	0.000	01:26
SUBJECT SAMPLE (Vol=2.6L)	0.146	01:26

2nd TEST NOT REQUESTED

All alcohol values reported in g/210L
Sim. Vapor Concentration 0.100
Sim. Vapor Range 0.095 - 0.105
Simulator Temp 33.4°C



CHEMIST AFFIDAVIT

NOW COMES Darcy Richardson, affiant, being duly sworn and on oath, deposes and says:

- 1) The information contained in this affidavit is true and accurate to the best of my knowledge.
- 2) I am a chemist employed by the Vermont Department of Health Laboratory.
- 3) I have testified in Vermont as an expert witness in the field of analytical chemistry, blood alcohol physiology and pharmacology and on the workings of the DataMaster instrument. I have been qualified as an expert witness in every court in which I have testified.
- 4) On May 14th, 2010, I reviewed the affidavit, processing form, and DataMaster evidence ticket of Officer Peter Newton with regard to an arrest of Ryan Cornelier for Driving under the Influence of alcohol. The date of arrest was May 2nd, 2010.
- 5) In the affidavit, the officer indicates that the motorist submitted to an evidentiary breath test using an infrared device.
- 6) The infrared device in use in Vermont is the DataMaster, a type of infrared spectrophotometer. Through rulemaking, the Department of Health has adopted infrared spectrophotometry as an approved method of breath testing.
- 7) Through rulemaking the Department of Health has established performance standards for all breath tests. The DataMaster meets the performance standards because:
 - A) The DataMaster analyzes a subject's expired alveolar, or deep lung, air.
 - B) The DataMaster is capable of analyzing replicate samples containing a known amount of alcohol with a precision of plus or minus 5% from their mean when alcohol concentrations are reported to three significant figures.
 - C) The DataMaster meets and exceeds the minimum test accuracy required by the Vermont Department of Health rules for alcohol testing of plus or minus 10% when determining the breath alcohol concentration of a person when the concentration is expressed as weight (g) of alcohol per 210 liters of expired air.
 - D) The DataMaster is capable of detecting the presence of compounds in the breath which could potentially interfere with an accurate determination of a breath alcohol concentration.
 - E) The DataMaster and the procedures for its use have been approved by the Commissioner of Health for the purpose of evidentiary breath alcohol testing.
- 8) The DataMaster has been tested by the Vermont Department of Health and has been found to be an accurate and reliable instrument for measuring alcohol content. The DataMaster has also been tested by the federal government and has been approved by the federal government as an

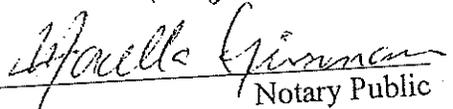
evidentiary device. The DataMaster appears on the federal government's Conforming Products List.

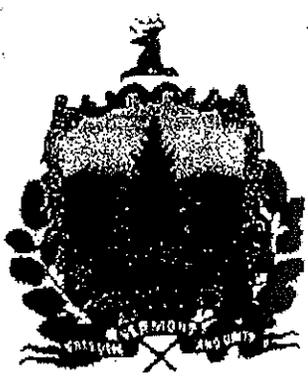
- 9) A DataMaster result obtained by an officer certified to operate the instrument and when taken in accordance with their Department of Health training, is accurate and reliable and is in compliance with the provisions of the Department of Health rules.
- 10) After reviewing the affidavit, processing form and DataMaster evidence ticket in this case, and based upon my knowledge of the working of the DataMaster, I believe that the instrument used in this case meets the Department of Health performance standards and that the test result of 0.181 is an accurate and valid indication of the alcohol content in the motorist's system at the time of the test.

Dated at Burlington in the county of Chittenden, Vermont, on this 14th day of May, 2010.


Darcy Richardson, Affiant

Subscribed to and sworn before me on this 14th day of May, 2010.


Notary Public



DUI Subject Test

STATE OF VERMONT

DataMaster DMT: 100137
MIDDLEBURY PD
Certification Date: 04/27/2010
Installation Date: 04/28/2010

Date: 05/02/2010
Time: 22:09:33

Subject Name: RYAN A CORNELIER
Date of Birth: 08/20/1987 Age: 22
Gender: M
License #: 62182733 VT

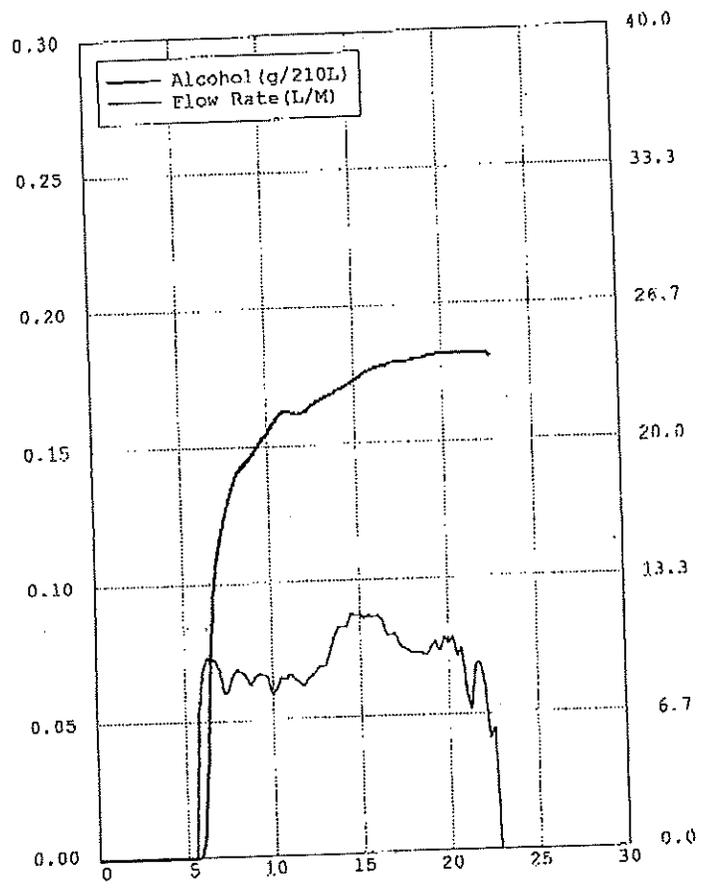
Case #: 10MB2293
Time of Operation: 21:23
Location of Incident: NORTH PLEASANT STREET
Town: MIDDLEBURY
County: ADDISON

Test Operator Name: PETER D NEWTON
Agency: MIDDLEBURY PD

Obs. Period Start:		21:46
BLANK TEST	0.000	22:10
CALIBRATION CHECK	PASSED	22:10
SIMULATOR VAPOR	0.101	22:10
BLANK TEST	0.000	22:11
SUBJECT SAMPLE (Vol=2.6L)	0.181	22:12

2nd TEST NOT REQUESTED

All alcohol values reported in g/210L.
Sim. Vapor Concentration 0.100
Sim. Vapor Range 0.095 - 0.105
Simulator Temp 34.1°C



CHEMIST AFFIDAVIT

NOW COMES Darcy Richardson, affiant, being duly sworn and on oath, deposes and says:

- 1) The information contained in this affidavit is true and accurate to the best of my knowledge.
- 2) I am a chemist employed by the Vermont Department of Health Laboratory.
- 3) I have testified in Vermont as an expert witness in the field of analytical chemistry, blood alcohol physiology and pharmacology and on the workings of the DataMaster instrument. I have been qualified as an expert witness in every court in which I have testified.
- 4) On May 14th, 2010, I reviewed the affidavit, processing form, and DataMaster evidence ticket of Trooper Timothy Hanley with regard to an arrest of Mark Hubbell for Driving under the Influence of alcohol. The date of arrest was May 2nd, 2010.
- 5) In the affidavit, the officer indicates that the motorist submitted to an evidentiary breath test using an infrared device.
- 6) The infrared device in use in Vermont is the DataMaster, a type of infrared spectrophotometer. Through rulemaking, the Department of Health has adopted infrared spectrophotometry as an approved method of breath testing.
- 7) Through rulemaking the Department of Health has established performance standards for all breath tests. The DataMaster meets the performance standards because:
 - A) The DataMaster analyzes a subject's expired alveolar, or deep lung, air.
 - B) The DataMaster is capable of analyzing replicate samples containing a known amount of alcohol with a precision of plus or minus 5% from their mean when alcohol concentrations are reported to three significant figures.
 - C) The DataMaster meets and exceeds the minimum test accuracy required by the Vermont Department of Health rules for alcohol testing of plus or minus 10% when determining the breath alcohol concentration of a person when the concentration is expressed as weight (g) of alcohol per 210 liters of expired air.
 - D) The DataMaster is capable of detecting the presence of compounds in the breath which could potentially interfere with an accurate determination of a breath alcohol concentration.
 - E) The DataMaster and the procedures for its use have been approved by the Commissioner of Health for the purpose of evidentiary breath alcohol testing.
- 8) The DataMaster has been tested by the Vermont Department of Health and has been found to be an accurate and reliable instrument for measuring alcohol content. The DataMaster has also been tested by the federal government and has been approved by the federal government as an

Hubbell, Mark

evidentiary device. The DataMaster appears on the federal government's Conforming Products List.

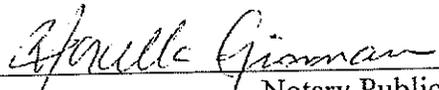
- 9) A DataMaster result obtained by an officer certified to operate the instrument and when taken in accordance with their Department of Health training, is accurate and reliable and is in compliance with the provisions of the Department of Health rules.
- 10) After reviewing the affidavit, processing form and DataMaster evidence ticket in this case, and based upon my knowledge of the working of the DataMaster, I believe that the instrument used in this case meets the Department of Health performance standards and that the test result of 0.093 is an accurate and valid indication of the alcohol content in the motorist's system at the time of the test.

Dated at Burlington in the county of Chittenden, Vermont, on this 14th day of May, 2010.



Darcy Richardson, Affiant

Subscribed to and sworn before me on this 14th day of May, 2010.



Stouelle Gioman
Notary Public



DUI Subject Test

STATE OF VERMONT

DataMaster DMT: 100135
NEW HAVEN VSP
Certification Date: 04/27/2010
Installation Date: 04/28/2010

Date: 05/02/2010
Time: 21:17:11

Subject Name: MARK A HUBBELL
Date of Birth: 07/14/1964 Age: 43
Gender: M
License #: 50261433 VT

Case #: 10C201113
Time of Operation: 20:33
Location of Incident: SOUTH STREET
Town: NEW HAVEN
County: ADDISON

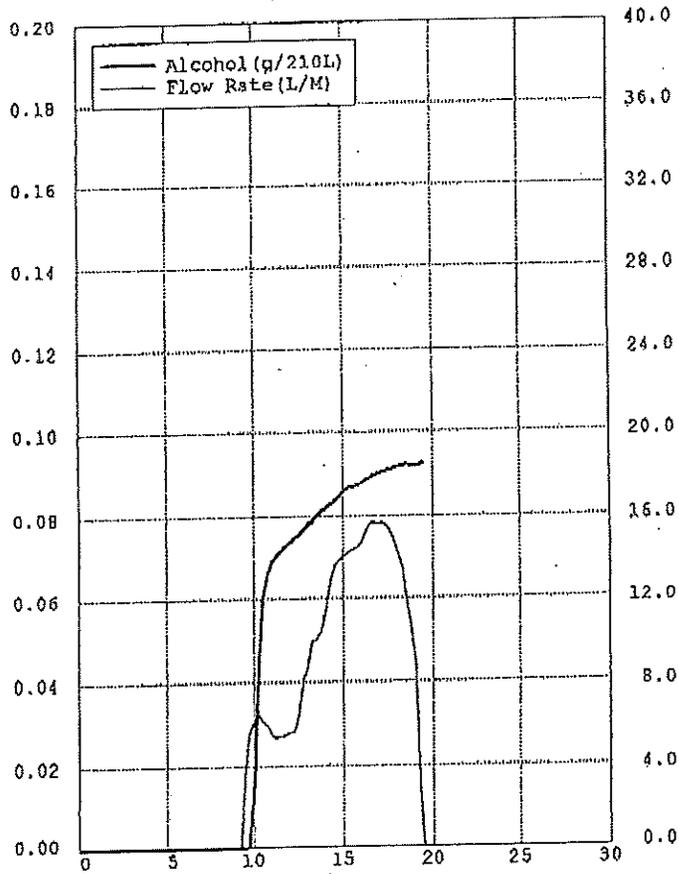
Test Operator Name: TIMOTHY P HANLEY
Agency: NEW HAVEN VSP

Obs. Period Start: 20:54
Obs. Restart: BURPED 21:02

BLANK TEST	0.000	21:18
CALIBRATION CHECK	PASSED	21:18
SIMULATOR VAPOR	0.098	21:18
BLANK TEST	0.000	21:19
SUBJECT SAMPLE (Vol=1.7L)	0.093	21:20

2nd TEST NOT REQUESTED

All alcohol values reported in g/210L
Sim. Vapor Concentration 0.100
Sim. Vapor Range 0.095 - 0.105
Simulator Temp 33.6°C



CHEMIST AFFIDAVIT

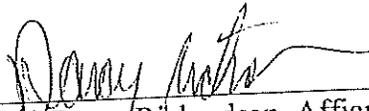
NOW COMES Darcy Richardson, affiant, being duly sworn and on oath, deposes and says:

- 1) The information contained in this affidavit is true and accurate to the best of my knowledge.
- 2) I am a chemist employed by the Vermont Department of Health Laboratory.
- 3) I have testified in Vermont as an expert witness in the field of analytical chemistry, blood alcohol physiology and pharmacology and on the workings of the DataMaster instrument. I have been qualified as an expert witness in every court in which I have testified.
- 4) On May 14th, 2010, I reviewed the affidavit, processing form, and DataMaster evidence ticket of Trooper Timothy Hanley with regard to an arrest of Alexander Hackney for Driving under the Influence of alcohol. The date of arrest was May 1st, 2010.
- 5) In the affidavit, the officer indicates that the motorist submitted to an evidentiary breath test using an infrared device.
- 6) The infrared device in use in Vermont is the DataMaster, a type of infrared spectrophotometer. Through rulemaking, the Department of Health has adopted infrared spectrophotometry as an approved method of breath testing.
- 7) Through rulemaking the Department of Health has established performance standards for all breath tests. The DataMaster meets the performance standards because:
 - A) The DataMaster analyzes a subject's expired alveolar, or deep lung, air.
 - B) The DataMaster is capable of analyzing replicate samples containing a known amount of alcohol with a precision of plus or minus 5% from their mean when alcohol concentrations are reported to three significant figures.
 - C) The DataMaster meets and exceeds the minimum test accuracy required by the Vermont Department of Health rules for alcohol testing of plus or minus 10% when determining the breath alcohol concentration of a person when the concentration is expressed as weight (g) of alcohol per 210 liters of expired air.
 - D) The DataMaster is capable of detecting the presence of compounds in the breath which could potentially interfere with an accurate determination of a breath alcohol concentration.
 - E) The DataMaster and the procedures for its use have been approved by the Commissioner of Health for the purpose of evidentiary breath alcohol testing.
- 8) The DataMaster has been tested by the Vermont Department of Health and has been found to be an accurate and reliable instrument for measuring alcohol content. The DataMaster has also been tested by the federal government and has been approved by the federal government as an

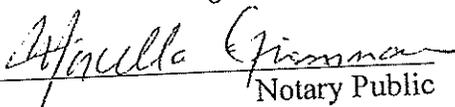
evidentiary device. The DataMaster appears on the federal government's Conforming Products List.

- 9) A DataMaster result obtained by an officer certified to operate the instrument and when taken in accordance with their Department of Health training, is accurate and reliable and is in compliance with the provisions of the Department of Health rules.
- 10) After reviewing the affidavit, processing form and DataMaster evidence ticket in this case, and based upon my knowledge of the working of the DataMaster, I believe that the instrument used in this case meets the Department of Health performance standards and that the test result of 0.107 is an accurate and valid indication of the alcohol content in the motorist's system at the time of the test.

Dated at Burlington in the county of Chittenden, Vermont, on this 14th day of May, 2010.


Darcy Richardson, Affiant

Subscribed to and sworn before me on this 14th day of May, 2010.


Notary Public



DUI Subject Test

STATE OF VERMONT

DataMaster DMT: 100137
MIDDLEBURY PD
Certification Date: 04/27/2010
Installation Date: 04/28/2010

Date: 05/01/2010
Time: 03:37:51

Subject Name: ALEXANDER F HACKNEY
Date of Birth: 09/06/1988 Age: 21
Gender: M
License #: 0237800A VT

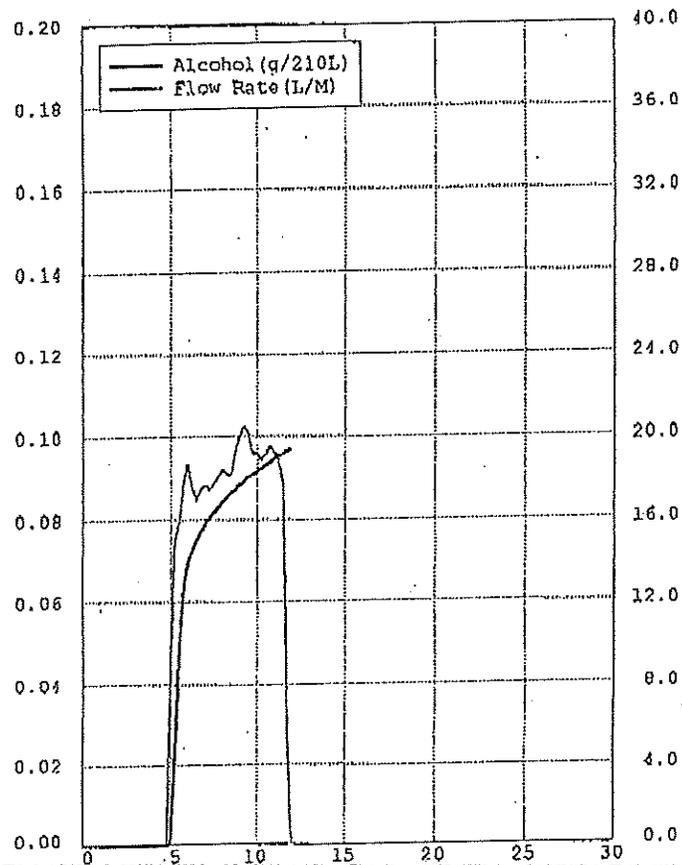
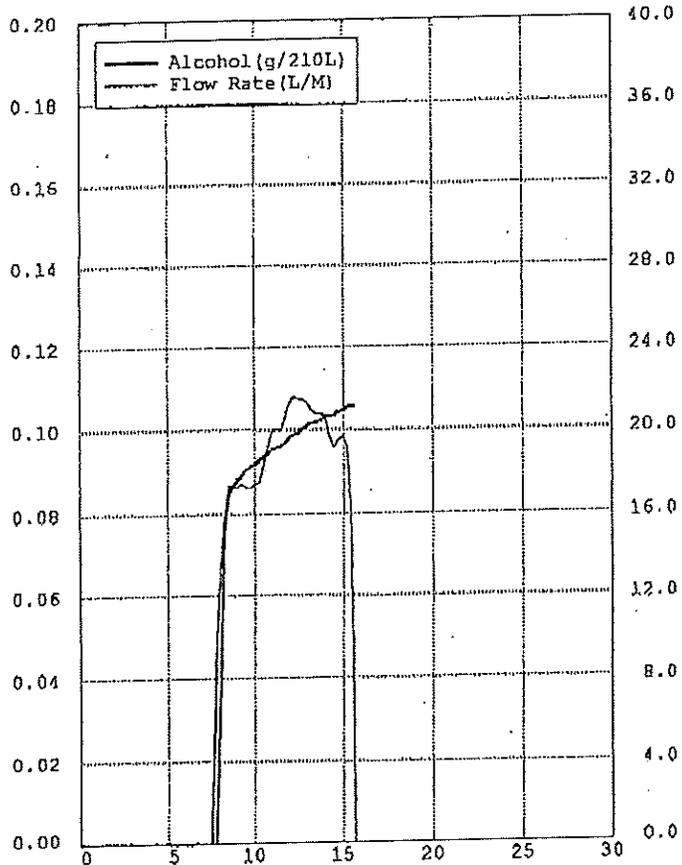
Case #: 10C201092
Time of Operation: 01:28
Location of Incident: SNAKE MOUNTAIN ROAD
Town: CORNWALL
County: ADDISON

Test Operator Name: TIMOTHY P HANLEY
Agency: NEW HAVEN VSP

Obs. Period Start: 03:22

BLANK TEST	0.000	03:38
CALIBRATION CHECK	PASSED	03:38
SIMULATOR VAPOR	0.100	03:39
BLANK TEST	0.000	03:39
SUBJECT SAMPLE (Vol=2.4L)	0.107	03:40
BLANK TEST	0.000	03:41
CALIBRATION CHECK	PASSED	03:42
SIMULATOR VAPOR	0.099	03:42
BLANK TEST	0.000	03:43
SUBJECT SAMPLE (Vol=2.0L)	0.097	03:43

All alcohol values reported in g/210L
Sim. Vapor Concentration 0.100
Sim. Vapor Range 0.095 - 0.105
Simulator Temp 34.0°C



CHEMIST AFFIDAVIT

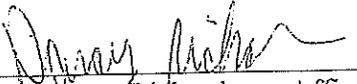
NOW COMES Darcy Richardson, affiant, being duly sworn and on oath, deposes and says:

- 1) The information contained in this affidavit is true and accurate to the best of my knowledge.
- 2) I am a chemist employed by the Vermont Department of Health Laboratory.
- 3) I have testified in Vermont as an expert witness in the field of analytical chemistry, blood alcohol physiology and pharmacology and on the workings of the DataMaster instrument. I have been qualified as an expert witness in every court in which I have testified.
- 4) On May 14th, 2010, I reviewed the affidavit, processing form, and DataMaster evidence ticket of Officer Michael Arbogast with regard to an arrest of Robert Schauer for Driving under the Influence of alcohol. The date of arrest was March 27th, 2010.
- 5) In the affidavit, the officer indicates that the motorist submitted to an evidentiary breath test using an infrared device.
- 6) The infrared device in use in Vermont is the DataMaster, a type of infrared spectrophotometer. Through rulemaking, the Department of Health has adopted infrared spectrophotometry as an approved method of breath testing.
- 7) Through rulemaking the Department of Health has established performance standards for all breath tests. The DataMaster meets the performance standards because:
 - A) The DataMaster analyzes a subject's expired alveolar, or deep lung, air.
 - B) The DataMaster is capable of analyzing replicate samples containing a known amount of alcohol with a precision of plus or minus 5% from their mean when alcohol concentrations are reported to three significant figures.
 - C) The DataMaster meets and exceeds the minimum test accuracy required by the Vermont Department of Health rules for alcohol testing of plus or minus 10% when determining the breath alcohol concentration of a person when the concentration is expressed as weight (g) of alcohol per 210 liters of expired air.
 - D) The DataMaster is capable of detecting the presence of compounds in the breath which could potentially interfere with an accurate determination of a breath alcohol concentration.
 - E) The DataMaster and the procedures for its use have been approved by the Commissioner of Health for the purpose of evidentiary breath alcohol testing.
- 8) The DataMaster has been tested by the Vermont Department of Health and has been found to be an accurate and reliable instrument for measuring alcohol content. The DataMaster has also been tested by the federal government and has been approved by the federal government as an

evidentiary device. The DataMaster appears on the federal government's Conforming Products List.

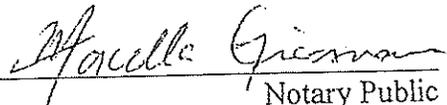
- 9) A DataMaster result obtained by an officer certified to operate the instrument and when taken in accordance with their Department of Health training, is accurate and reliable and is in compliance with the provisions of the Department of Health rules.
- 10) After reviewing the affidavit, processing form and DataMaster evidence ticket in this case, and based upon my knowledge of the working of the DataMaster, I believe that the instrument used in this case meets the Department of Health performance standards and that the test result of 0.142 is an accurate and valid indication of the alcohol content in the motorist's system at the time of the test.

Dated at Burlington in the county of Chittenden, Vermont, on this 14th day of May, 2010.



Darcy Richardson, Affiant

Subscribed to and sworn before me on this 14th day of May, 2010.



Maecelle Giesman
Notary Public



DUI Subject Test

STATE OF VERMONT

DataMaster DMT: 103709
 DOVER PD
 Certification Date: 02/05/2010
 Installation Date: 02/10/2010

Date: 03/27/2010
 Time: 03:55:03

Subject Name: ROBERT M SCHAUER
 Date of Birth: 05/11/1965 Age: 44
 Gender: M
 License #: S49743807 MA

Case #: 10DV00400
 Time of Operation: 02:24
 Location of Incident: DORR FITCH ROAD
 Town: DOVER
 County: WINDHAM

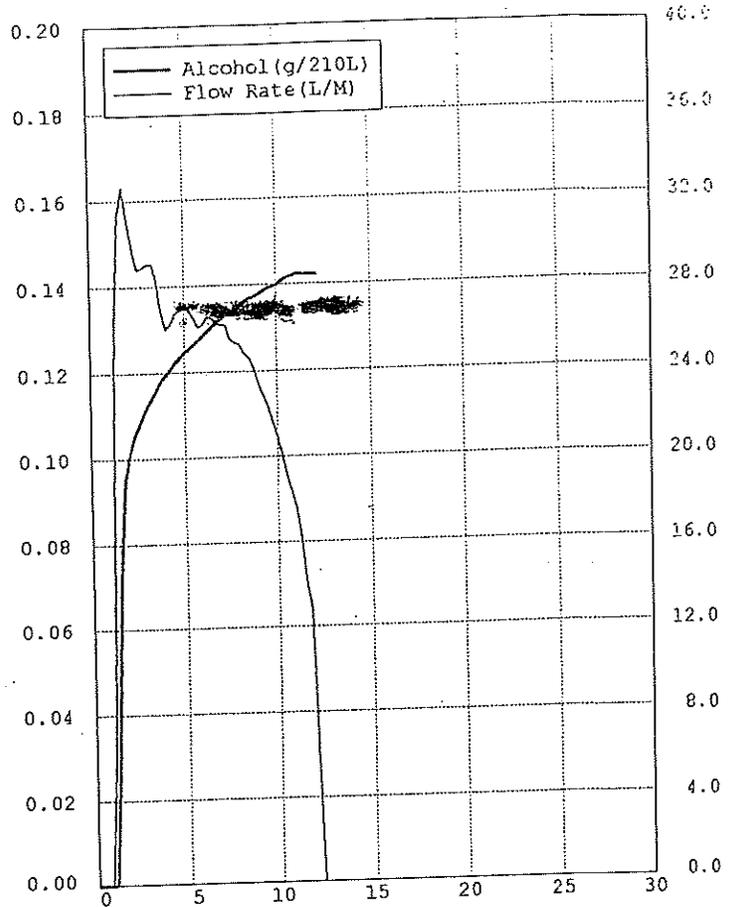
Test Operator Name: MICHAEL E ARBOGAST
 Agency: DOVER PD

Obs. Period Start: 03:37

BLANK TEST	0.000	03:55
CALIBRATION CHECK	PASSED	03:56
SIMULATOR VAPOR	0.097	03:56
BLANK TEST	0.000	03:57
SUBJECT SAMPLE (Vol=4.5L)	0.142	03:57

BLANK TEST	0.000	03:59
CALIBRATION CHECK	PASSED	03:59
SIMULATOR VAPOR	0.097	03:59
BLANK TEST	0.000	04:00
2nd TEST NOT REQUESTED		

All alcohol values reported in g/210L
 Sim. Vapor Concentration 0.101
 Sim. Vapor Range 0.096 - 0.106
 Simulator Temp 34.0°C



CHEMIST AFFIDAVIT

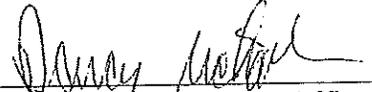
NOW COMES Darcy Richardson, affiant, being duly sworn and on oath, deposes and says:

- 1) The information contained in this affidavit is true and accurate to the best of my knowledge.
- 2) I am a chemist employed by the Vermont Department of Health Laboratory.
- 3) I have testified in Vermont as an expert witness in the field of analytical chemistry, blood alcohol physiology and pharmacology and on the workings of the DataMaster instrument. I have been qualified as an expert witness in every court in which I have testified.
- 4) On May 14th, 2010, I reviewed the affidavit, processing form, and DataMaster evidence ticket of Trooper Michael Studin with regard to an arrest of Thomas Baldwin for Driving under the Influence of alcohol. The date of arrest was April 12th, 2010.
- 5) In the affidavit, the officer indicates that the motorist submitted to an evidentiary breath test using an infrared device.
- 6) The infrared device in use in Vermont is the DataMaster, a type of infrared spectrophotometer. Through rulemaking, the Department of Health has adopted infrared spectrophotometry as an approved method of breath testing.
- 7) Through rulemaking the Department of Health has established performance standards for all breath tests. The DataMaster meets the performance standards because:
 - A) The DataMaster analyzes a subject's expired alveolar, or deep lung, air.
 - B) The DataMaster is capable of analyzing replicate samples containing a known amount of alcohol with a precision of plus or minus 5% from their mean when alcohol concentrations are reported to three significant figures.
 - C) The DataMaster meets and exceeds the minimum test accuracy required by the Vermont Department of Health rules for alcohol testing of plus or minus 10% when determining the breath alcohol concentration of a person when the concentration is expressed as weight (g) of alcohol per 210 liters of expired air.
 - D) The DataMaster is capable of detecting the presence of compounds in the breath which could potentially interfere with an accurate determination of a breath alcohol concentration.
 - E) The DataMaster and the procedures for its use have been approved by the Commissioner of Health for the purpose of evidentiary breath alcohol testing.
- 8) The DataMaster has been tested by the Vermont Department of Health and has been found to be an accurate and reliable instrument for measuring alcohol content. The DataMaster has also been tested by the federal government and has been approved by the federal government as an

evidentiary device. The DataMaster appears on the federal government's Conforming Products List.

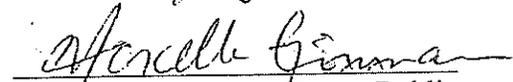
- 9) A DataMaster result obtained by an officer certified to operate the instrument and when taken in accordance with their Department of Health training, is accurate and reliable and is in compliance with the provisions of the Department of Health rules.
- 10) After reviewing the affidavit, processing form and DataMaster evidence ticket in this case, and based upon my knowledge of the working of the DataMaster, I believe that the instrument used in this case meets the Department of Health performance standards and that the test result of 0.088 is an accurate and valid indication of the alcohol content in the motorist's system at the time of the test.

Dated at Burlington in the county of Chittenden, Vermont, on this 14th day of May, 2010.



Darcy Richardson, Affiant

Subscribed to and sworn before me on this 14th day of May, 2010.



Notary Public



DUI Subject Test

STATE OF VERMONT

DataMaster DMT: 103509
 ROCKINGHAM VSP
 Certification Date: 02/05/2010
 Installation Date: 02/09/2010

Date: 04/12/2010
 Time: 21:08:17

Subject Name: THOMAS C BALDWIN
 Date of Birth: 05/20/1958 Age: 51
 Gender: M
 License #: 70022001 VT

Case #: 10D101048
 Time of Operation: 20:00
 Location of Incident: I-91 NB MM 30.5
 Town: ~~ROCKINGHAM~~ Westminster
 County: WINDHAM

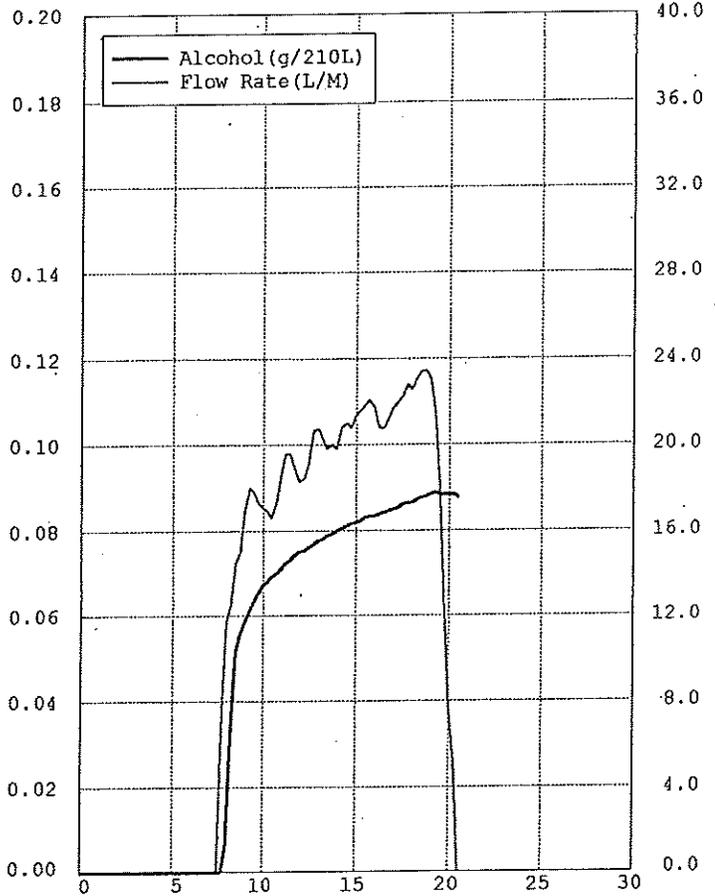
Test Operator Name: MICHAEL S STUDIN
 Agency: ROCKINGHAM VSP

Obs. Period Start: 20:53

BLANK TEST	0.000	21:09
CALIBRATION CHECK	PASSED	21:09
SIMULATOR VAPOR	0.095	21:09
BLANK TEST	0.000	21:10
SUBJECT SAMPLE (Vol=3.9L)	0.088	21:10

2nd TEST NOT REQUESTED

All alcohol values reported in g/210L
 Sim. Vapor Concentration 0.098
 Sim. Vapor Range 0.093 - 0.103
 Simulator Temp 34.1°C



CHEMIST AFFIDAVIT

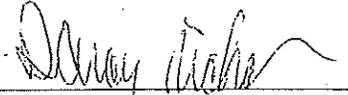
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- 1) The information contained in this affidavit is true and accurate to the best of my knowledge.
- 2) I am a chemist employed by the Vermont Department of Health Laboratory.
- 3) I have testified in Vermont as an expert witness in the field of analytical chemistry, blood alcohol physiology and pharmacology and on the workings of the DataMaster instrument. I have been qualified as an expert witness in every court in which I have testified.
- 4) On May 14th, 2010, I reviewed the affidavit, processing form, and DataMaster evidence ticket of Trooper Justin Walker with regard to an arrest of James Debell for Driving under the Influence of alcohol. The date of arrest was April 18th, 2010.
- 5) In the affidavit, the officer indicates that the motorist submitted to an evidentiary breath test using an infrared device.
- 6) The infrared device in use in Vermont is the DataMaster, a type of infrared spectrophotometer. Through rulemaking, the Department of Health has adopted infrared spectrophotometry as an approved method of breath testing.
- 7) Through rulemaking the Department of Health has established performance standards for all breath tests. The DataMaster meets the performance standards because:
 - A) The DataMaster analyzes a subject's expired alveolar, or deep lung, air.
 - B) The DataMaster is capable of analyzing replicate samples containing a known amount of alcohol with a precision of plus or minus 5% from their mean when alcohol concentrations are reported to three significant figures.
 - C) The DataMaster meets and exceeds the minimum test accuracy required by the Vermont Department of Health rules for alcohol testing of plus or minus 10% when determining the breath alcohol concentration of a person when the concentration is expressed as weight (g) of alcohol per 210 liters of expired air.
 - D) The DataMaster is capable of detecting the presence of compounds in the breath which could potentially interfere with an accurate determination of a breath alcohol concentration.
 - E) The DataMaster and the procedures for its use have been approved by the Commissioner of Health for the purpose of evidentiary breath alcohol testing.
- 8) ~~The DataMaster has been tested by the Vermont Department of Health and has been found to be an accurate and reliable instrument for measuring alcohol content. The DataMaster has also~~ been tested by the federal government and has been approved by the federal government as an

evidentiary device. The DataMaster appears on the federal government's Conforming Products List.

- 9) A DataMaster result obtained by an officer certified to operate the instrument and when taken in accordance with their Department of Health training, is accurate and reliable and is in compliance with the provisions of the Department of Health rules.
- 10) After reviewing the affidavit, processing form and DataMaster evidence ticket in this case, and based upon my knowledge of the working of the DataMaster, I believe that the instrument used in this case meets the Department of Health performance standards and that the test result of 0.138 is an accurate and valid indication of the alcohol content in the motorist's system at the time of the test.

Dated at Burlington in the county of Chittenden, Vermont, on this 14th day of May, 2010.



Darcy Richardson, Affiant

Subscribed to and sworn before me on this 14th day of May, 2010.



Notary Public



DUI Subject Test

STATE OF VERMONT

DataMaster DMT: 103509
 ROCKINGHAM VSP
 Certification Date: 02/05/2010
 Installation Date: 02/09/2010

Date: 04/18/2010
 Time: 18:15:12

Subject Name: JAMES F DEBELL
 Date of Birth: 06/19/1963 Age: 46
 Gender: M
 License #: 2013908A VT

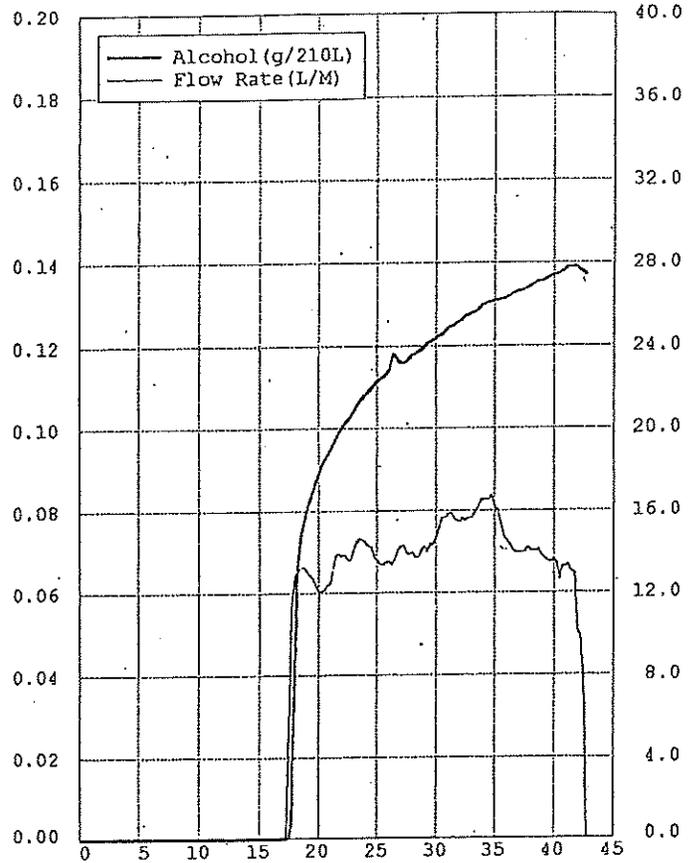
Case #: 10D101092
 Time of Operation: 16:45
 Location of Incident: 179 SCHOOL STREET
 Town: WESTMINSTER
 County: WINDHAM

Test Operator Name: JUSTIN W WALKER
 Agency: ROCKINGHAM VSP

Obs. Period Start:		18:00
BLANK TEST	0.000	18:16
CALIBRATION CHECK	PASSED	18:16
SIMULATOR VAPOR	0.095	18:16
BLANK TEST	0.000	18:17
SUBJECT SAMPLE (Vol=5.8L)	0.138	18:18

2nd TEST NOT REQUESTED

All alcohol values reported in g/210L
 Sim. Vapor Concentration 0.098
 Sim. Vapor Range 0.093 - 0.103
 Simulator Temp 34.1°C



CHEMIST AFFIDAVIT

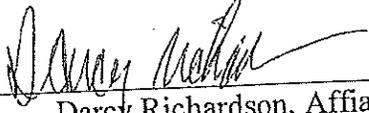
NOW COMES Darcy Richardson, affiant, being duly sworn and on oath, deposes and says:

- 1) The information contained in this affidavit is true and accurate to the best of my knowledge.
- 2) I am a chemist employed by the Vermont Department of Health Laboratory.
- 3) I have testified in Vermont as an expert witness in the field of analytical chemistry, blood alcohol physiology and pharmacology and on the workings of the DataMaster instrument. I have been qualified as an expert witness in every court in which I have testified.
- 4) On June 3rd, 2010, I reviewed the affidavit, processing form, and DataMaster evidence ticket of Trooper John Waitekus with regard to an arrest of Karen Sadler for Driving under the Influence of alcohol. The date of arrest was May 2nd, 2010.
- 5) In the affidavit, the officer indicates that the motorist submitted to an evidentiary breath test using an infrared device.
- 6) The infrared device in use in Vermont is the DataMaster, a type of infrared spectrophotometer. Through rulemaking, the Department of Health has adopted infrared spectrophotometry as an approved method of breath testing.
- 7) Through rulemaking the Department of Health has established performance standards for all breath tests. The DataMaster meets the performance standards because:
 - A) The DataMaster analyzes a subject's expired alveolar, or deep lung, air.
 - B) The DataMaster is capable of analyzing replicate samples containing a known amount of alcohol with a precision of plus or minus 5% from their mean when alcohol concentrations are reported to three significant figures.
 - C) The DataMaster meets and exceeds the minimum test accuracy required by the Vermont Department of Health rules for alcohol testing of plus or minus 10% when determining the breath alcohol concentration of a person when the concentration is expressed as weight (g) of alcohol per 210 liters of expired air.
 - D) The DataMaster is capable of detecting the presence of compounds in the breath which could potentially interfere with an accurate determination of a breath alcohol concentration.
 - E) The DataMaster and the procedures for its use have been approved by the Commissioner of Health for the purpose of evidentiary breath alcohol testing.
- 8) The DataMaster has been tested by the Vermont Department of Health and has been found to be an accurate and reliable instrument for measuring alcohol content. The DataMaster has also been tested by the federal government and has been approved by the federal government as an

evidentiary device. The DataMaster appears on the federal government's Conforming Products List.

- 9) A DataMaster result obtained by an officer certified to operate the instrument and when taken in accordance with their Department of Health training, is accurate and reliable and is in compliance with the provisions of the Department of Health rules.
- 10) After reviewing the affidavit, processing form and DataMaster evidence ticket in this case, and based upon my knowledge of the working of the DataMaster, I believe that the instrument used in this case meets the Department of Health performance standards and that the test result of 0.166 is an accurate and valid indication of the alcohol content in the motorist's system at the time of the test.

Dated at Burlington in the county of Chittenden, Vermont, on this 3rd day of June, 2010.


Darcy Richardson, Affiant

Subscribed to and sworn before me on this 3rd day of June, 2010.


Anella Gismann
Notary Public



DUI Subject Test

STATE OF VERMONT

DataMaster DMT: 104509
 BRATTLEBORO VSP
 Certification Date: 02/05/2010
 Installation Date: 02/11/2010

Date: 05/02/2010
 Time: 03:00:57

Subject Name: KAREN M SADLER
 Date of Birth: 03/15/1965 Age: 45
 Gender: F
 License #: 03SRK65151 NH

Case #: 10D201131
 Time of Operation: 01:25
 Location of Incident: I-91 MM19-75
 Town: PUTNEY
 County: WINDHAM

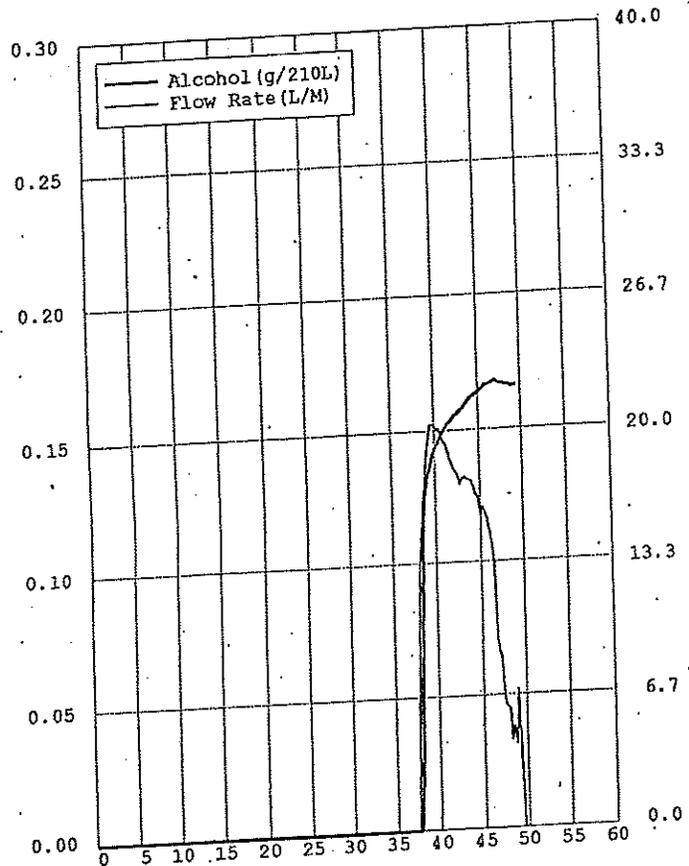
Test Operator Name: JOHN M WAITEKUS
 Agency: BRATTLEBORO VSP

Obs. Period Start: 02:45

BLANK TEST	0.000	03:01
CALIBRATION CHECK	PASSED	03:01
SIMULATOR VAPOR	0.103	03:02
BLANK TEST	0.000	03:03
SUBJECT SAMPLE (Vol=2.8L)	0.166	03:04

2nd TEST NOT REQUESTED

All alcohol values reported in g/210L
 Sim. Vapor Concentration 0.103
 Sim. Vapor Range 0.098 - 0.108
 Simulator Temp 34.0°C



CHEMIST AFFIDAVIT

NOW COMES Darcy Richardson, affiant, being duly sworn and on oath, depose and says:

- 1) The information contained in this affidavit is true and accurate to the best of my knowledge.
- 2) I am a chemist employed by the Vermont Department of Health Laboratory.
- 3) I have testified in Vermont as an expert witness in the field of analytical chemistry, blood alcohol physiology and pharmacology and on the workings of the DataMaster instrument. I have been qualified as an expert witness in every court in which I have testified.
- 4) On June 3rd, 2010, I reviewed the affidavit, processing form, and DataMaster evidence ticket of Trooper Travis Valcourt with regard to an arrest of Heather Neil for Driving under the Influence of alcohol. The date of arrest was April 17th, 2010.
- 5) In the affidavit, the officer indicates that the motorist submitted to an evidentiary breath test using an infrared device.
- 6) The infrared device in use in Vermont is the DataMaster, a type of infrared spectrophotometer. Through rulemaking, the Department of Health has adopted infrared spectrophotometry as an approved method of breath testing.
- 7) Through rulemaking the Department of Health has established performance standards for all breath tests. The DataMaster meets the performance standards because:
 - A) The DataMaster analyzes a subject's expired alveolar, or deep lung, air.
 - B) The DataMaster is capable of analyzing replicate samples containing a known amount of alcohol with a precision of plus or minus 5% from their mean when alcohol concentrations are reported to three significant figures.
 - C) The DataMaster meets and exceeds the minimum test accuracy required by the Vermont Department of Health rules for alcohol testing of plus or minus 10% when determining the breath alcohol concentration of a person when the concentration is expressed as weight (g) of alcohol per 210 liters of expired air.
 - D) The DataMaster is capable of detecting the presence of compounds in the breath which could potentially interfere with an accurate determination of a breath alcohol concentration.
 - E) The DataMaster and the procedures for its use have been approved by the Commissioner of Health for the purpose of evidentiary breath alcohol testing.
- 8) ~~The DataMaster has been tested by the Vermont Department of Health and has been found to be an accurate and reliable instrument for measuring alcohol content. The DataMaster has also been tested by the federal government and has been approved by the federal government as an~~

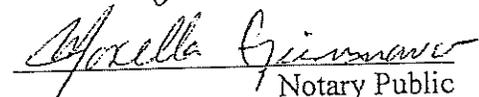
evidentiary device. The DataMaster appears on the federal government's Conforming Products List.

- 9) A DataMaster result obtained by an officer certified to operate the instrument and when taken in accordance with their Department of Health training, is accurate and reliable and is in compliance with the provisions of the Department of Health rules.
- 10) After reviewing the affidavit, processing form and DataMaster evidence ticket in this case, and based upon my knowledge of the working of the DataMaster, I believe that the instrument used in this case meets the Department of Health performance standards and that the test result of 0.123 is an accurate and valid indication of the alcohol content in the motorist's system at the time of the test.

Dated at Burlington in the county of Chittenden, Vermont, on this 3rd day of June, 2010.


Darcy Richardson, Affiant

Subscribed to and sworn before me on this 3rd day of June, 2010.


Myxella Guinnover
Notary Public



DUI Subject Test

STATE OF VERMONT

DataMaster DMT: 104509
 BRATTLEBORO VSP
 Certification Date: 02/05/2010
 Installation Date: 02/11/2010

Date: 04/17/2010
 Time: 03:32:20

Subject Name: HEATHER A NEIL
 Date of Birth: 10/15/1976 Age: 33
 Gender: F
 License #: 62590394 VT

Case #: 10D201020
 Time of Operation: 02:01
 Location of Incident: BONNYVALE ROAD
 Town: GUILFORD
 County: WINDHAM

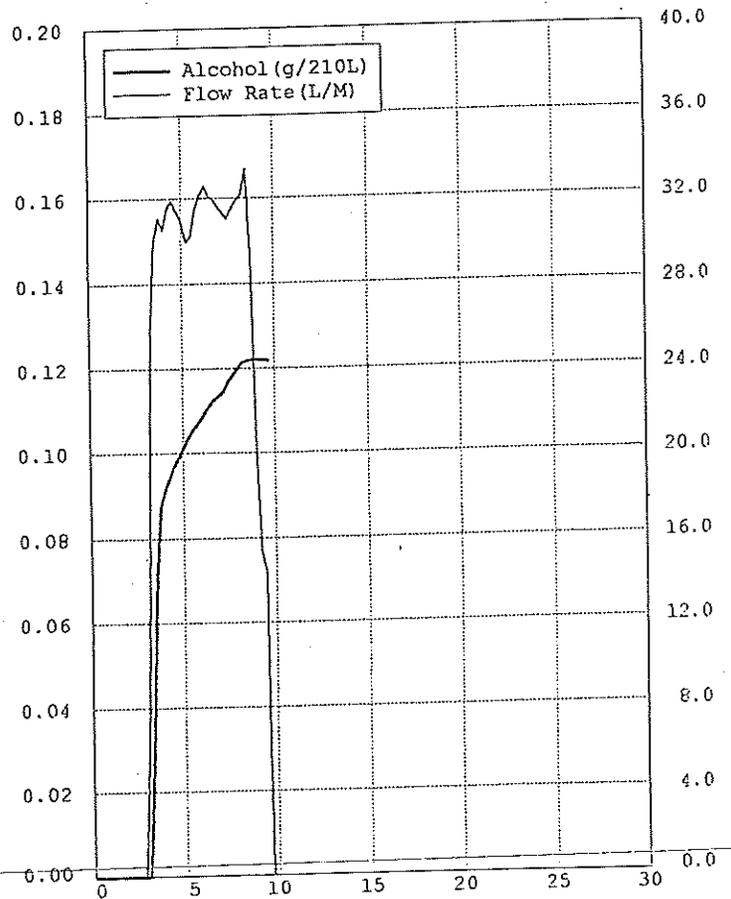
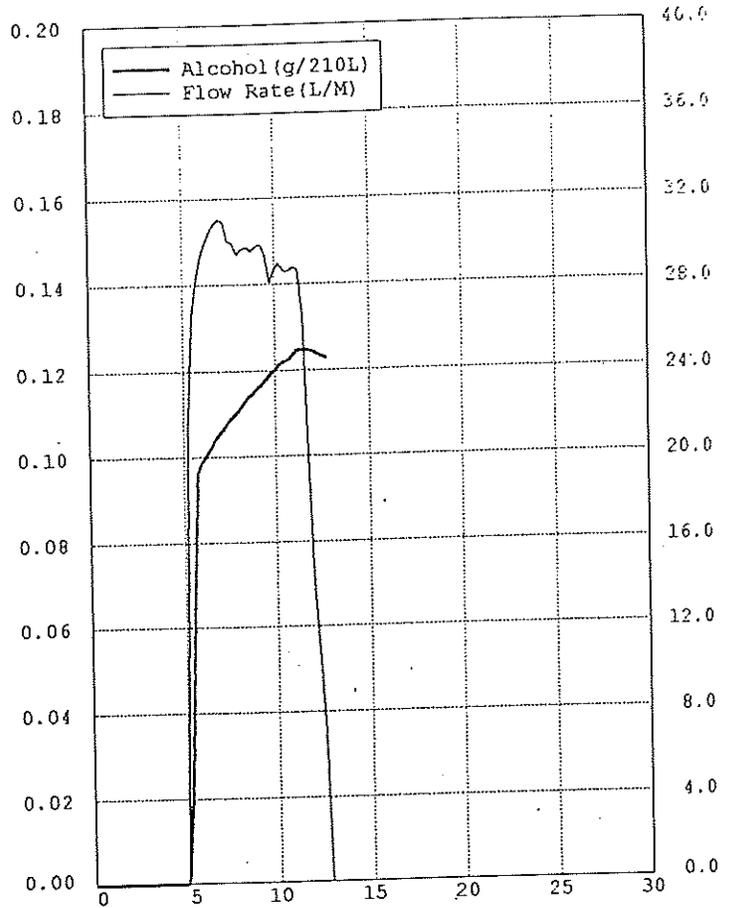
Test Operator Name: TRAVIS L VALCOURT
 Agency: BRATTLEBORO VSP

Obs. Period Start: 02:53
 Obs. Restart: contacted lawyer 03:05
 Obs. Restart: bathroom visit 03:17

BLANK TEST	0.000	03:33
CALIBRATION CHECK	PASSED	03:33
SIMULATOR VAPOR	0.099	03:33
BLANK TEST	0.000	03:34
SUBJECT SAMPLE (Vol=3.3L)	0.123	03:35

BLANK TEST	0.000	03:36
CALIBRATION CHECK	PASSED	03:36
SIMULATOR VAPOR	0.098	03:36
BLANK TEST	0.000	03:37
SUBJECT SAMPLE (Vol=3.2L)	0.122	03:37

All alcohol values reported in g/210L
 Sim. Vapor Concentration 0.103
 Sim. Vapor Range 0.098 - 0.108
 Simulator Temp 34.1°C



CHEMIST AFFIDAVIT

NOW COMES Darcy Richardson, affiant, being duly sworn and on oath, deposes and says:

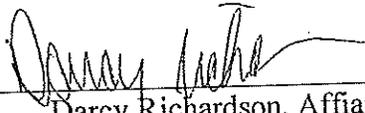
- 1) The information contained in this affidavit is true and accurate to the best of my knowledge.
- 2) I am a chemist employed by the Vermont Department of Health Laboratory.
- 3) I have testified in Vermont as an expert witness in the field of analytical chemistry, blood alcohol physiology and pharmacology and on the workings of the DataMaster instrument. I have been qualified as an expert witness in every court in which I have testified.
- 4) On June 3rd, 2010, I reviewed the affidavit, processing form, and DataMaster evidence ticket of Officer Chad Emery with regard to an arrest of Douglas Burnett for Driving under the Influence of alcohol. The date of arrest was May 2nd, 2010.
- 5) In the affidavit, the officer indicates that the motorist submitted to an evidentiary breath test using an infrared device.
- 6) The infrared device in use in Vermont is the DataMaster, a type of infrared spectrophotometer. Through rulemaking, the Department of Health has adopted infrared spectrophotometry as an approved method of breath testing.
- 7) Through rulemaking the Department of Health has established performance standards for all breath tests. The DataMaster meets the performance standards because:
 - A) The DataMaster analyzes a subject's expired alveolar, or deep lung, air.
 - B) The DataMaster is capable of analyzing replicate samples containing a known amount of alcohol with a precision of plus or minus 5% from their mean when alcohol concentrations are reported to three significant figures.
 - C) The DataMaster meets and exceeds the minimum test accuracy required by the Vermont Department of Health rules for alcohol testing of plus or minus 10% when determining the breath alcohol concentration of a person when the concentration is expressed as weight (g) of alcohol per 210 liters of expired air.
 - D) The DataMaster is capable of detecting the presence of compounds in the breath which could potentially interfere with an accurate determination of a breath alcohol concentration.
 - E) The DataMaster and the procedures for its use have been approved by the Commissioner of Health for the purpose of evidentiary breath alcohol testing.
- 8) The DataMaster has been tested by the Vermont Department of Health and has been found to be an accurate and reliable instrument for measuring alcohol content. The DataMaster has also been tested by the federal government and has been approved by the federal government as an

evidentiary device. The DataMaster appears on the federal government's Conforming Products List.

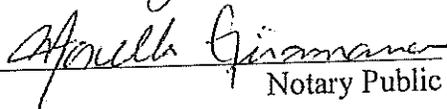
9) A DataMaster result obtained by an officer certified to operate the instrument and when taken in accordance with their Department of Health training, is accurate and reliable and is in compliance with the provisions of the Department of Health rules.

10) After reviewing the affidavit, processing form and DataMaster evidence ticket in this case, and based upon my knowledge of the working of the DataMaster, I believe that the instrument used in this case meets the Department of Health performance standards and that the test result of 0.166 is an accurate and valid indication of the alcohol content in the motorist's system at the time of the test.

Dated at Burlington in the county of Chittenden, Vermont, on this 3rd day of June, 2010.


Darcy Richardson, Affiant

Subscribed to and sworn before me on this 3rd day of June, 2010.


Notary Public



DUI Subject Test

STATE OF VERMONT

DataMaster DMT: 104309
 BRATTLEBORO PD
 Certification Date: 01/25/2010
 Installation Date: 02/11/2010

Date: 05/02/2010
 Time: 01:57:24

Subject Name: DOUGLAS P BURNETT
 Date of Birth: 01/01/1941 Age: 69
 Gender: M
 License #: 20077948 VT

Case #: 10BB03124
 Time of Operation: 00:29
 Location of Incident: CANAL ST
 Town: BRATTLEBORO
 County: WINDHAM

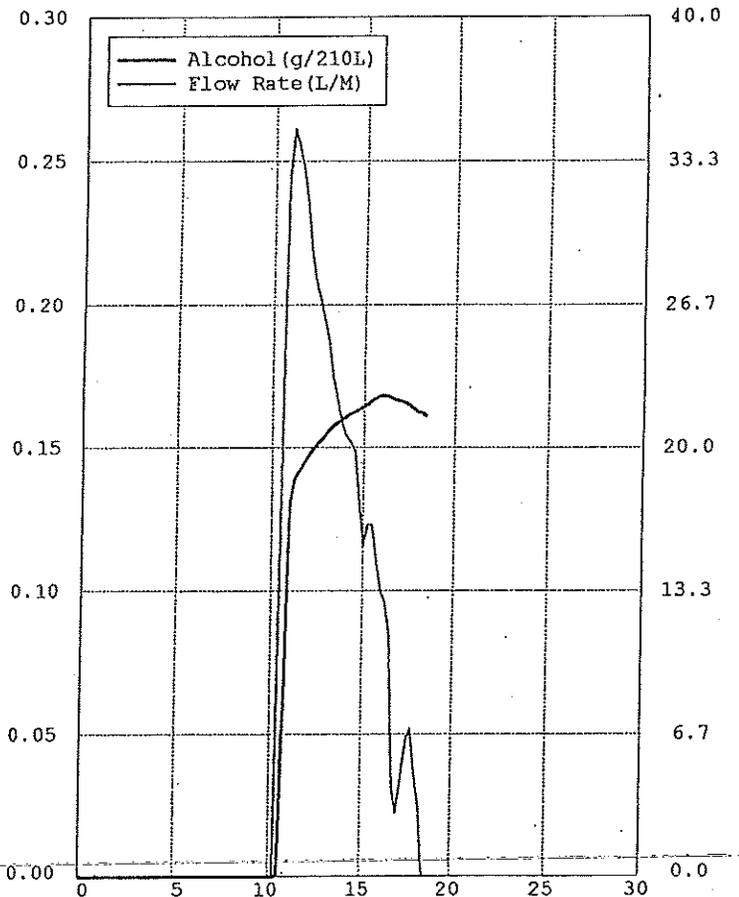
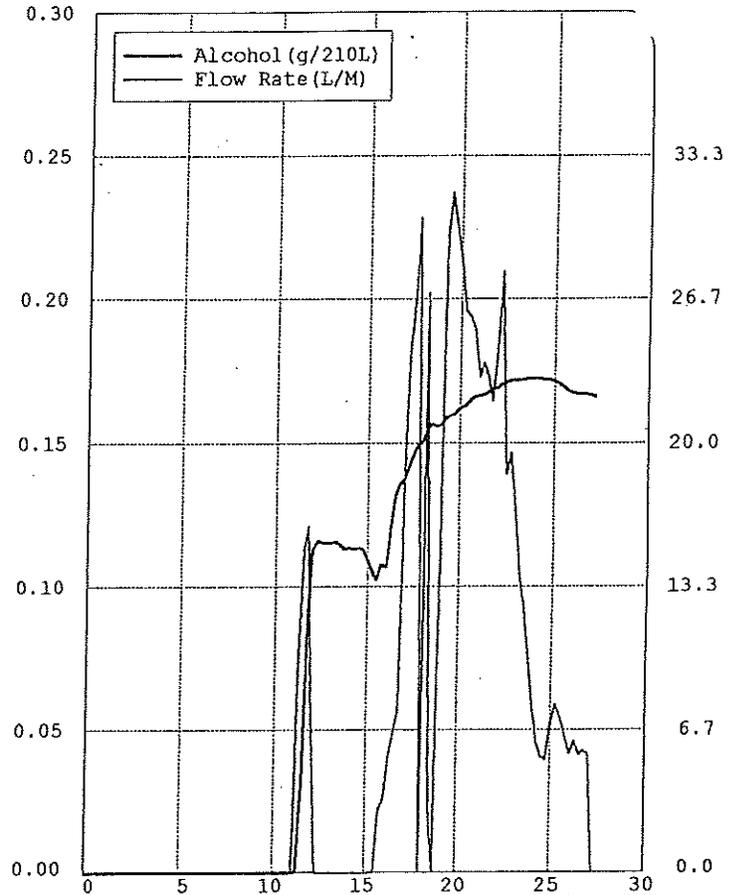
Test Operator Name: CHAD M EMERY
 Agency: BRATTLEBORO PD

Obs. Period Start: 01:42

BLANK TEST	0.000	01:58
CALIBRATION CHECK	PASSED	01:58
SIMULATOR VAPOR	0.099	01:58
BLANK TEST	0.000	01:59
SUBJECT SAMPLE (Vol=2.2L)	0.166	02:00

BLANK TEST	0.000	02:01
CALIBRATION CHECK	PASSED	02:02
SIMULATOR VAPOR	0.096	02:02
BLANK TEST	0.000	02:03
SUBJECT SAMPLE (Vol=2.4L)	0.162	02:03

All alcohol values reported in g/210L
 Sim. Vapor Concentration 0.100
 Sim. Vapor Range 0.095 - 0.105
 Simulator Temp 33.9°C



CHEMIST AFFIDAVIT

NOW COMES Darcy Richardson, affiant, being duly sworn and on oath, deposes and says:

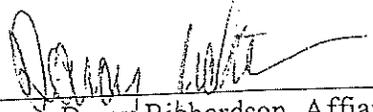
- 1) The information contained in this affidavit is true and accurate to the best of my knowledge.
- 2) I am a chemist employed by the Vermont Department of Health Laboratory.
- 3) I have testified in Vermont as an expert witness in the field of analytical chemistry, blood alcohol physiology and pharmacology and on the workings of the DataMaster instrument. I have been qualified as an expert witness in every court in which I have testified.
- 4) On June 28th, 2010, I reviewed the affidavit, processing form, and DataMaster evidence ticket of Officer Christine Jordan with regard to an arrest of Gavin Gunn for Driving under the Influence of alcohol. The date of arrest was May 30th, 2010.
- 5) In the affidavit, the officer indicates that the motorist submitted to an evidentiary breath test using an infrared device.
- 6) The infrared device in use in Vermont is the DataMaster, a type of infrared spectrophotometer. Through rulemaking, the Department of Health has adopted infrared spectrophotometry as an approved method of breath testing.
- 7) Through rulemaking the Department of Health has established performance standards for all breath tests. The DataMaster meets the performance standards because:
 - A) The DataMaster analyzes a subject's expired alveolar, or deep lung, air.
 - B) The DataMaster is capable of analyzing replicate samples containing a known amount of alcohol with a precision of plus or minus 5% from their mean when alcohol concentrations are reported to three significant figures.
 - C) The DataMaster meets and exceeds the minimum test accuracy required by the Vermont Department of Health rules for alcohol testing of plus or minus 10% when determining the breath alcohol concentration of a person when the concentration is expressed as weight (g) of alcohol per 210 liters of expired air.
 - D) The DataMaster is capable of detecting the presence of compounds in the breath which could potentially interfere with an accurate determination of a breath alcohol concentration.
 - E) The DataMaster and the procedures for its use have been approved by the Commissioner of Health for the purpose of evidentiary breath alcohol testing.
- 8) The DataMaster has been tested by the Vermont Department of Health and has been found to be an accurate and reliable instrument for measuring alcohol content. The DataMaster has also been tested by the federal government and has been approved by the federal government as an

evidentiary device. The DataMaster appears on the federal government's Conforming Products List.

9) A DataMaster result obtained by an officer certified to operate the instrument and when taken in accordance with their Department of Health training, is accurate and reliable and is in compliance with the provisions of the Department of Health rules.

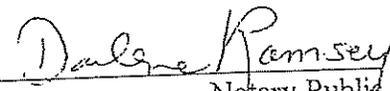
10) After reviewing the affidavit, processing form and DataMaster evidence ticket in this case, and based upon my knowledge of the working of the DataMaster, I believe that the instrument used in this case meets the Department of Health performance standards and that the test result of 0.088 is an accurate and valid indication of the alcohol content in the motorist's system at the time of the test.

Dated at Burlington in the county of Chittenden, Vermont, on this 28th day of June, 2010.



Darcy Richardson, Affiant

Subscribed to and sworn before me on this 28th day of June, 2010.



Notary Public



DUI Subject Test

STATE OF VERMONT

DataMaster DMT: 104209
 BELLOWS FALLS PD
 Certification Date: 02/05/2010
 Installation Date: 02/09/2010

Date: 05/30/2010
 Time: 23:19:53

Subject Name: GAVIN L GUNN
 Date of Birth: 12/11/1962 Age: 47
 Gender: M
 License #: 80698330 VT

Case #: 10BF01742
 Time of Operation: 21:38
 Location of Incident: CORNER OF SOUTH AND ATKINSON ST
 Town: ROCKINGHAM
 County: WINDHAM

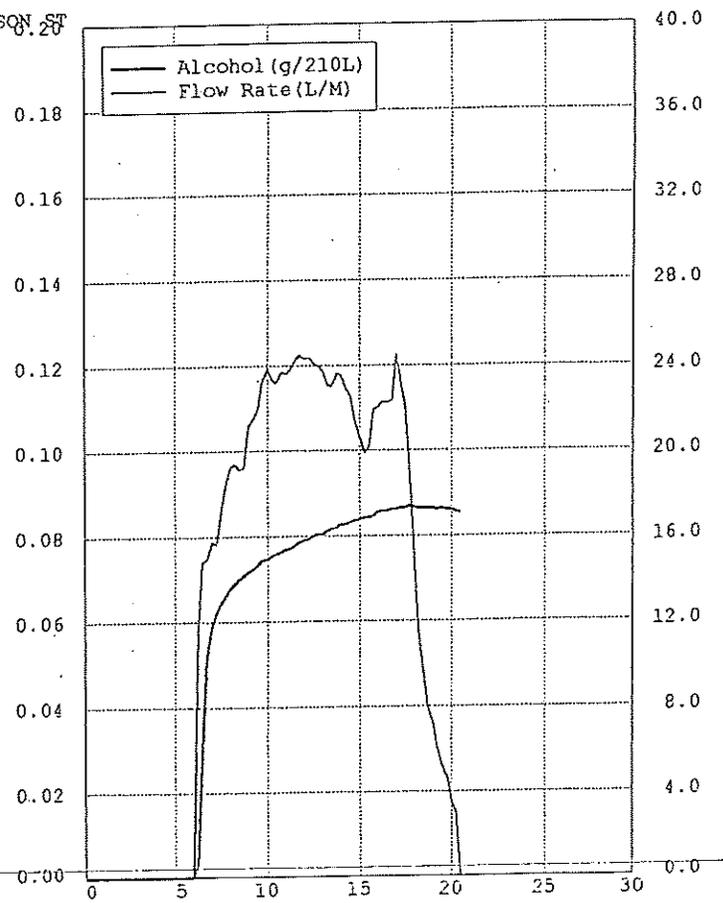
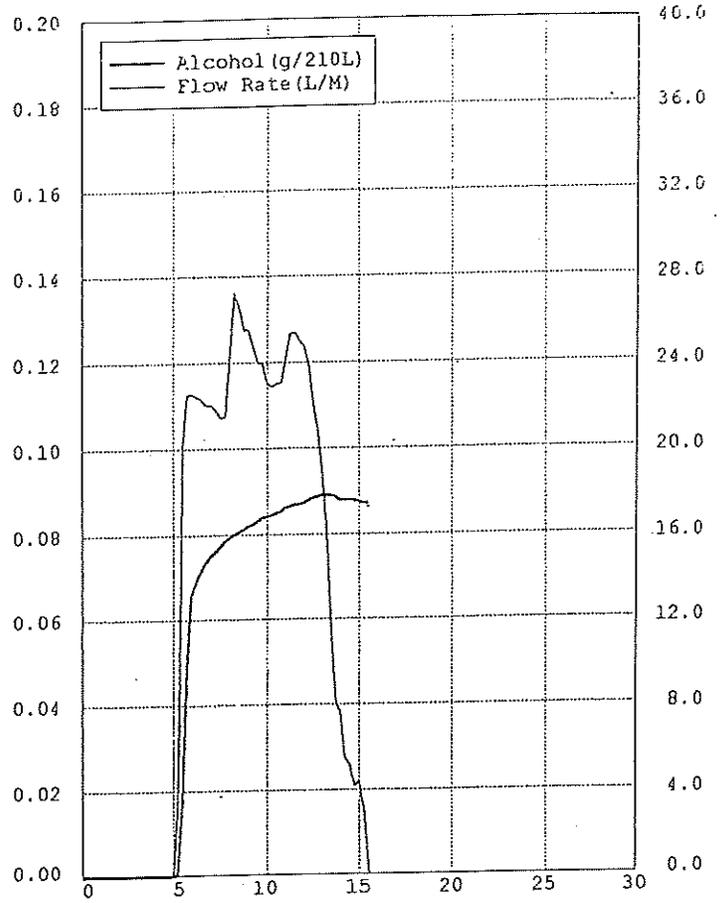
Test Operator Name: CHRISTINE P JORDAN
 Agency: BELLOWS FALLS PD

Obs. Period Start: 23:04

BLANK TEST	0.000	23:20
CALIBRATION CHECK	PASSED	23:20
SIMULATOR VAPOR	0.100	23:21
BLANK TEST	0.000	23:22
SUBJECT SAMPLE (Vol=3.2L)	0.088	23:22

BLANK TEST	0.000	23:23
CALIBRATION CHECK	PASSED	23:23
SIMULATOR VAPOR	0.099	23:24
BLANK TEST	0.000	23:24
SUBJECT SAMPLE (Vol=4.4L)	0.086	23:25

All alcohol values reported in g/210L
 Sim. Vapor Concentration 0.103
 Sim. Vapor Range 0.098 - 0.108
 Simulator Temp 33.8°C



CHEMIST AFFIDAVIT

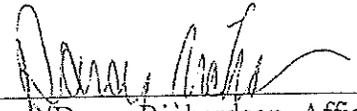
NOW COMES Darcy Richardson, affiant, being duly sworn and on oath, deposes and says:

- 1) The information contained in this affidavit is true and accurate to the best of my knowledge.
- 2) I am a chemist employed by the Vermont Department of Health Laboratory.
- 3) I have testified in Vermont as an expert witness in the field of analytical chemistry, blood alcohol physiology and pharmacology and on the workings of the DataMaster instrument. I have been qualified as an expert witness in every court in which I have testified.
- 4) On June 28th, 2010, I reviewed the affidavit, processing form, and DataMaster evidence ticket of Sergeant Matthew Murano with regard to an arrest of Shawn Sweeney for Driving under the Influence of alcohol. The date of arrest was May 31st, 2010.
- 5) In the affidavit, the officer indicates that the motorist submitted to an evidentiary breath test using an infrared device.
- 6) The infrared device in use in Vermont is the DataMaster, a type of infrared spectrophotometer. Through rulemaking, the Department of Health has adopted infrared spectrophotometry as an approved method of breath testing.
- 7) Through rulemaking the Department of Health has established performance standards for all breath tests. The DataMaster meets the performance standards because:
 - A) The DataMaster analyzes a subject's expired alveolar, or deep lung, air.
 - B) The DataMaster is capable of analyzing replicate samples containing a known amount of alcohol with a precision of plus or minus 5% from their mean when alcohol concentrations are reported to three significant figures.
 - C) The DataMaster meets and exceeds the minimum test accuracy required by the Vermont Department of Health rules for alcohol testing of plus or minus 10% when determining the breath alcohol concentration of a person when the concentration is expressed as weight (g) of alcohol per 210 liters of expired air.
 - D) The DataMaster is capable of detecting the presence of compounds in the breath which could potentially interfere with an accurate determination of a breath alcohol concentration.
 - E) The DataMaster and the procedures for its use have been approved by the Commissioner of Health for the purpose of evidentiary breath alcohol testing.
- 8) The DataMaster has been tested by the Vermont Department of Health and has been found to be ~~an accurate and reliable instrument for measuring alcohol content. The DataMaster has also~~ been tested by the federal government and has been approved by the federal government as an

evidentiary device. The DataMaster appears on the federal government's Conforming Products List.

- 9) A DataMaster result obtained by an officer certified to operate the instrument and when taken in accordance with their Department of Health training, is accurate and reliable and is in compliance with the provisions of the Department of Health rules.
- 10) After reviewing the affidavit, processing form and DataMaster evidence ticket in this case, and based upon my knowledge of the working of the DataMaster, I believe that the instrument used in this case meets the Department of Health performance standards and that the test result of 0.145 is an accurate and valid indication of the alcohol content in the motorist's system at the time of the test.

Dated at Burlington in the county of Chittenden, Vermont, on this 28th day of June, 2010.

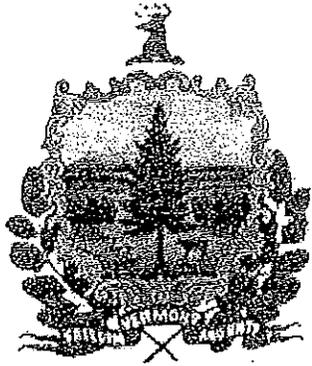


Darcy Richardson, Affiant

Subscribed to and sworn before me on this 28th day of June, 2010.



Douglas Ramsey
Notary Public



DUI Subject Test

STATE OF VERMONT

DataMaster DMT: 104109
 WILMINGTON PD
 Certification Date: 02/05/2010
 Installation Date: 02/10/2010

Date: 05/31/2010
 Time: 22:16:49

Subject Name: SHAWN P SWERNEY
 Date of Birth: 09/13/1989 Age: 20
 Gender: M
 License #: 22156322 VT

Case #: 10WM00638
 Time of Operation: 20:50
 Location of Incident: VILLAGE EAST RD
 Town: WILMINGTON
 County: WINDHAM

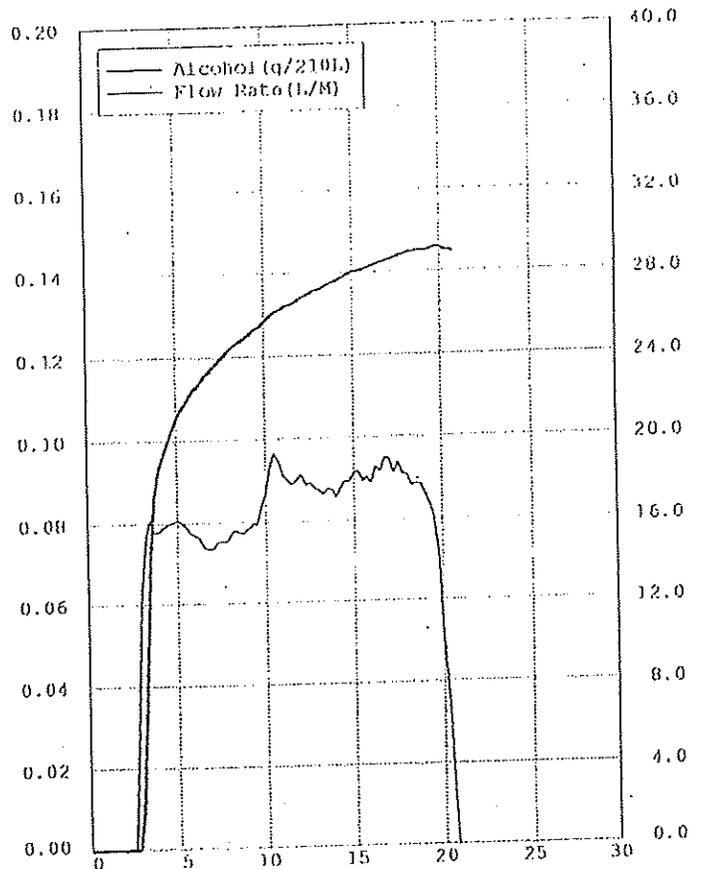
Test Operator Name: M MURANO
 Agency: WILMINGTON PD

Obs. Period Start: 21:59

BLANK TEST	0.000	22:17
CALIBRATION CHECK	PASSED	22:17
SIMULATOR VAPOR	0.097	22:18
BLANK TEST	0.000	22:18
SUBJECT SAMPLE (Vol=4.8L)	0.145	22:19

2nd TEST NOT REQUESTED

All alcohol values reported in g/210L
 Sim. Vapor Concentration 0.098
 Sim. Vapor Range 0.093 - 0.103
 Simulator Temp 34.0°C



CHEMIST AFFIDAVIT

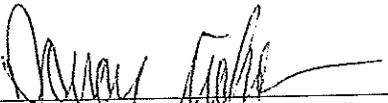
NOW COMES Darcy Richardson, affiant, being duly sworn and on oath, deposes and says:

- 1) The information contained in this affidavit is true and accurate to the best of my knowledge.
- 2) I am a chemist employed by the Vermont Department of Health Laboratory.
- 3) I have testified in Vermont as an expert witness in the field of analytical chemistry, blood alcohol physiology and pharmacology and on the workings of the DataMaster instrument. I have been qualified as an expert witness in every court in which I have testified.
- 4) On July 9th, 2010, I reviewed the affidavit, processing form, and DataMaster evidence ticket of Officer Jason O'Brian with regard to an arrest of Allen Reese for Driving under the Influence of alcohol. The date of arrest was June 5th, 2010.
- 5) In the affidavit, the officer indicates that the motorist submitted to an evidentiary breath test using an infrared device.
- 6) The infrared device in use in Vermont is the DataMaster, a type of infrared spectrophotometer. Through rulemaking, the Department of Health has adopted infrared spectrophotometry as an approved method of breath testing.
- 7) Through rulemaking the Department of Health has established performance standards for all breath tests. The DataMaster meets the performance standards because:
 - A) The DataMaster analyzes a subject's expired alveolar, or deep lung, air.
 - B) The DataMaster is capable of analyzing replicate samples containing a known amount of alcohol with a precision of plus or minus 5% from their mean when alcohol concentrations are reported to three significant figures.
 - C) The DataMaster meets and exceeds the minimum test accuracy required by the Vermont Department of Health rules for alcohol testing of plus or minus 10% when determining the breath alcohol concentration of a person when the concentration is expressed as weight (g) of alcohol per 210 liters of expired air.
 - D) The DataMaster is capable of detecting the presence of compounds in the breath which could potentially interfere with an accurate determination of a breath alcohol concentration.
 - E) The DataMaster and the procedures for its use have been approved by the Commissioner of Health for the purpose of evidentiary breath alcohol testing.
- 8) The DataMaster has been tested by the Vermont Department of Health and has been found to be an accurate and reliable instrument for measuring alcohol content. ~~The DataMaster has also been tested by the federal government and has been approved by the federal government as an~~

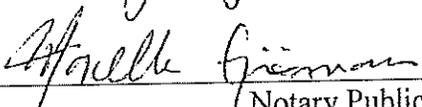
evidentiary device. The DataMaster appears on the federal government's Conforming Products List.

- 9) A DataMaster result obtained by an officer certified to operate the instrument and when taken in accordance with their Department of Health training, is accurate and reliable and is in compliance with the provisions of the Department of Health rules.
- 10) After reviewing the affidavit, processing form and DataMaster evidence ticket in this case, and based upon my knowledge of the working of the DataMaster, I believe that the instrument used in this case meets the Department of Health performance standards and that the test result of 0.119 is an accurate and valid indication of the alcohol content in the motorist's system at the time of the test.

Dated at Burlington in the county of Chittenden, Vermont, on this 9th day of July, 2010.


Darcy Richardson, Affiant

Subscribed to and sworn before me on this 9th day of July, 2010.


Notary Public



DUI Subject Test

STATE OF VERMONT

DataMaster DMT: 104309
 BRATTLEBORO PD
 Certification Date: 01/25/2010
 Installation Date: 02/11/2010

Date: 06/05/2010
 Time: 03:49:29

Subject Name: ALLEN C REESE
 Date of Birth: 07/11/1962 Age: 47
 Gender: M
 License #: 5017624 NC

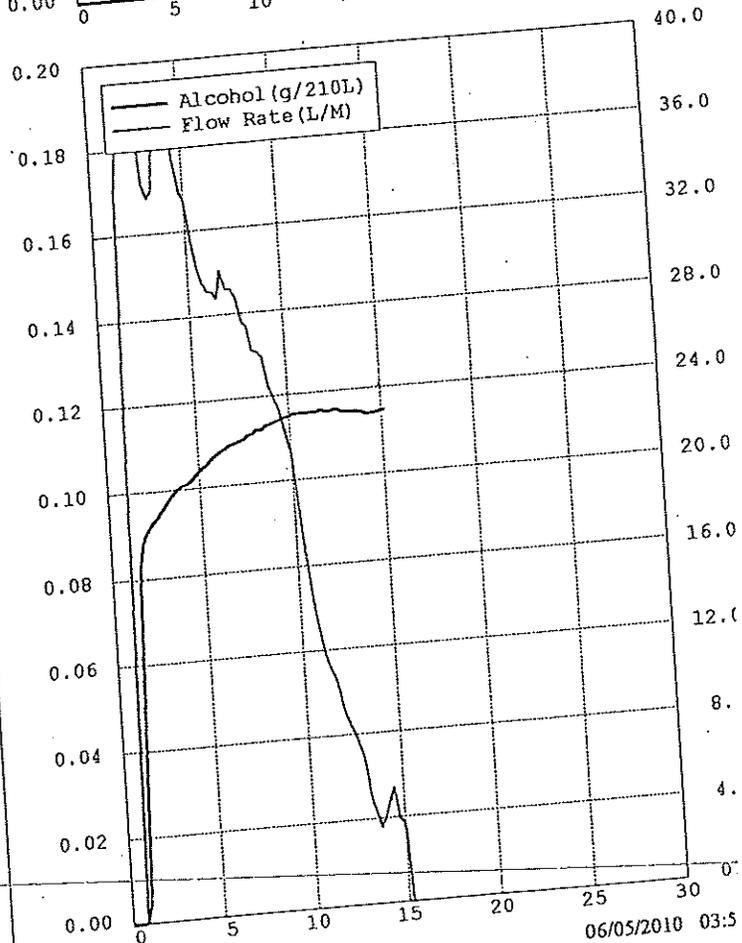
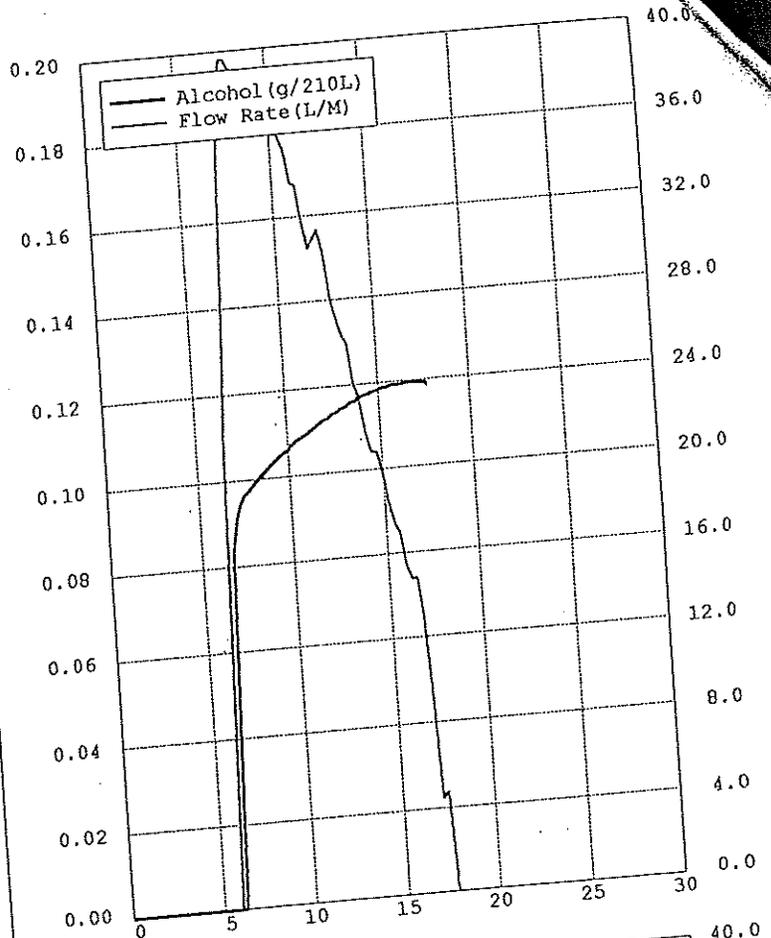
Case #: 10BB04073
 Time of Operation: 02:42
 Location of Incident: HIGH STREET
 Town: BRATTLEBORO
 County: WINDHAM

Test Operator Name: J O'BRIAN
 Agency: BRATTLEBORO PD

Obs. Period Start: 03:32

BLANK TEST	0.000	03:50
CALIBRATION CHECK	PASSED	03:50
SIMULATOR VAPOR	0.097	03:50
BLANK TEST	0.000	03:51
SUBJECT SAMPLE (Vol=5.1L)	0.119	03:52
BLANK TEST	0.000	03:53
CALIBRATION CHECK	PASSED	03:53
SIMULATOR VAPOR	0.096	03:53
BLANK TEST	0.000	03:54
SUBJECT SAMPLE (Vol=5.4L)	0.115	03:55

All alcohol values reported in g/210L
 Sim. Vapor Concentration 0.100
 Sim. Vapor Range 0.095 - 0.105
 Simulator Temp 33.9°C



CHEMIST AFFIDAVIT

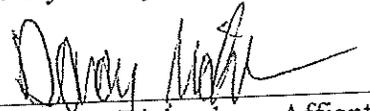
NOW COMES Darcy Richardson, affiant, being duly sworn and on oath, deposes and says:

- 1) The information contained in this affidavit is true and accurate to the best of my knowledge.
- 2) I am a chemist employed by the Vermont Department of Health Laboratory.
- 3) I have testified in Vermont as an expert witness in the field of analytical chemistry, blood alcohol physiology and pharmacology and on the workings of the DataMaster instrument. I have been qualified as an expert witness in every court in which I have testified.
- 4) On July 9th, 2010, I reviewed the affidavit, processing form, and DataMaster evidence ticket of Officer Christine Jordan with regard to an arrest of Thomas Chisamore for Driving under the Influence of alcohol. The date of arrest was June 8th, 2010.
- 5) In the affidavit, the officer indicates that the motorist submitted to an evidentiary breath test using an infrared device.
- 6) The infrared device in use in Vermont is the DataMaster, a type of infrared spectrophotometer. Through rulemaking, the Department of Health has adopted infrared spectrophotometry as an approved method of breath testing.
- 7) Through rulemaking the Department of Health has established performance standards for all breath tests. The DataMaster meets the performance standards because:
 - A) The DataMaster analyzes a subject's expired alveolar, or deep lung, air.
 - B) The DataMaster is capable of analyzing replicate samples containing a known amount of alcohol with a precision of plus or minus 5% from their mean when alcohol concentrations are reported to three significant figures.
 - C) The DataMaster meets and exceeds the minimum test accuracy required by the Vermont Department of Health rules for alcohol testing of plus or minus 10% when determining the breath alcohol concentration of a person when the concentration is expressed as weight (g) of alcohol per 210 liters of expired air.
 - D) The DataMaster is capable of detecting the presence of compounds in the breath which could potentially interfere with an accurate determination of a breath alcohol concentration.
 - E) The DataMaster and the procedures for its use have been approved by the Commissioner of Health for the purpose of evidentiary breath alcohol testing.
- 8) The DataMaster has been tested by the Vermont Department of Health and has been found to be an accurate and reliable instrument for measuring alcohol content. The DataMaster has also been tested by the federal government and has been approved by the federal government as an

evidentiary device. The DataMaster appears on the federal government's Conforming Products List.

- 9) A DataMaster result obtained by an officer certified to operate the instrument and when taken in accordance with their Department of Health training, is accurate and reliable and is in compliance with the provisions of the Department of Health rules.
- 10) After reviewing the affidavit, processing form and DataMaster evidence ticket in this case, and based upon my knowledge of the working of the DataMaster, I believe that the instrument used in this case meets the Department of Health performance standards and that the test result of 0.202 is an accurate and valid indication of the alcohol content in the motorist's system at the time of the test.

Dated at Burlington in the county of Chittenden, Vermont, on this 9th day of July, 2010.



Darcy Richardson, Affiant

Subscribed to and sworn before me on this 9th day of July, 2010.



Notary Public



DUI Subject Test

STATE OF VERMONT

DataMaster DMT: 104209
 BELLOWS FALLS PD
 Certification Date: 02/05/2010
 Installation Date: 02/09/2010

Date: 06/08/2010
 Time: 02:40:56

Subject Name: THOMAS J CHISAMORE
 Date of Birth: 09/02/1985 Age: 24
 Gender: M
 License #: 32052436 VT

Case #: 10BF01913
 Time of Operation: 01:48
 Location of Incident: ROCKINGHAM STREET/DR JOHNSONS OFFICE
 Town: ROCKINGHAM
 County: WINDHAM

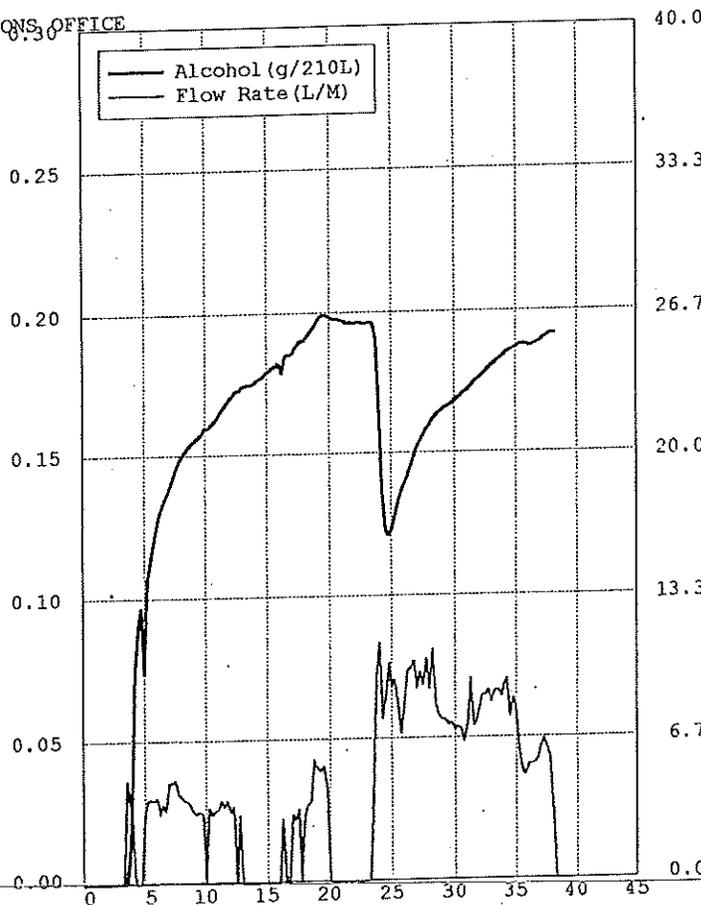
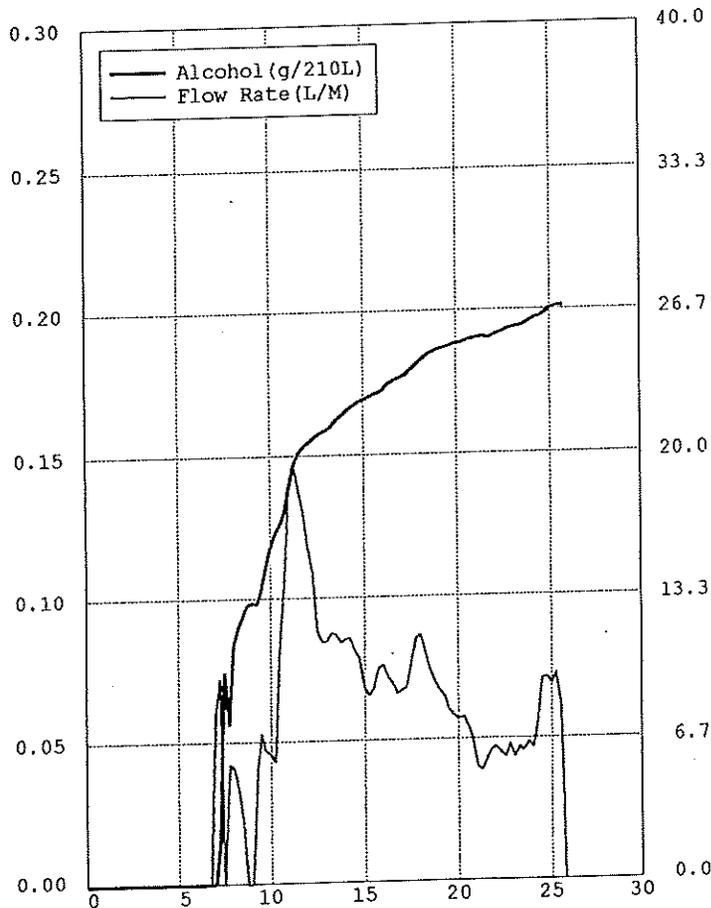
Test Operator Name: CHRISTINE P JORDAN
 Agency: BELLOWS FALLS PD

Obs. Period Start: 02:17
 Obs. Restart: burped/belched 02:25

BLANK TEST	0.000	02:41
CALIBRATION CHECK	PASSED	02:41
SIMULATOR VAPOR	0.099	02:42
BLANK TEST	0.000	02:43
SUBJECT SAMPLE (Vol=2.5L)	0.202	02:43

BLANK TEST	0.000	02:45
CALIBRATION CHECK	PASSED	02:45
SIMULATOR VAPOR	0.099	02:45
BLANK TEST	0.000	02:46
SUBJECT SAMPLE (Vol=1.9L)	0.192	02:47

All alcohol values reported in g/210L
 Sim. Vapor Concentration 0.103
 Sim. Vapor Range 0.098 - 0.108
 Simulator Temp 33.9°C



CHEMIST AFFIDAVIT

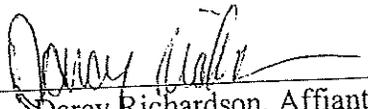
NOW COMES Darcy Richardson, affiant, being duly sworn and on oath, deposes and says:

- 1) The information contained in this affidavit is true and accurate to the best of my knowledge.
- 2) I am a chemist employed by the Vermont Department of Health Laboratory.
- 3) I have testified in Vermont as an expert witness in the field of analytical chemistry, blood alcohol physiology and pharmacology and on the workings of the DataMaster instrument. I have been qualified as an expert witness in every court in which I have testified.
- 4) On July 9th, 2010, I reviewed the affidavit, processing form, and DataMaster evidence ticket of Trooper Jeffrey Trudeau with regard to an arrest of Amy Graves for Driving under the Influence of alcohol. The date of arrest was June 10th, 2010.
- 5) In the affidavit, the officer indicates that the motorist submitted to an evidentiary breath test using an infrared device.
- 6) The infrared device in use in Vermont is the DataMaster, a type of infrared spectrophotometer. Through rulemaking, the Department of Health has adopted infrared spectrophotometry as an approved method of breath testing.
- 7) Through rulemaking the Department of Health has established performance standards for all breath tests. The DataMaster meets the performance standards because:
 - A) The DataMaster analyzes a subject's expired alveolar, or deep lung, air.
 - B) The DataMaster is capable of analyzing replicate samples containing a known amount of alcohol with a precision of plus or minus 5% from their mean when alcohol concentrations are reported to three significant figures.
 - C) The DataMaster meets and exceeds the minimum test accuracy required by the Vermont Department of Health rules for alcohol testing of plus or minus 10% when determining the breath alcohol concentration of a person when the concentration is expressed as weight (g) of alcohol per 210 liters of expired air.
 - D) The DataMaster is capable of detecting the presence of compounds in the breath which could potentially interfere with an accurate determination of a breath alcohol concentration.
 - E) The DataMaster and the procedures for its use have been approved by the Commissioner of Health for the purpose of evidentiary breath alcohol testing.
- 8) The DataMaster has been tested by the Vermont Department of Health and has been found to be an accurate and reliable instrument for measuring alcohol content. The DataMaster has also been tested by the federal government and has been approved by the federal government as an

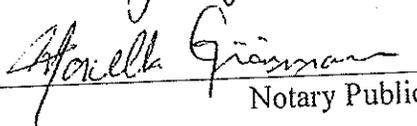
evidentiary device. The DataMaster appears on the federal government's Conforming Products List.

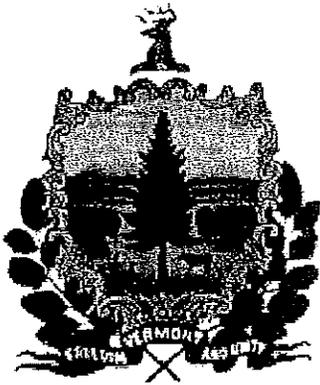
- 9) A DataMaster result obtained by an officer certified to operate the instrument and when taken in accordance with their Department of Health training, is accurate and reliable and is in compliance with the provisions of the Department of Health rules.
- 10) After reviewing the affidavit, processing form and DataMaster evidence ticket in this case, and based upon my knowledge of the working of the DataMaster, I believe that the instrument used in this case meets the Department of Health performance standards and that the test result of 0.187 is an accurate and valid indication of the alcohol content in the motorist's system at the time of the test.

Dated at Burlington in the county of Chittenden, Vermont, on this 9th day of July, 2010.


Darcy Richardson, Affiant

Subscribed to and sworn before me on this 9th day of July, 2010.


Notary Public



DUI Subject Test

STATE OF VERMONT

DataMaster DMT: 104509
 BRATTLEBORO VSP
 Certification Date: 02/05/2010
 Installation Date: 02/11/2010

Date: 06/11/2010
 Time: 01:05:00

Subject Name: AMY E GRAVES
 Date of Birth: 06/25/1973 Age: 36
 Gender: F
 License #: 06GSA73251 NH

Case #: 10D201507
 Time of Operation: 23:59
 Location of Incident: PUTNEY ROAD / RT 9
 Town: BRATTLEBORO
 County: WINDHAM

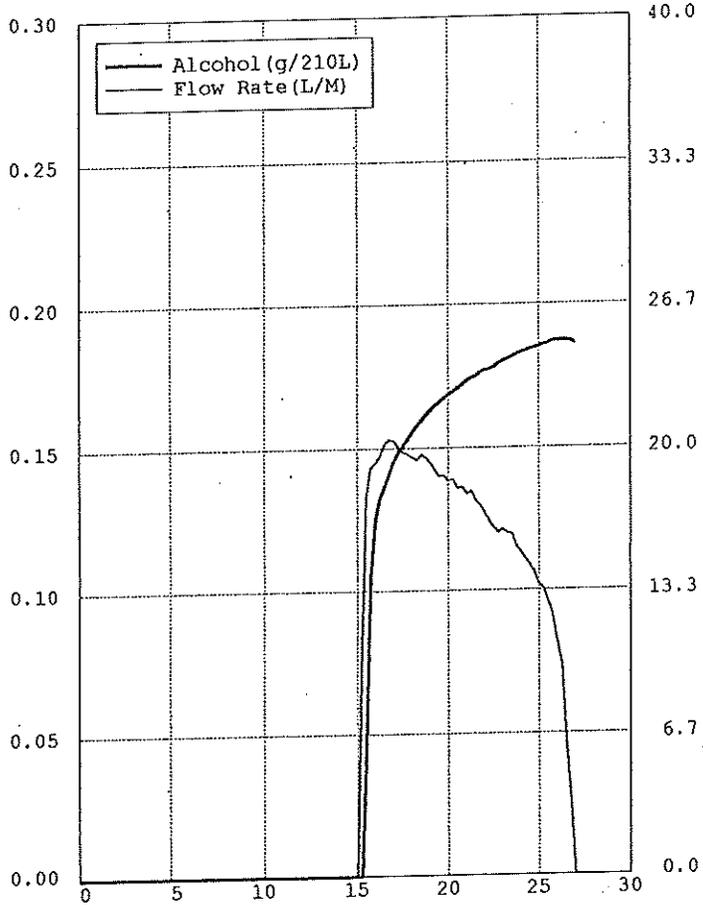
Test Operator Name: JEFFREY E TRUDEAU
 Agency: BRATTLEBORO VSP

Obs. Period Start: 00:50

BLANK TEST	0.000	01:05
CALIBRATION CHECK	PASSED	01:06
SIMULATOR VAPOR	0.099	01:06
BLANK TEST	0.000	01:07
SUBJECT SAMPLE (Vol=3.2L)	0.187	01:07

2nd TEST NOT REQUESTED

All alcohol values reported in g/210L
 Sim. Vapor Concentration 0.098
 Sim. Vapor Range 0.093 - 0.103
 Simulator Temp 34.1°C



217
 (initials)

CHEMIST AFFIDAVIT

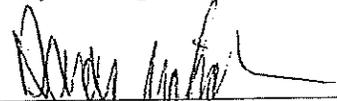
NOW COMES Darcy Richardson, affiant, being duly sworn and on oath, deposes and says:

- 1) The information contained in this affidavit is true and accurate to the best of my knowledge.
- 2) I am a chemist employed by the Vermont Department of Health Laboratory.
- 3) I have testified in Vermont as an expert witness in the field of analytical chemistry, blood alcohol physiology and pharmacology and on the workings of the DataMaster instrument. I have been qualified as an expert witness in every court in which I have testified.
- 4) On August 6th, 2010, I reviewed the affidavit, processing form, and DataMaster evidence ticket of Trooper Jay Riggen with regard to an arrest of Joseph Marcoux for Driving under the Influence of alcohol. The date of arrest was July 20th, 2010.
- 5) In the affidavit, the officer indicates that the motorist submitted to an evidentiary breath test using an infrared device.
- 6) The infrared device in use in Vermont is the DataMaster, a type of infrared spectrophotometer. Through rulemaking, the Department of Health has adopted infrared spectrophotometry as an approved method of breath testing.
- 7) Through rulemaking the Department of Health has established performance standards for all breath tests. The DataMaster meets the performance standards because:
 - A) The DataMaster analyzes a subject's expired alveolar, or deep lung, air.
 - B) The DataMaster is capable of analyzing replicate samples containing a known amount of alcohol with a precision of plus or minus 5% from their mean when alcohol concentrations are reported to three significant figures.
 - C) The DataMaster meets and exceeds the minimum test accuracy required by the Vermont Department of Health rules for alcohol testing of plus or minus 10% when determining the breath alcohol concentration of a person when the concentration is expressed as weight (g) of alcohol per 210 liters of expired air.
 - D) The DataMaster is capable of detecting the presence of compounds in the breath which could potentially interfere with an accurate determination of a breath alcohol concentration.
 - E) The DataMaster and the procedures for its use have been approved by the Commissioner of Health for the purpose of evidentiary breath alcohol testing.
- 8) The DataMaster has been tested by the Vermont Department of Health and has been found to be an accurate and reliable instrument for measuring alcohol content. The DataMaster has also been tested by the federal government and has been approved by the federal government as an

evidentiary device. The DataMaster appears on the federal government's Conforming Products List.

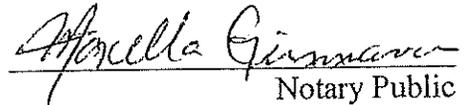
- 9) A DataMaster result obtained by an officer certified to operate the instrument and when taken in accordance with their Department of Health training, is accurate and reliable and is in compliance with the provisions of the Department of Health rules.
- 10) After reviewing the affidavit, processing form and DataMaster evidence ticket in this case, and based upon my knowledge of the working of the DataMaster, I believe that the instrument used in this case meets the Department of Health performance standards and that the test result of 0.148 is an accurate and valid indication of the alcohol content in the motorist's system at the time of the test.

Dated at Burlington in the county of Chittenden, Vermont, on this 6th day of August, 2010.



Darcy Richardson, Affiant

Subscribed to and sworn before me on this 6th day of August, 2010.



Anella Giannone
Notary Public



DUI Subject Test

STATE OF VERMONT

DataMaster DMT: 102906
 ST. ALBANS VSP
 Certification Date: 06/30/2008
 Installation Date: 07/01/2008

Date: 07/20/2010
 Time: 22:26:06

Subject Name: JOSEPH MARCOUX
 Date of Birth: 12/20/1973 Age: 36
 Gender: M
 License #:

Case #: 10A203055
 Time of Operation: 19:45
 Location of Incident:
 Town: ALBURGH
 County: GRANDISLE

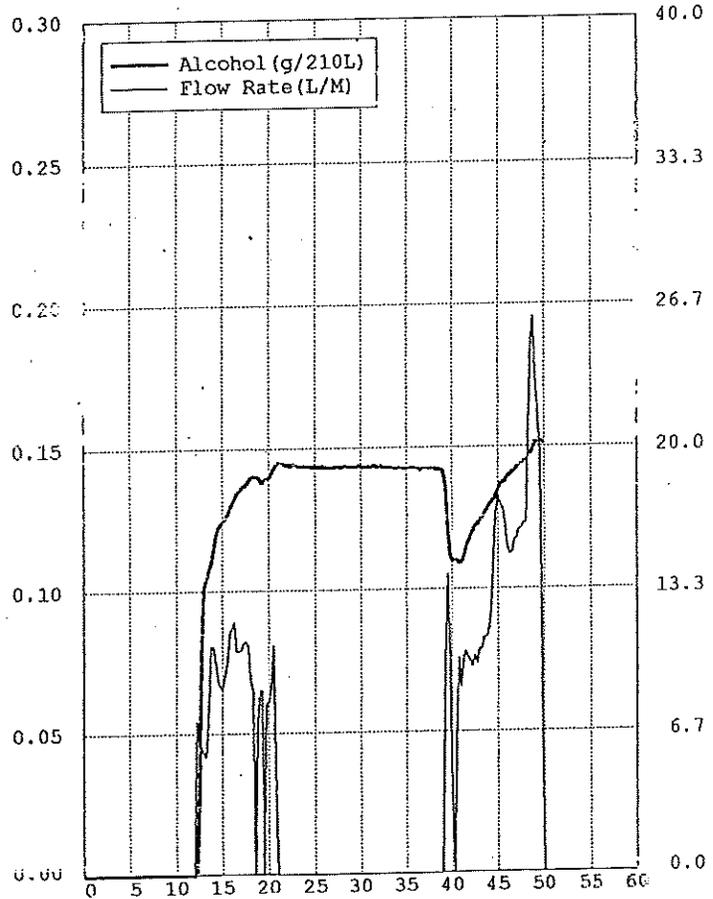
Test Operator Name: JAY RIGGEN
 Agency: ST. ALBANS VSP

Chg. Period Start: 22:11

BLANK TEST	0.000	22:27
CALIBRATION CHECK	PASSED	22:27
SIMULATOR VAPOR	0.099	22:27
BLANK TEST	0.000	22:28
SUBJECT SAMPLE (Vol=2.2L)	0.148	22:30

2nd TEST NOT REQUESTED

All alcohol values reported in g/210L
 Sim. Vapor Concentration 0.101
 Sim. Vapor Range 0.096 - 0.106
 Simulator Temp 33.9°C



CHEMIST AFFIDAVIT

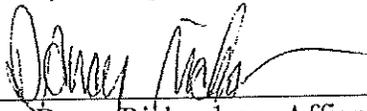
NOW COMES Darcy Richardson, affiant, being duly sworn and on oath, deposes and says:

- 1) The information contained in this affidavit is true and accurate to the best of my knowledge.
- 2) I am a chemist employed by the Vermont Department of Health Laboratory.
- 3) I have testified in Vermont as an expert witness in the field of analytical chemistry, blood alcohol physiology and pharmacology and on the workings of the DataMaster instrument. I have been qualified as an expert witness in every court in which I have testified.
- 4) On August 6th, 2010, I reviewed the affidavit, processing form, and DataMaster evidence ticket of Officer Jason O'Brian with regard to an arrest of Billy Depue for Driving under the Influence of alcohol. The date of arrest was July 11th, 2010.
- 5) In the affidavit, the officer indicates that the motorist submitted to an evidentiary breath test using an infrared device.
- 6) The infrared device in use in Vermont is the DataMaster, a type of infrared spectrophotometer. Through rulemaking, the Department of Health has adopted infrared spectrophotometry as an approved method of breath testing.
- 7) Through rulemaking the Department of Health has established performance standards for all breath tests. The DataMaster meets the performance standards because:
 - A) The DataMaster analyzes a subject's expired alveolar, or deep lung, air.
 - B) The DataMaster is capable of analyzing replicate samples containing a known amount of alcohol with a precision of plus or minus 5% from their mean when alcohol concentrations are reported to three significant figures.
 - C) The DataMaster meets and exceeds the minimum test accuracy required by the Vermont Department of Health rules for alcohol testing of plus or minus 10% when determining the breath alcohol concentration of a person when the concentration is expressed as weight (g) of alcohol per 210 liters of expired air.
 - D) The DataMaster is capable of detecting the presence of compounds in the breath which could potentially interfere with an accurate determination of a breath alcohol concentration.
 - E) The DataMaster and the procedures for its use have been approved by the Commissioner of Health for the purpose of evidentiary breath alcohol testing.
- 8) The DataMaster has been tested by the Vermont Department of Health and has been found to be an accurate and reliable instrument for measuring alcohol content. The DataMaster has also been tested by the federal government and has been approved by the federal government as an

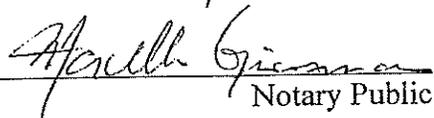
evidentiary device. The DataMaster appears on the federal government's Conforming Products List.

- 9) A DataMaster result obtained by an officer certified to operate the instrument and when taken in accordance with their Department of Health training, is accurate and reliable and is in compliance with the provisions of the Department of Health rules.
- 10) After reviewing the affidavit, processing form and DataMaster evidence ticket in this case, and based upon my knowledge of the working of the DataMaster, I believe that the instrument used in this case meets the Department of Health performance standards and that the test result of 0.180 is an accurate and valid indication of the alcohol content in the motorist's system at the time of the test.

Dated at Burlington in the county of Chittenden, Vermont, on this 6th day of August, 2010.


Darcy Richardson, Affiant

Subscribed to and sworn before me on this 6th day of August, 2010.


Notary Public



DUI Subject Test

STATE OF VERMONT

DataMaster DMT: 104309
 BRATTLEBORO PD
 Certification Date: 01/25/2010
 Installation Date: 02/11/2010

Date: 07/11/2010
 Time: 03:46:22

Subject Name: BILLY R DEPUE
 Date of Birth: 05/18/1980 Age: 30
 Gender: M
 License #: AZ

Case #: 10BB05117
 Time of Operation: 02:41
 Location of Incident: ELM STREET
 Town: BRATTLEBORO
 County: WINDHAM

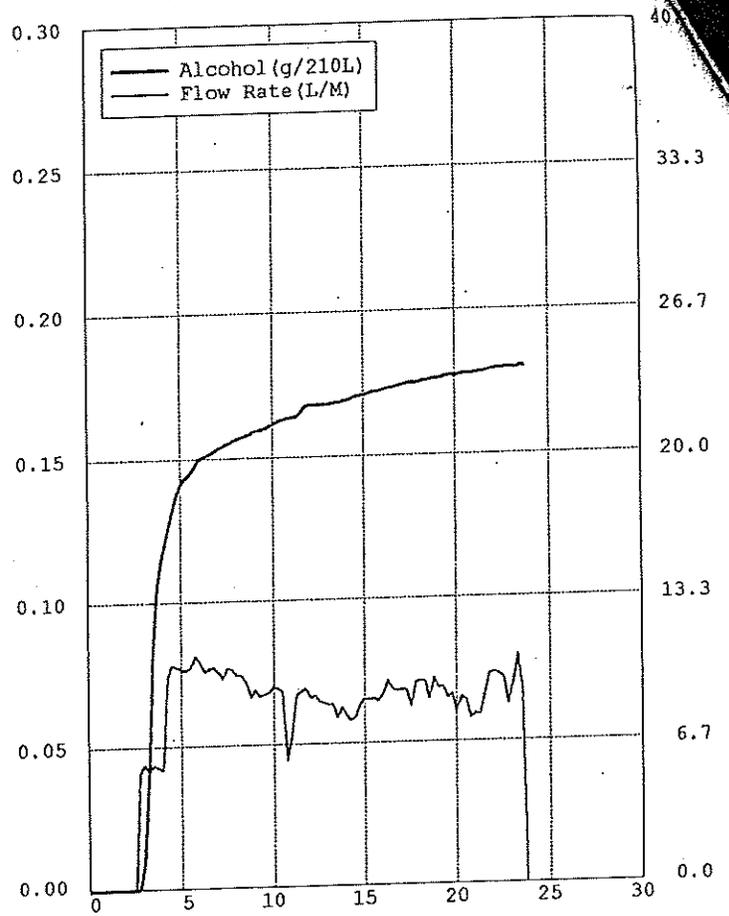
Test Operator Name: J O'BRIAN
 Agency: BRATTLEBORO PD

Obs. Period Start: 03:29

BLANK TEST	0.000	03:47
CALIBRATION CHECK	PASSED	03:47
SIMULATOR VAPOR	0.102	03:47
BLANK TEST	0.000	03:48
SUBJECT SAMPLE (Vol=3.0L)	0.180	03:49

2nd TEST NOT REQUESTED

All alcohol values reported in g/210L
 Sim. Vapor Concentration 0.103
 Sim. Vapor Range 0.098 - 0.108
 Simulator Temp 33.9°C



CHEMIST AFFIDAVIT

NOW COMES Darcy Richardson, affiant, being duly sworn and on oath, deposes and says:

- 1) The information contained in this affidavit is true and accurate to the best of my knowledge.
- 2) I am a chemist employed by the Vermont Department of Health Laboratory.
- 3) I have testified in Vermont as an expert witness in the field of analytical chemistry, blood alcohol physiology and pharmacology and on the workings of the DataMaster instrument. I have been qualified as an expert witness in every court in which I have testified.
- 4) On August 20th, 2010, I reviewed the affidavit, processing form, and DataMaster evidence ticket of Officer James Godinho with regard to an arrest of Christopher Denette for Driving under the Influence of alcohol. The date of arrest was July 30th, 2010.
- 5) In the affidavit, the officer indicates that the motorist submitted to an evidentiary breath test using an infrared device.
- 6) The infrared device in use in Vermont is the DataMaster, a type of infrared spectrophotometer. Through rulemaking, the Department of Health has adopted infrared spectrophotometry as an approved method of breath testing.
- 7) Through rulemaking the Department of Health has established performance standards for all breath tests. The DataMaster meets the performance standards because:
 - A) The DataMaster analyzes a subject's expired alveolar, or deep lung, air.
 - B) The DataMaster is capable of analyzing replicate samples containing a known amount of alcohol with a precision of plus or minus 5% from their mean when alcohol concentrations are reported to three significant figures.
 - C) The DataMaster meets and exceeds the minimum test accuracy required by the Vermont Department of Health rules for alcohol testing of plus or minus 10% when determining the breath alcohol concentration of a person when the concentration is expressed as weight (g) of alcohol per 210 liters of expired air.
 - D) The DataMaster is capable of detecting the presence of compounds in the breath which could potentially interfere with an accurate determination of a breath alcohol concentration.
 - E) The DataMaster and the procedures for its use have been approved by the Commissioner of Health for the purpose of evidentiary breath alcohol testing.
- 8) The DataMaster has been tested by the Vermont Department of Health and has been found to be an accurate and reliable instrument for measuring alcohol content. The DataMaster has also been tested by the federal government and has been approved by the federal government as an

evidentiary device. The DataMaster appears on the federal government's Conforming Products List.

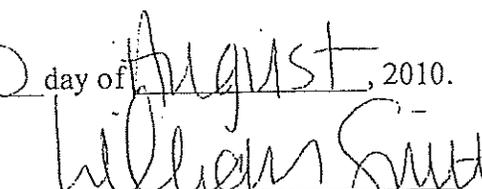
- 9) A DataMaster result obtained by an officer certified to operate the instrument and when taken in accordance with their Department of Health training, is accurate and reliable and is in compliance with the provisions of the Department of Health rules.
- 10) After reviewing the affidavit, processing form and DataMaster evidence ticket in this case, and based upon my knowledge of the working of the DataMaster, I believe that the instrument used in this case meets the Department of Health performance standards and that the test result of 0.161 is an accurate and valid indication of the alcohol content in the motorist's system at the time of the test.

Dated at Burlington in the county of Chittenden, Vermont, on this 20th day of August, 2010.



Darcy Richardson, Affiant

Subscribed to and sworn before me on this 20 day of August, 2010.



Notary Public



DUI Subject Test

STATE OF VERMONT

DataMaster DMT: 104309
 BRATTLEBORO PD
 Certification Date: 01/25/2010
 Installation Date: 02/11/2010

Date: 07/30/2010
 Time: 03:09:16

Subject Name: CHRISTOPHER M DENETTE
 Date of Birth: 10/17/1982 Age: 27
 Gender: M
 License #: 91985322 VT

Case #: 10BB05650
 Time of Operation: 02:02
 Location of Incident: HIGH GROVE LOT
 Town: BRATTLEBORO
 County: WINDHAM

Test Operator Name: JAMES A GODINHO
 Agency: BRATTLEBORO PD

Obs. Period Start: 02:54

BLANK TEST	0.000	03:10
CALIBRATION CHECK	PASSED	03:10
SIMULATOR VAPOR	0.100	03:10
BLANK TEST	0.000	03:11
SUBJECT SAMPLE (Vol=4.9L)	0.161	03:12
BLANK TEST	0.000	03:13
CALIBRATION CHECK	PASSED	03:13
SIMULATOR VAPOR	0.100	03:13
BLANK TEST	0.000	03:14
SUBJECT SAMPLE (Vol=6.1L)	0.159	03:15

All alcohol values reported in g/210L
 Sim. Vapor Concentration 0.103
 Sim. Vapor Range 0.098 - 0.108
 Simulator Temp 33.9°C

