



NO. _____

STATE OF TEXAS

§ IN THE COUNTY COURT

vs.

§ AT LAW NO. _____

§ JEFFERSON COUNTY, TEXAS

STANDARD LOCAL DISCOVERY ORDER FOR BREATH RECORDS

THE COURT ORDERS the District Attorney's Office and its agent, the forensic laboratory that employs the Jefferson County Technical Supervisors and maintains the related machine in question that analyzed the Defendant's breath in this case, specifically, The Jefferson County Crime Lab, to copy and produce the documentation referenced below to the defense attorney as directed below:

1. The Complete Instrument Certificate file for the I5000 used in the case in question including:
 - a) Calibration Analyst Worksheets
 - b) Spreadsheets of documents submitted for technical and administrative review for the I5000 used in the case
 - c) Technical and Administrative Review Checklist for the I5000 used in the case
 - d) Documentation sufficient to Identify the Technical Supervisor who actually performed the calibration on the I5000 used in this case.
2. Solution File for the solution used in the I5000 for the case in question.
3. Subject File for the I5000 used in the case in question for the sixty days before and after the test was conducted.
4. Maintenance Records, Maintenance Log and Monthly Inspection Records for the I5000 for the six months before and after the test conducted for the case in question.

5. Documentation relating to the NIST (National Institute of Standards and Technology) traceability for the calibration of the I5000 used in the case in question.
6. All items or reports reflecting or evidencing calibration of the NIST traceable thermometers used for the calibration of the I5000 utilized in the case in question for the calibration performed immediately prior to, and after the case in question.
7. All documents reflecting or documenting changes to EPROM programming and replacement of the EPROM (or any other programmable chip) used in the Intoxilyzer used for the test in this case.
8. A copy of the certificate authorizing the Intoxilyzer operator in this case to operate the Intoxilyzer used in this case for the year of the test.
9. A copy of the certificate authorizing the technical supervisor to supervise the operator and the machine in this case for the year of the test.
10. A copy of all policies governing the operation of the Intoxilyzer used in this case not otherwise published or contained in the Texas Administrative Code, a statute of this State or contained in the Standard Operating Guidelines for Technical Supervisors once they are available.
11. All DPS annual Inspection Reports for one year before and after the test in this case.
12. All pictures taken during the past internal inspection for the machine in question.

Signed this the _____ day of _____, 2016.

JUDGE PRESIDING
COUNTY COURT AT LAW NO. _____
JEFFERSON COUNTY, TEXAS

Certificate of Compliance & Acknowledgement

The undersigned counsel for the defendant certifies the requests for discovery made in Items 1-12 are made in good faith and not for the purpose of delay and all items requested are the exact items previously approved by the Court pursuant to the Standard Local Discovery Order for Breath Records. Furthermore, the undersigned counsel

acknowledges that this request may impact future plea bargaining negotiations and eligibility for the DWI Pre-Trial Diversion Program pursuant to the discretionary policies of the Criminal District Attorney's Office.

Signature of Attorney for the Defendant

Printed Name:

Address:

Phone/Fax:

Email: