

LOWER TOWNSHIP POLICE DEPARTMENT		ITEMS SENT FOR DISCOVERY
State VS.:	John A. Chew	Case No.: 2018-11836
ENCLOSED	TYPE OF REPORT	ADDITIONAL INFORMATION
	Accident Report	
	Arrest Report	
	DWI Alcohol Influence Report	
	DWI Alcotest Certifications	
	DWI Orientation & Coordination Testing Form	
	DWI Standard Statement	
	DWI Potential Liability Warning	
	DWI Drinking and Driving Investigation Report	
	DWI Officer Alcotest Certification	
	Drinking and Driving Questionnaire	
	NJ State Alcotest Calculator	
	Last Drink Location Report	
	Evidence Submission/Review/Receipt	
	Laboratory Report/Request for Examination of Evidence	
	Custody Receipt/Laboratory Inventory Sheet	
	Motor Vehicle Driving Abstract	
	Motor Vehicle Summons	
	Photographs/Photo Log Sheet	
	Chain of Custody Report/Property Report	
	State Complaints/Summons/Warrants	
	Statements Formal/Voluntary	
	Statement of Loss Report/Victim Property Loss Report	
	Supplementary Investigation Report	
	Investigation Report	
	Officer Radar Certification	
	Radar Log Sheet/Tuning Forks/Calibration Certification	
	NJ Domestic Violence Complaint/TRO/FRO	
	Domestic Violence State Form	
	Pre Lock-up Survey	
	Release	
	General Complaint/Calls for Service/CAD Entry	
	Miranda Rights/Warning	
	Remand Letter	
	Affidavit of Ownership	
	DL/Registration/Insurance Cards	
	Hospital Blood Withdrawal Forms	
	MVR Recording Request Form	
1	Subpoena Duces Tecum	

Additional
Discovery

TO: Rodgers / Gelzunas (WWC Prosecutor) DATE: August 17, 2018

VIA: Mail PREPARED BY: 

Ronald J. Gelzunas, Municipal Prosecutor
Borough of Wildwood Crest, Municipal Court
6101 Pacific Avenue
Wildwood Crest, New Jersey 08260
(609) 854-4502; Fax (609) 784-0999
RonGelzunas@Comcast.net
ATORNEY I.D. NO.: 013322000
Attorney for the State of New Jersey

STATE OF NEW JERSEY,

v.

JOHN A. CHEW, Defendant.

MUNICIPAL COURT
BOROUGH OF WILDWOOD CREST
CAPE MAY COUNTY

COMPLAINT No.: 0505 A 063726

CRIMINAL ACTION

SUBPOENA DUCES TECUM

STATE OF NEW JERSEY TO: Scott Mills, Director of Health Information Management,
Cape Regional Medical Center, 2 Stone Harbor Boulevard, Cape May Court House, NJ 08210.

YOU ARE HEREBY COMMANDED to release the blood test report of the captioned individual. This report relates specifically to analysis and testing of blood drawn from John A. Chew at Cape Regional Medical Center, 2 Stone Harbor Boulevard, Cape May Court House, NJ on or about April 27, 2018 in connection with medical treatment on or about said date and as same relates to findings as to alcohol and/or drug content detected, if any.

For failure to obey this Subpoena you may be held in criminal contempt and a warrant may be issued for your arrest.

Dated: _____

8/4/18

 RMC E/c
Honorable Louis Belasco, P.J.M.C.,
Borough of Wildwood Crest

**MUNICIPAL COURT OF
WILDWOOD CREST**

**APPLICATION FOR
SUBPOENA**

**STATE OF NEW JERSEY]
COUNTY OF CAPE MAY] ss.**

Patrolman Michael Nuscis of the Lower Township Police Department, being of full age and having been duly sworn upon my oath according to law, hereby depose and say:
The training and experience of this officer is:

I am employed by the Lower Township Police Department, in which capacity I have served since March 2014. It is my primary duty to conduct investigations into violations of criminal statutes and motor vehicle statutes for the State of New Jersey. I am currently assigned as a Patrolman with the Lower Township Police Department.

During my employment with the Lower Township Police Department, I have been responsible for, or have been involved in numerous criminal investigations dealing with

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violations of the state statutes concerning assault, sexual assault, burglary, theft, robbery, forgery and violations of the State's possession and distribution of controlled dangerous substance laws which have resulted in the arrest and conviction of numerous individuals. During the course of my employment with the Lower Township Police Department, I have completed the following specialized training:

- Bachelors of Science Health and Physical Education East Stroudsburg University Graduated 2010
- Basic Course for County Corrections Officers Atlantic County Police Academy Graduated January 2012
- Basic Course for Police Officers Gloucester County Police Academy Graduated July 2014
- Basic Drug Recognition Salem County Emergency Center January 2015
- Holtz Arrest Search and Seizure Update Gloucester County Police Academy March 2015
- Driving While Intoxicated Standardized Field Sobriety Testing Cape May County Police Academy May 2016
- J. Harris Arrest Search and Seizure Mount Laurel November 2016
- Advanced Roadside Impairment Driving Enforcement Cape May County Police Academy June 2017
- Preliminary Drug Recognition Expert Training NJSP Moorestown Barracks January 2018
- Drug Recognition Expert School Training Program NJSP Moorestown Barracks February 2018
- New Jersey Impaired Driver Summit East Windsor National Conference Center April 2018
- Cops and Court, Report Writing and Trial Testimony DCJ Training Academy May 2018
- Alcotest Operator Course NJSP Galloway Barracks July 2018

COURT TESTIMONY EXPERTISE

Testified in Lower Township Municipal Court
Testified at Grand Jury Hearings, Cape May County

CP

1. The documents to be obtained are as follows:

(X) Medical records of John A. Chew DOB: 07/04/1970

BECAUSE: Based of the information set forth below I submit there is probable cause to believe that upon, in or above there can be found evidence of a violation of the laws of the State of New Jersey, namely evidence of the offense(s) of driving under the influence N.J.S.A. 39:4-50 et seq. That evidence is any and all documents, medical records, reports and any other evidence pertaining to the offense(s) of driving under the influence N.J.S.A. 39:4-50 et seq.

2. The documents to be obtained are described as follows:

Medical records and or reports pertaining to the content of alcohol, narcotics, hallucinogens, habit-producing drugs or chemical inhalants found in the blood of John A. Chew DOB: 07/04/1970, during treatment at Cape Regional Medical Center on 04/27/2018.

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3. The facts establishing the grounds for this application, and my belief that such grounds exist are based on the following:

A. On April 27, 2018 at approximately 1828 hours, police communications received a call from a concerned citizen regarding a black Chevrolet truck driving erratically on Breakwater road traveling towards Route 9. The concerned citizen described the vehicle as being operated at a high rate of speed and in a manner unsafe to other vehicles on the road.

B. As I was departing the Cape May County Airport Complex, I witnessed the vehicle traveling East on Breakwater road. After turning on to Breakwater road, I again saw the vehicle stopped at the traffic light at the intersection of Breakwater road and Route 9 positioned in the left turning lane. At this time I noticed the vehicle's registration to be New Jersey ZV155S. When the light changed to green, the vehicle made a left turn onto Route 9 Northbound. While traveling behind the vehicle I noticed the driver was not able to maintain the lane of travel. I witnessed



the vehicle cross over the center line as well as the fog line numerous times.

C. In the area of Route 9 and Honeysuckle road, I activated my emergency lights and attempted to perform a motor vehicle stop. The vehicle made a right turn onto Honeysuckle road and continued traveling down Honeysuckle road as I followed with my emergency lights on approximately a quarter of a mile to the intersection of Idell road before coming to a complete stop. As I approached the driver's side of the vehicle, I identified the driver as John Chew. Mr. Chew was seated in the driver's seat and as I began to speak with him, I noticed his eyes were watery and droopy. As Mr. Chew spoke I noticed he was the only person inside of the vehicle and I could detect a strong odor of alcoholic beverage emanating from within the passenger compartment. I asked Mr. Chew to exit the vehicle so that standardized coordination and balance tests could be conducted.

D. The first test performed was a check for Horizontal gaze nystagmus. A stimulus was positioned approximately 12 inches from Mr. Chew's nose and

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slightly above his eye level. I checked to see that both of his pupils were equal in size, and that he did not have resting nystagmus. I moved the stimulus smoothly across his entire field of vision, checking to see that his eyes tracked the stimulus together, which they did. I then checked Mr. Chew's left eye by moving the stimulus to my right bringing his eye as far to the side as it would go. While moving the stimulus I looked at his eye to determine whether it was able to pursue smoothly, it was not. I moved the stimulus all the way to my left, back across Mr. Chew's face checking if his right eye pursued smoothly, it did not. I then repeated this procedure with the same results. I checked Mr. Chew's eyes for distinct and sustained nystagmus at maximum deviation beginning with his left eye by moving the stimulus to his left side until his eye had gone as far to the side as possible. I held the eye at that position for approximately 5 seconds observing the eye for distinct and sustained nystagmus. I then moved the stimulus all the way across Mr. Chew's face to check his right eye in the same manner. I repeated the procedure, checking both eyes again and concluded distinct and sustained nystagmus at maximum deviation was evident in both

eyes. Next I checked Mr. Chew's left eye for the onset of nystagmus prior to 45 degrees by moving the stimulus to my right watching the eye for any sign of jerking. I then checked Mr. Chew's right eye by moving the stimulus to my left, checking in the same manner as his left eye. I repeated this procedure for both eyes and determined there was onset of nystagmus prior to 45 degrees in both of his eyes.

E. The next test that was administered was the Walk and Turn Test. Mr. Chew was unable to complete this test properly. he failed to maintain his stance while listening to the instructions. I also observed that he was swaying. once he began, he was unable to maintain heel to toe contact with each step, he performed more steps then required and turned improperly. he did not count the steps out loud and he used his arms for balance. he was unable to perform the task in a relatively straight line.

F. The next test I administered was the One Leg Stand. When Mr. Chew attempted this test he grasped onto his truck for support and began. He was advised to not hold onto his vehicle and without using his vehicle

for balance he could not complete test properly. I observed a noticeable sway while balancing and he used his arms for balance. While standing and listening to my instructions, I observed that Mr. Chew was leaning on his truck for balance and continuously swaying.

G. Subsequent to failing the tests administered to Mr. Chew, he was placed under arrest for driving under the influence. During his transport to the station, in the enclosed passenger compartment of my patrol vehicle, the odor of alcoholic beverage was more evident. Once in the well lit booking room, I observed Mr. Chew's eyes to be bloodshot and watery and his face was flushed. Mr. Chew was administered an Aclotest and due to the level of the reading, Mr. Chew was taken to Cape Regional Medical Center for treatment and evaluation.

4. The records to be obtained are as follows: Any and all documents, medical records, reports and any other evidence pertaining to the offense(s) of driving under the influence N.J.S.A. 39:4-50 et seq.

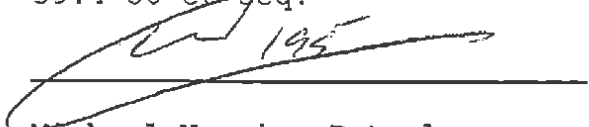
5. I hereby request that the subpoena be served:

(X) Anytime

() Between the hours of: 7:00 am and 7:00 pm

6. WHEREFORE, I respectfully request the issuance of a subpoena to obtain the records described above. I submit that based on the facts listed above there is probable cause to believe that the medical records contain evidence of the offense(s) of driving under the influence N.J.S.A.

39:4-50 et seq.

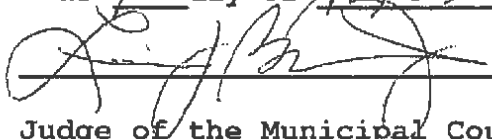


Michael Nuscis, Patrolman
Lower Township Police

Telephonically Approved Date 8/3/18
Ron Coletunas
Prosecutor
Wildwood Crest Municipal Court

Sworn and subscribed to before me

this 4th day of August, 2018



Judge of the Municipal Court of Wildwood Crest

LOWER TOWNSHIP POLICE DEPARTMENT

ITEMS SENT FOR DISCOVERY

State VS.:

John A. Chew

Case No.:

2018-11836

ENCLOSED

TYPE OF REPORT

ADDITIONAL INFORMATION

Accident Report

Arrest Report

DWI Alcohol Influence Report

DWI Alcotest Certifications

DWI Orientation & Coordination Testing Form

DWI Standard Statement

DWI Potential Liability Warning

DWI Drinking and Driving Investigation Report

DWI Officer Alcotest Certification

Drinking and Driving Questionnaire

NJ State Alcotest Calculator

Last Drink Location Report

Evidence Submission/Review/Receipt

Laboratory Report/Request for Examination of Evidence

Custody Receipt/Laboratory Inventory Sheet

Motor Vehicle Driving Abstract

Motor Vehicle Summons

Photographs/Photo Log Sheet

Chain of Custody Report/Property Report

State Complaints/Summons/Warrants

Statements Formal/Voluntary

Statement of Loss Report/Victim Property Loss Report

Supplementary Investigation Report

Investigation Report

Officer Radar Certification

Radar Log Sheet/Tuning Forks/Calibration Certification

NJ Domestic Violence Complaint/TRO/FRO

Domestic Violence State Form

Pre Lock-up Survey

Release

General Complaint/Calls for Service/CAD Entry

Miranda Rights/Warning

Remand Letter

Affidavit of Ownership

DL/Registration/Insurance Cards

Hospital Blood Withdrawal Forms

MVR Recording Request Form

1 Hospital FORMS

Additional
Discovery

WJ

TO: Rodgers | NW Crest Prosecutor Gelzunas

DATE:

August 9, 2018

VIA: Mail

PREPARED BY:

JB

DEPARTMENT OF
Traffic and Public Safety
This is to certify that

William C. Priole
Lower Township

IS QUALIFIED AND COMPETENT TO CONDUCT CHEMICAL BREATH ANALYSIS PURSUANT TO CHAPTER 143 OF
THE LAWS OF 1980 IN THE OPERATION OF THE ALCOTEST 7110 MKIII-C
A METHOD TO DETERMINE INTOXICATION.
GIVEN UNDER MY HAND AT TRENTON, NEW JERSEY THIS 3rd DAY OF February

TWO THOUSAND AND SIX


SUPERINTENDENT
NEW JERSEY STATE POLICE


ATTORNEY GENERAL
STATE OF NEW JERSEY

ORIGINAL COURSE DATES

	DATE	Refresher Course PLACE	INSTRUCTOR
1.	2-1-10	ACSO	WM Linn
2.	11-4-10	ACSO	WM Linn
3.	6-11-12	CMPA	WM Linn
4.	6-4-14	LAPE MARY RD	Adam Stanish
5.	6-23-16	CMPA	Adam Stanish
6.	7-19-18	MUSP FOLLOWS	Adam Stanish
7.			
8.			
9.			

Dräger

Simulator

CERTIFICATE OF ACCURACY

This Certificate of Accuracy verifies that the specified unit has been examined and found to be in compliance with National Highway and Traffic Safety Administration regulations for devices used to calibrate Evidential Breath Testers.
(F.R. Vol. 59 No. 249 12/19/94 Notices)
Dräger, Inc.

- ☒ Model: ALCOTEST CU34
☐ Model: MARK IIA.
☐ Other: _____

Serial Number:

DDW1K53-0402

Certification Date:

12-21-17

Technician:

BC

Re-Certification Due Date:

12-21-18

Dräger

Alcotest 7110 Temperature Probe

CERTIFICATE OF ACCURACY

This is to certify that the Alcotest 7110 Temperature Probe has been tested for accuracy with instrumentation that is traceable to the National Institute of Standards and Technology (NIST). The manufacturer recommends accuracy verification of the Temperature Probe within 12 months of the certification date below, or sooner, according to your state's specifications. For accurate temperature readings, the probe value on this certificate, noted below, must be programmed into the Alcotest 7110.

Serial Number Temp Probe:

DDWSP2-007

Certification Date:

12-18-17

Next Certification Due:

12-18-18

Probe Value:

102

Dräger, Inc.

BC

Dräger

Alcotest® 7110 MKIII-C

CERTIFICATE OF ACCURACY

This is to certify that the Alcotest 7110 MKIII-C has been tested for accuracy and found to be in compliance with the National Highway Traffic Safety Administration Standard for evidential breath testing devices. The Alcotest MKIII-C is compliant as a "mobile" and "nonmobile" EBT with 49 FR 48854, 49 FR 48864 and 58 FR 48705.

The manufacturer recommends accuracy verification of this instrument within 12 months of the calibration date below, or sooner, according to your State Specifications.

Certification Date:

6-22-17

SERIAL NUMBER:

ARWF-0389

Draeger Safety Diagnostics, Inc.

BC

Kevin M. Flanagan Consulting, LLC
P.O. Box 611
Turnersville, New Jersey 08012
Phone (609) 820-9192
Fax (856) 270-2666

August 7, 2018

State v. Chew

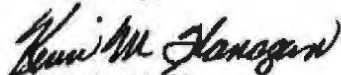
Dear Mr. Rodgers Esq.,

The following documents are missing in discovery reference the above case.

1. Certificate of accuracy for simulator with serial number DDWKS3-0402 not provided.
2. Certificate of accuracy for temperature probe serial number, DDWJP2-007 not provided.
3. Valid Operator's Certification (Solution Change Operator), Lt. Priole's card not provided.

If you have any questions please feel free to contact me.

Sincerely,


Kevin M. Flanagan

**Kevin M. Flanagan Consulting LLC
P.O. Box 611
Turnersville, New Jersey 08012**

Joseph J. Rodgers, Esq.
5901 New Jersey Avenue
Wildwood Crest, New Jersey 08260

August 7, 2018

Re: State v. John A. Chew
Lower Township Municipal Court
Date of Arrest: April 27, 2018

Dear Mr. Rodgers:

Thank you for hiring me to evaluate Mr. Chew's DWI arrest of April 27, 2018.

I base my opinion on the following items which are set forth in the appendix attached to this report: my background, a list of the materials reviewed in this matter, along with accepted standards for the testing and protocols used by the **Lower Township** Police department in this matter.

The following standards and protocols are set forth in the appendix:

- Twenty minute observation period
- Field Sobriety testing
- RFI/EMI
- Repair records
- Two minute lock-out

Complete discovery has not been provided. Missing from the documentation, which would be important to my assessment of this matter is the following:

- Draeger Safety Diagnostics Inc. repair records
- New Jersey State Police service records

Operation and Stop of the Motor Vehicle

Mr. Chew was stopped for an alleged motor vehicle violation, failure to maintain his lane of travel. Mr. Chew was subsequently placed under arrest for driving while under the influence of alcohol. Mr. Chew was transported to the Lower Township Police Station by Patrolman Nuscis for processing.

In this case, Patrolman Nuscis did not mention Mr. Chew had any difficulty pulling his vehicle over when instructed to do so. Mr. Chew was able to safely comply with Patrolman Nuscis's directions at this point. There are no additional reinforcement clues associated with impairment in the operation of the motor vehicle.

Contact with the Officer

Patrolman Nuscis stated Mr. Chew exhibited an odor of an alcoholic beverage. According to Moskowitz, Burns and Ferguson, "Police officer's detection of breath odors from alcohol ingestion" Study, dated September 1998, alcohol breath odor is the most commonly used observation by Police officers in alcohol related traffic offenses. The officer will usually categorize the strength of the odor as slight, moderate or strong. However, according to the study, officers are only correct about their assessment of the odor they perceive to be alcohol *less than 60% of the time*. Therefore, without disparaging Patrolman Nuscis, the accuracy of the assessment as to the odor of alcohol in this matter is questionable.

Mr. Chew was able to produce the required documents when requested by Patrolman Nuscis.

Patrolman Nuscis indicated Mr. Chew's eyes were bloodshot and watery. However, according to National Highway Traffic Safety Administration study of 1997, bloodshot and watery eyes may be caused by many different circumstances, such as fatigue, headache, sinusitis, eye irritation and possible allergies. This research culminated in the publication of The Detection of DWI at BAC's Below 0.10, DOTHS 808:654 (Stuster, September 1997). Some organizations have actually spoken out about what conclusions can be drawn when an officer sees "bloodshot and watery eyes," but they sure don't support using the evidence to convict someone. The National Highway Traffic and Safety Administration (the organization that helped push the legal limit from .10 to .08) did a thorough study of impaired drivers in 1997. Because NHTSA's goal was to instruct officers on how to detect and arrest drunk drivers, it created a list of eight "cues" an officer could look for to help determine if a driver was impaired. "Bloodshot and watery eyes" were not on the list. In fact, this "cue" was on the old list, and was actually removed from the list after NHTSA figured out having bloodshot/watery eyes has as much to do with allergies and people working multiple jobs as with consuming alcohol. If a police officer based his or her decision to arrest on bloodshot watery eyes, the worst thing you can do is just accept that fact. The National Highway Traffic and Safety Administration has been telling police officers - since 1997 - to ignore "bloodshot and watery eyes" as it pertains to allegedly drunk drivers.

Patrolman Nuscis did not mention Mr. Chew had any difficulty when asked to exit his vehicle to conduct the field tests. In fact, Mr. Chew was able to properly exit his vehicle when requested by Patrolman Nuscis to conduct field sobriety tests.

Field Sobriety Tests

Mr. Chew's field sobriety tests were captured on videotape at the scene. I did not receive or review any documents in discovery indicating Patrolman Nuscis was properly trained by the New Jersey State Police, Alcohol Drug Testing Unit to administer the standardized field sobriety tests.

The first test Patrolman Nuscis requested Mr. Chew to perform was the Horizontal Gaze Nystagmus (HGN) Test. I did not receive or review any documents in discovery indicating Patrolman Nuscis was properly trained or certified by the National Highway Traffic Safety Administration to conduct the HGN test. I had the opportunity to review the DVD and observed Patrolman Nuscis performing the HGN Test. It took Patrolman Nuscis approximately sixty seconds to complete the test. According to the NHTSA it should take approximately eighty-five seconds to complete the HGN test properly. The HGN test was not administered according to the standardized, prescribed instructions according to the NHTSA and the New Jersey State Police protocol. Therefore, the validity of this test was compromised. HGN is not admissible in New Jersey as evidence of impairment based on State v. Doriguzzi. There are almost 40 causes of nystagmus, other than alcohol impairment, resulting in a positive HGN test.

The second test Patrolman Nuscis requested Mr. Chew to perform was the **Walk and Turn** Test. Patrolman Nuscis instructed Mr. Chew to stand with his right foot in front of his left heel to toe with his hands at his side. At your ninth step take a series of small steps to turn around and take nine steps back. Once you start the test don't stop, count your steps out loud and look down at your feet. Patrolman Nuscis failed to give Mr. Chew complete instructions for this test. Mr. Chew should have been directed to take nine steps, heel-to-toe, along a straight line, while you are walking, keep your arms at your side. The Walk and Turn Test was not administered according to the standardized, prescribed instructions according to the NHTSA and the New Jersey State Police protocol. Therefore, the validity of this test was compromised.

The third test Patrolman Nuscis requested Mr. Chew to perform was the **One Leg Stand** Test. Patrolman Nuscis instructed Mr. Chew to stand with his hands at his side and feet together. The leg of your choosing raise it approximately six inches off the ground and keep your foot parallel to the ground. Keep both knees locked out and count in the following manner one thousand one, one thousand two, one thousand three until told to stop. While counting look at your feet. Mr. Chew should have also been instructed to keep his arms at your side at all times. The One Leg Stand Test was not administered according to the standardized, prescribed instructions according to the NHTSA and the New Jersey State Police protocol. Therefore, the validity of this test was compromised.

It is extremely important to remember these roadside "tests" are not normal physical activity. The individual who is asked to perform these exercises is experiencing anxiety due to the motor vehicle stop and the unusual encounter with law enforcement. The person is asked to do physical maneuvers that he or she does not do in his or her normal daily activity.

20 Minute Observation Period

The twenty minute alcohol observation period is a State requirement necessary to assure the validity and the legal admissibility and acceptability of the results of breath analysis when carried out for evidential purposes. I had the opportunity to review the Alcohol Influence Report (AIR) for Mr. Chew provided in discovery. The AIR indicated Mr. Chew's arrest time was 18:28D. I had the opportunity to review the DVD and observed Mr. Chew was placed in handcuffs at 18:53:29 hours. The data on the AIR is incorrect concerning the arrest time. According to the Chun decision the information on the AIR must be meticulously filled out and accurate. Mr. Chew's breath test results can not be considered scientifically reliable or accurate.

Radio Frequency Interference (RFI)

Mr. Chew was issued two breath tests at the Lower Township Police Station. One of the safe guards against Radio Frequency Interference is there should be no portable electronic devices permitted in the processing room. Corporal Armbruster stated in his written supplemental report he secured his police radio, cellular phone prior to entering the processing area. Corporal Armbruster did not state in his report he secured his body worn camera or MVR mick pack prior to Mr. Chew's breath testing. This policy and procedure is taught by the New Jersey State Police, Alcohol Drug Testing Unit at the Four Day Operator Course and Alcotest 7110 re-certification class. Since this policy was not followed when Mr. Chew provided his breath samples, the test results cannot be found scientifically reliable and accurate.

Repair Records from Draeger

The Alcotest 7110 MKIII-C located at the Lower Township Police Department went back for repair several times. The only Certificate of Accuracy for the Alcotest 7110 was provided in discovery is dated 6-22-2017. The lack of repair or service records regarding this Alcotest instrument makes it very difficult to determine if the instrument was working properly. In order to have a complete history of the instrument it is necessary to find out what repairs were done on the Alcotest 7110 MKIII-C. Any communication records between the Lower Township Police Department and Draeger Safety Diagnostics Inc. regarding repairs on the instrument should have been turned over in discovery.

Two Minute Lock-out issue.

I had the opportunity to review Mr. Chew's Alcohol Influence Report (AIR) provided in discovery. I observed Mr. Chew's first Breath Test was conducted at 19:51D and his second breath test was conducted at 19:53D. There appears to be a two minute lock-out on the AIR between breath samples. It is possible Mr. Chew's first breath test was completed at 19:51:55D and his second breath test was started at 19:53:15D. The times would raise reasonable doubt a two minute lock-out was adhered to between breath samples. The two minute lock out is to ensure quality control and there is no contamination from the previous sample. The lack of a two minute lockout between breath samples would raise a question as to the reliability of Mr. Chew's breath tests results.

Conclusions

Based on my review of the discovery material provided to me, it is my opinion, within a reasonable degree of certainty that:

- The breath testing in this Mr. Chew's case was not conducted according to State Police protocol and therefore is not deemed to be reliable.
- The twenty minute alcohol observation period is a State requirement necessary to assure the validity and the legal admissibility and acceptability of the results of breath analysis when carried out for evidential purposes.
- The lack of two minute lockout between samples raises reasonable doubt Mr. Chew's breath test results are accurate and reliable.
- One of the safe guards against Radio Frequency Interference is there should be no portable electronic devices permitted in the processing room.
- The field sobriety testing performed by by Mr. Chew in this matter were not administered according to New Jersey State Police and National Highway Traffic Safety Administration (NHTSA) protocol, and therefore may not demonstrate subjective intoxication.
- The Walk and Turn and the One Leg Stand Test were not administered according to the standardized, prescribed instructions according to the NHTSA and the New Jersey State Police protocol. Therefore, the validity of this tests are compromised in my opinion.

At time of trial, I will be able to testify to the following issues:

- The proper procedures for testing with the Alcotest 7110 MKIII-C, and why protocol was violated in this matter;
- The proper State Police administration, interpretation, and validity of the divided attentions tests in this matter.

If you have any questions regarding this report or any other issues concerning this case, please feel free to contact me.

Respectfully Submitted,


Kevin M. Flanagan

APPENDIX TO Mr. Chew's REPORT

My Background

My background is more fully contained in my CV, but as you are aware, I spent the last 16 years of my New Jersey State Police career assigned to the Alcohol Drug Testing Unit (ADTU), having been appointed as the ADTU Unit Head before my retirement. I was the Project Manager for the state-wide implementation, roll out, and administration of the Alcotest 7110 MKIII C breath test instrument. I instructed state and local police in the administration of the Standardized Field Sobriety Tests (SFSTs).

Materials Reviewed in this Matter

I have had the opportunity to review the discovery you provided to me, which included:

Police Department Discovery List: Lower Township

1. The Alcohol Influence Report for evidentiary breath test: Seq. File# 01110 Date: 4-27-2018
2. New Standard Solution report prior to client arrest date: Seq. File# 01106 Date: 4-12-2018
3. Certificate of Analysis for 0.10% simulator solution: Lot# 16390 Exp. Date: 12-2-2018
4. Valid Operator's Certification (Breath Test Operator): Cpl. Armbruster Last re-cert: 6-13-2017
5. Alcotest 7110 Certificate of Accuracy from Draeger: One provided Dated: 6-22-2017
6. HGN Certification Card: Not provided
7. Digital downloads containing Mr. Chew's breath test results
8. DVD's regarding Mr. Chew's DWI arrest.

State Police Coordinator Discovery List: Tpr I Alcott

1. Alcotest 7110 calibration record serial number: Seq file#01076 Date: 11-28-2017
2. Alcotest 7110 calibration record part I control test: Seq file#01077 Date: 11-28-2017
3. Alcotest 7110 calibration record part II Linearity test: Seq file#01078 Date: 11-28-2017
4. Certificate of Accuracy, black key temp. probe serial number: DDXKP2-396 Exp Date: 9-8-2018
5. New standard solution report by SP Coordinator: Seq file#01079 Dated: 11-28-2017
6. Certificate of Accuracy for .04% Simulator CU-34: DDWES3-0206 Exp. Date: 9-26-2018
7. Certificate of Accuracy for .08% Simulator CU-34: DDWFS3-0218 Exp Date: 9-26-2018
8. Certificate of Accuracy for .16% Simulator CU-34: DDWJS3-0334 Exp. Date: 9-27-2018
9. Certificate of Analysis for .04% simulator solution, lot number: 16230 Exp. Date: 9-19-2018
10. Certificate of Analysis for .08% simulator solution lot number: 16250 Exp. Date: 9-27-2018
11. Certificate of Analysis for .16% simulator solution lot number: 16260 Exp. Date: 10-3-2018
12. Certificate of Analysis for .10% simulator solution lot number: 16220 Exp. Date: 9-7-2018
13. Control Company digital temp. system calibration record: 170428368 Exp. Date: 6-8-2019
14. State Police Coordinator certifications:
 - a. Breath Test card, expiration date: Tpr. I Alcott last certification 1-21-2016
 - b. Breath Test Coordinator Certification card: Dated May 21, 2015

Repair Records for Alcotest 7110 (ARWF-0389)

Draeger Service reports: Not provided in discovery
 State Police Service reports: Not provided in discovery

Research regarding the SFSTs:

While law enforcement and the judicial system focus heavily on the roadside testing and the results, the National Highway Traffic Safety Administration has stated in the final report dated August 1998 "Validation of the Standardized Field Sobriety Test battery at BAC below .10%." "Driving a motor vehicle is a very complex activity that involves a wide variety of tasks and operator capabilities." "It is unlikely complex human performance, such as that required to safely drive an automobile, can be measured at roadside." "The constraints imposed by roadside testing conditions were recognized by the developer's of Nation Highway Safety Administration's SFST battery." "As a consequence, they pursued the development of tests would provide statistically valid and reliable indications of a drivers BAC, rather than indications of driving impairment." The NHTSA concluded the SFST results help officers to make accurate DWI arrest. The decisions made by police officers using SFST's do not directly measure driving impairment."

Psychophysical tests are methods of assessing a suspect's mental and physical impairment. These tests focus on the abilities needed for balance, coordination, and the ability to process information. Psychophysical tests should require evaluation of the subject's appearance and condition, ability to follow instructions, as well as balance and coordination. These types of tests are called Divided Attention Tests. They require the subject to concentrate on more than one thing at a time. They divide the subject's attention between mental and physical tasks.

Since the mid 1970's, the National Highway Traffic Safety Administration (NHTSA), with the cooperation and assistance of the law enforcement community, has conducted research that resulted in the development of a battery of three standardized field sobriety tests (Horizontal Gaze Nystagmus, Walk and Turn and the One Leg Stand) to assist police officers in detecting impaired drivers. These tests are now the standard that the Federal Government wants to be utilized and are in fact taught by the New Jersey State Police to State Troopers and local police officers. The program, which was previously termed Improved Sobriety Testing, was validated in laboratory and field studies conducted by the Southern California Research Institute, and resulted in the NHTSA course "DWI Detection and Standardized Field Sobriety Testing."

The Standardized Field Sobriety Test (SFST) validation studies were conducted between 1995 and 1998. The Colorado validation study from 1995 was the first full field study that used law enforcement personnel experienced in the use of SFST's. The Florida study in 1997 was undertaken in order to answer the question of whether SFST's are valid and reliable indices of the presence of alcohol when used under present day traffic and law enforcement conditions. The third study was conducted in San Diego in 1998, this study was undertaken because of the nationwide trend towards lower the blood alcohol concentration limits to .08%. The question to be answered does SFST discriminate at BAC's below 0.10%. The results of the San Diego Study were based on the administration of all three SFST's. Therefore, that study only applies if all three tests were administered and administered properly.

The Walk-and-Turn Test and one-leg stand test are "divided attention" tests require a subject to listen to and follow instructions while performing simple physical movements.

In the Walk-and-Turn Test, the subject is directed to take nine steps, heel-to-toe, along a straight line. After taking the steps, the suspect must turn on one foot and return in the same manner in the opposite direction. The examiner looks for eight indicators of impairment: if the suspect cannot keep balance while listening to the instructions, begins before the instructions are finished, stops while walking to regain balance, does not touch heel-to-toe, steps off line, uses arms to balance, improper turn, or takes an incorrect number of steps. NHTSA research indicates that 68 percent of individuals who exhibit two or more indicators in the performance of the walk and turn test will have a BAC of 0.10% or greater. The San Diego study provided evidence to support arrest decisions at above or below 0.08 BAC.

In the One-Leg Stand Test, the suspect is instructed to stand with either foot approximately six inches off the ground and count aloud by thousands (One thousand-one, one thousand-two, etc.) until instructed to put the foot down. The test is not supposed to last beyond 30 seconds. The officer times the subject for 30 seconds, and looks for four indicators of impairment: swaying while balancing, using arms to balance, hopping to maintain balance, and putting the foot down. NHTSA research indicates that 65 percent of individuals who exhibit two or more such indicators in the performance of the test will have a BAC of 0.10% or greater. The San Diego study provided evidence to support arrest decisions at above or below 0.08%.

HGN, or the Horizontal Gaze Nystagmus Test is defined as an involuntary jerking of the eyes. There are three general categories of nystagmus. Vestibular Nystagmus is caused by movement or action to the vestibular system. Examples of vestibular nystagmus is rotational and caloric nystagmus. Nystagmus can also result directly from neural activity. Example of optokinetic nystagmus is watching strobe lights, rotating lights or rapidly moving traffic in close proximity. The most common type of nystagmus is Physiological Nystagmus, it keeps the sensory cells of the eye from tiring. It is the most common type of nystagmus. It happens to all of us, all the time. This information was taken directly from DWI Detection & Standardized Field Sobriety Testing Manual developed by NHTSA and used by the New Jersey State Police (2/06). HGN is not admissible in New Jersey as evidence of impairment based on State v. Doriguzzi. There are almost 40 causes of nystagmus, other than alcohol impairment, resulting in a positive HGN test.

The suspect's safety should be considered at all times. According to NHTSA, factors may affect the results of the field sobriety testing are: weather, road conditions and traffic. The testing requires a reasonably dry, hard, level, and non-slippery surface; and foot wear - subjects wearing two inch or greater heels should be allowed to remove them, since it was determined that such footwear can cause instability. Other footwear, such as flip flops or shoes that do not adequately support the foot might also affect testing. WEATHER - If the weather makes conducting the SFST's roadside impractical or downright dangerous, than don't do them roadside. An example is when it's raining heavily, snowing, high wind gusts, extremely cold, etc. I have conducted SFST's in a light rain, and can articulate why - if it's lightly raining we all are going to get wet moving to and from our cars so it is not unreasonable to get a little wet doing the tests. I will document the conditions, including the fact the surface of the test was wet but not overflowing in water.

NHTSA does recommend a hard, "dry" surface, so the amount of rain is a decision maker. In a moderate or heavy rain, performing the tests lacks common sense and an alternative location must be found. Same goes for other weather extremes (snow or ice). In winter temperatures can drop to below freezing with wind chills in the negative temperatures.

The original research indicated certain individuals over 65 years of age or 50 or more pounds over weight will have difficulty performing these tests.

According to NHTSA, validation for the testing applies only when:

1. The tests are administered in the prescribed standardized manner;
2. The standardized clues are used to assess the suspect's performance; and,
3. The standardized criteria are employed to interpret that performance.

If any one of the standardized field sobriety test elements is changed, the validity is compromised. If the Walk and Turn or the One Leg Stand Test was not administered according to the standardized, prescribed instructions according to the NHTSA and the New Jersey State Police protocol. Therefore, the validity of this test was compromised in my opinion.

20 Minute Observation Period

Proper administrative factors may affect the breath test outcome, and must follow not only the State of New Jersey guidelines but also the guidelines prevalent in the forensic science community.

The 20 minute deprivation period is a requirement necessary to assure the validity and the legal admissibility of the results of breath test analysis when carried out for evidential purposes.

Before administering the breath test, the officer must check the driver's mouth to ensure it contains no foreign substances (dentures, chewing tobacco, tongue studs and piercing). In breath test cases where dental appliances are not removed from a subject's mouth before breath testing, a small amount of alcohol can remain under the dentures or other device (tongue stud or piercing). If food particles are trapped and remain in the oral cavity, it is possible that some of the alcohol will be absorbed into the food particles. In either case the elimination of this alcohol during the twenty minute observation period may not be complete and could cause an elevated breath test reading.

Following the mouth check, the officer must ensure that, for the twenty minutes prior to the breath test, the person puts nothing in his or her mouth and does not burp, belch, regurgitate, or vomit. If the test subject did any of these, the operator must have the individual rinse his/her mouth out with water to remove anything that may have entered the oral cavity. The officer must then begin the twenty minute observation period anew, prior to administering the breath testing.

A breath test that is not performed according to these standards is not a valid test and, according to State Police protocol, is not acceptable and should not be admissible in court as evidence.

RFI/EMI Standards

Electronic devices emit Radio Frequency Interference (RFI) and Electromagnetic Interference (EMI), by producing signals in the radio-frequency range that can interfere with other RFI/EMI signals. RFI/EMI is a function of the intensity, frequency, and direction of the electromagnetic field and the characteristics of the electronic equipment in that field. The electromagnetic field contains energy which could induce voltages or currents within another electronic system in the field.

Many breath test instruments, especially those whose casing is made out of metal, are fairly well shielded against electromagnetic interference. However, even with this design, there are openings in the casing that allow an electromagnetic field to enter, thereby exposing the machine to RFI/EMI. The addition of communications ports (phone lines, null modem outlets) opens up new locations for RFI/EMI to enter.

The Alcotest 7110 MKIII-C is subject to Radio Frequency Interference (RFI) and Electromagnetic Interference (EMI). This is acknowledged by the Supreme Court in State v. Chun, where the court dictates that, even though the machine is shielded against RFI/EMI, cell phones must be removed from the testing area, because cell phones emit RFI/EMI. This was based on the litigation in Chun, where the defense had demonstrated a cell phone placed into a sealed Alcotest received and emitted signals while encased in the Alcotest machine. As a result, the State stipulated, while the machine is shielded for RFI/EMI, the Alcotest is not completely shielded from RFI/EMI. Because cell phones are precluded from the vicinity of the machine, it is axiomatic other devices emit the same or greater RFI/EMI must also not be present in the vicinity of the room. Such devices include fingerprint machines, fans, cameras, copiers, refrigerators, police radios, air conditioners, computers, printers, fluorescent lights or anything either plugs in or has a battery.

RFI/EMI can be self generated by components are failing in the machine. The "vicinity of the room" includes items in adjacent rooms. For instance, just because a wall separates a copier and an Alcotest, the fact the copier is close to the Alcotest and just on the other side of a wall in a separate room, would still violate the protocol of keeping RFI/EMI emitting devices from close proximity of the Alcotest.

The manufacturer of the Alcotest 7110 MKIII-C, Draeger Safety Diagnostics, Inc., has acknowledged the instrument is subject to and shielded against RFI. The RFI testing the manufacturer conducted was back in the mid 1990's. I am not aware of any recent testing by Draeger Safety Diagnostic Inc. regarding this issue. Since the mid 90's, the entire industry has changed regarding portable radios and mobile cellular phones, including the strength of the output of the devices, which has become much greater.

The State Police Coordinator does not conduct any RFI testing during their calibration procedures of the Alcotest 7110. During validation of the new firmware (v3.13) for the Alcotest 7110 MKIII-C, the Office of Forensic Sciences did conduct RFI testing and found the instrument to be sensitive to RFI.

Draeger Repair Records

If an Alcotest 7110 MKIII-C instrument is taken out of service for repair, the New Jersey State Police Breath Test Coordinator will complete a State Police Service Report (See SP 343). The service report will document his findings as to why the instrument needed repairs. The instrument is then returned to Draeger Safety Diagnostics. Draeger has an internal record keeping repair log. The repair log keeps track of the work performed on the instrument and testing results. These documents are filled out at the time of repair. Draeger Safety Diagnostics will not turn over the internal repair record to the State of New Jersey. Draeger states it is too time consuming and labor intensive to produce these records on every instrument that is repaired. Draeger Safety Diagnostics recently started turning over a one page document, which they call the repair record. This document is not the same document was turned over in the Chun hearing. The repair records were turned over in the Chun hearing documents all the work was performed and the testing results. When the instrument is returned from the factory the New Jersey State Police Coordinator will complete the State Police Service Report and perform a Calibration test which allows the instrument to be put back into service. Draeger Safety Diagnostics should turn over the repair records to the State of New Jersey for review.

Two Minute Lock-Out

The Alcotest firmware version NJ 3.11 is programed to allow less than two minutes between an un-analyzed sample and an analyzed sample. This flies in the face of the purpose of locking out the instrument between breath tests, which is to ensure there is no contamination in either the subject sample or the cuvette. In Chun, the State's witnesses testified that the purpose of the two minute lockout was for quality control and to prevent any contamination from affecting the quality of the tested sample and the validity of the results.

When a subject presents a breath sample into the Alcotest, the sample travels throughout the entire system, including the breath hose. If the sample contains any alcohol, all parts of the instrument are exposed to being contaminated by that alcohol. Residual alcohol could remain in any of these components. The Alcotest is incapable of determining whether the alcohol in an analyzed sample is the product of the current sample or residual alcohol, or both.

The Alcotest performs an air blank/ ambient air check between each sample whether analyzed or not. In the case of analyzed samples, the Alcotest also requires an additional two minute separation. This is to ensure the breath sample is not contaminated by residue from a previous sample. If the air blank/ ambient air check were sufficient to ensure the subsequent sample was not contaminated by the previous sample, the two minute lockout would not be necessary. Clearly it is not.

During the ambient air check the contents of the cuvette are checked only by the electrochemical (EC) sensor rather than the dual technology method employed for testing breath samples. Additionally, when the ambient air check is performed, the instrument will report a "0.00" reading even when there has been alcohol detected in the sample. The Alcotest is programmed to allow for a small ambient air alcohol to be present and still report a 0.00. The reason for this is if the instrument required a true "0.00" percent of alcohol, there would be constant ambient air failures. For that reason, as Dr. Brettell testified to in Chun, a small amount of alcohol is overlooked and not reported. For these reasons, the air blank/ ambient air check, by itself is insufficient to ensure no residual alcohol from a previous sample, analyzed or not, remains in the system and thereby potentially affects the subsequent test.

Joseph J. Rodgers, Chartered
Attorney at Law

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WILDWOOD CREST, NEW JERSEY 08260-1345
(609) 729-6644

JOSEPH J. RODGERS
Lawyer ID #008701973
CERTIFIED CRIMINAL TRIAL ATTORNEY

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www.rodgerscriminallaw.com

August 8, 2018

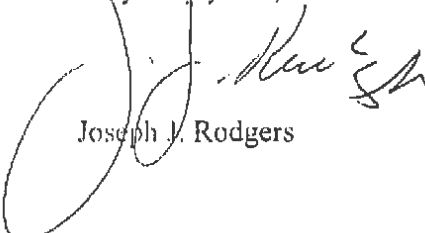
Ronald Gelzunas, Esquire
Wildwood Crest Municipal Prosecutor
P.O. Box 1288
Wildwood, NJ 08260

Re: State v. John A. Chew

Dear Mr. Gelzunas:

Please find enclosed Kevin Flanagan's report dated August 7, 2018.

Very truly yours,



Joseph J. Rodgers

sent via email only

JJR:sk

Enclosure

cc: Mr. John A. Chew (Enclosure)

LOWER TOWNSHIP POLICE DEPARTMENT		ITEMS SENT FOR DISCOVERY
State VS.:	John A. Chew	Case No.: 2018-11836
ENCLOSED	TYPE OF REPORT	ADDITIONAL INFORMATION
	Accident Report	
1	Arrest Report	
1	DWI Alcohol Influence Report	
1	DWI Alcotest Certifications	
	DWI Orientation & Coordination Testing Form	
1	DWI Standard Statement	
1	DWI Potential Liability Warning	
1	DWI Drinking and Driving Investigation Report	
1	DWI Officer Alcotest Certification	
1	Drinking and Driving Questionnaire	
1	NJ State Alcotest Calculator	
	Last Drink Location Report	
	Evidence Submission/Review/Receipt	
	Laboratory Report/Request for Examination of Evidence	
	Custody Receipt/Laboratory Inventory Sheet	
1	Motor Vehicle Driving Abstract	
2	Motor Vehicle Summons A-063727, A-063726	
	Photographs/Photo Log Sheet	
1	Chain of Custody Report/Property Report	
	State Complaints/Summons/Warrants	
	Statements Formal/Voluntary	
	Statement of Loss Report/Victim Property Loss Report	
2	Supplementary Investigation Report	
	Investigation Report	
	Officer Radar Certification	
	Radar Log Sheet/Tuning Forks/Calibration Certification	
	NJ Domestic Violence Complaint/TRO/FRO	
	Domestic Violence State Form	
	Pre Lock-up Survey	
	Release	
1	General Complaint/Calls for Service/CAD Entry	
1	Miranda Rights/Warning	
	Remand Letter	
	Affidavit of Ownership	
	DL/Registration/Insurance Cards	
	Hospital Blood Withdrawal Forms	
2	MVR Recording Request Form	
1	Fax Sheet	

TO: Rodgers / WW Crest Prosecutor Gelzunas DATE: May 30, 2018

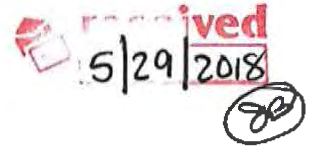
VIA: Mail

PREPARED BY:



Joseph J. Rodgers, Chartered
Attorney at Law

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WILDWOOD CREST, NEW JERSEY 08260-1345
(609) 729-6644



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May 23, 2018

Ronald Gelzunas, Esquire
Wildwood Crest Municipal Prosecutor
P.O. Box 1288
Wildwood, NJ 08260

Re: State v. John A. Chew
Summons No(s): A-063726-0505; 063727 (**Conflict from Lower Township**)
Offense(s): *N.J.S.A.* 39:4-50; 39:4-88A
Date of Offense(s): April 27, 2018

Dear Mr. Gelzunas:

Please be advised that I have been retained to represent the above individual with regard to charges pending in the **Wildwood Crest Municipal Court**. Pursuant to Rule 7:7-7, including all amendments to the Rule, including exculpatory materials pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), please send me full and complete discovery, **including CAD logs, dispatch tapes, and a compact disc with collected data (downloaded alcotest results) for the alcotest used in this case**. This request also includes a copy of any and all **audio** and/or **video recordings** made either at the scene or the police station, including security videos by motor vehicle recorder. This specific request extends to all recordings either intentionally made or as part of a recording procedure in the police station, including body cameras. In addition, please note that the Rule imposes a continuing obligation to disclose discoverable material.

Please send me all of the documents, certification and data upon which you will rely to admit blood/breath testing results.

If you plan to use a breath testing operator or breath testing coordinator as a witness I will need his curriculum vitae and operator's certificate.

Your fee for discovery will be promptly remitted upon receipt of your invoice for same.

Thank you for your prompt attention to this matter.

Very truly yours,

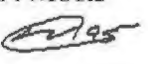
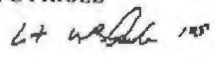
Joseph J. Rodgers

JJR:sk

cc: Wildwood Crest Police Department, Records
Lower Township Police Department, Records
Angela Flynn, Court Administrator
Mr. John A. Chew



LOWER TOWNSHIP POLICE DEPARTMENT ARREST REPORT

1. Department LOWER TOWNSHIP POLICE DEPARTMENT		2. Mun. Code 0505	3. Phone Number 609-886-1619	4. CAD Incident# 2018-16301	5. Other Agency Case #	6. Department Case Number 2018-11836
7. Name (Last) (First) (Middle) CHEW JOHN A		8. Home Phone / Cellular 609-780-7018 /		8A. Alias		8B. Immigration ☐
9. Full Address(No. and Apt/Suite) 972 LENAPE DR		9A.City ERMA	9B. Municipality LOWER TWP	9C. County CAPE MAY	9D. State NJ	9E. Zip 08204 CMCH NJ
11. Date of Birth 07/04/1970	12. Age 47	13. Sex MALE	14A. Race WHITE	14B. Ethnicity NON HISPANIC	15. Height.(Ft/in) 511	16. Weight 161 - 180
17. Hair GRAY		18. Eyes GREEN	19. Complexion LIGHT	20. Marital Status N/A		
21. Other Descriptive Information - Marks - Scars - Tattoos NONE				22. Driver's License Number / DL State / Agency ID # / MNI# NJ		
23. Employer/School LOWER TOWNSHIP POLICE DEPARTMENT			24. Occupation POLICE OFFICER	25. Social Security Number / SBI / FBI / BCI		
26. Employer's/School Address 405 BREAKWATER ROAD (CR 613), ERMA, NJ 08204			27. Work Phone	Active Military / Veteran ☐ YES ☒ NO ☐ UNKNOWN		
DETAILS OF ARREST						
28. Arrest Date & 29. Time 04/27/2018 18:28		30. Loc. of Arrest (No. - Street) HONEYSUCKLE LANE & IDELL STREET		30A.City ERMA	30B. Municipality LOWER TWP	30C. County CAPE MAY NJ
30D. State 08204		30E. Zip NJ00505				
32-34. Crime Information						
No.	Code	Description	Traffic/Non E-CDR Complaint Number		E-CDR Warrant/Summons Number	
39:4-50		DRIVING WHILE INTOXICATED	A063726			
35. Complainant's Name and Address - Zip Code NUSCIS MICHAEL LOWER TOWNSHIP POLICE DEPARTMENT 405 BREAKWATER ROAD, ERMA, NJ 08204						37. Phone/Cellular
37. Crime Date & 38. Time 04/27/2018 18:28		39. Loc. of Crime (No. - Street) HONEYSUCKLE LANE & IDELL STREET		39A.City ERMA	39B. Municipality LOWER TWP	39C. County CAPE MAY NJ
39D. State 08204		39E. Zip NJ00505				
41. Arrest ON VIEW		42. Juv. Code	43. Constitutional Rights ☒ YES ☐ NO		44. Constitutional Right - By Whom LT. PRIOLE	
45. How Responded UNCOOPERATIVE						
46. Own ☒	47. Multiple ☐	48. Other ☐	49A. Fingerprinted NO	49B. CODIS ☐	50. Photographed ☒	51. Was NCIC Checked? Was ATS/ACS Checked? ☐
52. Previous Record ☐						
53. Vehicle Information IMPOUNDED		Year 2002	Make CHEVROLET	Body Type PICKUP TRUCK	Color BLACK	Reg. Number and State ZV155S NJ
Other Description Information - V/N 1GCHK23G62F225718						
BAIL HEARING						
54. Date 05/15/2018		55. Court LOWER TOWNSHIP MUNICIPAL COURT			56. Judges Name JMC HILLEGASS	
57. Amount Bail N/A		58. Result of Hearing ROR			59. Code N/A	
JUVENILE INFORMATION						
70. Parent/Guardian/Probation - Contacted By		71. Date Contacted		72. Time Contacted		73. Released to/Detained at
74. Full Address - Number - Street - Municipality - State - Zip Code				75. Phone Number (Area)		76. Date 77. Time
78. Parent/Guardian's Name (First) (Middle) (Last)			79. Full Address - Number - Street - Municipality - State - Zip Code			80. Home Phone / Cellular
81. Co-defendants	82.	83.	84.	85.	86. Arrest #	87. UCR - A.S.R. Reporting Mon. Yr.
Front 			Side 			
8. Narrative/Additional Charges THE ABOVE SUBJECT WAS PLACED UNDER ARREST FOR 39:4-50 SUBSEQUENT TO A CALL FOR AN ERRATIC DRIVER COMPLAINT.						
Print Rank/OFC Name PTL. MICHAEL T NUSCIS 		Badge No. 195	Page No. 1 of 1	Report Date 05/02/2018	Reviewed By: LIEUTENANT WILLIAM C PRIOLE 	
Signature					Supervisor Signature	

Case No. 2018-11836

STA./UNIT CODE NUMBER	LOWER TOWNSHIP POLICE DEPARTMENT DRINKING and DRIVING REPORT		(1) DEFENDANT First Name JOHN		Initial A	Last Name CHEW		CASE NUMBER 2018-11836 SEQUENTIAL FILE NUMBER
			(2) Age 47	(3) Sex MALE	(4) Weight 161 - 180	(5) Eye Color GREEN	(6) Race WHITE	
(7) Street Address 972 LENAPE DR		(8) City and State ERMA NJ		(9) Summons No. (Drinking Driving/Allowing ONLY) A063726				
(10) Drivers License Number and State [REDACTED] NJ		CDL ☐	(11) Day of Week FRIDAY		Violation Date 04/27/2018		Military Time 18:28	
(12) Year/Color/Make of Vehicle Used 2002 BLACK CHEVROLET			(13) License Number and State ZV155S NJ					
(14) Vehicle Code 8	CODES: NON-CDL VEHICLES: (1) Passenger Car / Station Wagon, (2) Passenger Car w/Trailer, (3) Recreational Vehicle, (4) Taxi / Limo, (5) Emergency Vehicle, (6) Motorcycle (7) Moped, (8) Pickup, (9) Van, Step Van, (10) Truck, (11) Truck Combo (12) Other							
(15) Name of Vehicle Owner JOHN A CHEW			(16) Address of Owner 972 LENAPE DR ERMA NJ					
(17) Municipality of Violation LOWER TWP		Code No. 0505	(18) Roadway or Location HONEYSUCKLE LANE & IDELL STREET, ERMA, NJ 08204		(19) County CAPE MAY			
(20) Arrested By - Badge Number - Station NUSCIS, MICHAEL T 195			(21) Tested By - Badge Number - Station AMRBRUSTER, JOHN T 190					

(22) ACCIDENT INVOLVED ☒ 1 NONE ☐ 2 PEDESTRIAN ☐ 3 FATAL ☐ 4 INJURY ☐ 5 1 VEHICLE ☐ 6 2 VEHICLES OR MORE ☐ 7 OTHER (Explain)	(23) EXAMINATION ☒ 1 CHEM. BREATH TEST ☐ 2 BREATH TEST REFUSED ☐ 3 OBSERVATION ☐ 4 DOCTOR'S EXAMINATION ☐ 5 BLOOD TEST ☐ 6 NARCOTICS, HABIT PRODUCING DRUGS, OR HALLUCINOGENIC LABORATORY ☐ YES ☐ NO REPORT#	(24) SUMMONS ISSUED FOR ☒ 1 39:4-50 INFLUENCE ☐ 2 w/21 y.o.a. AND >.01% B.A.C. ☐ 3 39:3-10.13 CDL ☐ 4 39:4-14.3g MOPED ☐ 5 ALLOWING AN INTOXICATED DRIVER TO OPERATE ☒ 6 BLOOD ALCOHOL RESULTS 0.36 % ☐ 7 SUMMONS No. (39:4-50.2 Refusal) - M.V. ☐ 8 SUMMONS No. (39:3-10.24 Refusal) - Comm. ☐ 9 SUMMONS No. (39:4-14.3g Refusal) - MOPED
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OBSERVATIONS WERE:

(25) ABILITY TO WALK

☐ UNABLE TO ☐ ON HANDS AND KNEES ☒ SWAYING ☒ GRASPING FOR SUPPORT

☐ FALLING ☐ MOVED IN CIRCLES ☐ SAGGING ☒ STAGGERING

(26) ABILITY TO STAND

☒ SWAYING ☐ UNABLE TO STAND ☒ CONTINUAL LEANING FOR BALANCE

☐ RIGID ☐ SAGGING KNEES ☒ FEET WIDE APART FOR BALANCE

(27) SPEECH

☐ SHOUTING ☐ SLOBBERING ☐ BOISTEROUS ☒ SLURRED ☐ WHINING ☐ STUTTERING

☐ RAMBLING ☐ INCOHERENT ☐ WHISPERING ☐ HOARSE ☐ CRYING ☐ ACCENT ☒ SLOW

(28) DEMEANOR

☐ FIGHTING ☐ INDIFFERENT ☐ ANTAGONISTIC ☐ POLITE ☐ SLEEPY

☐ EXCITED ☐ HILARIOUS ☒ COOPERATIVE ☒ CALM ☐ CRYING

(29) ACTIONS

☐ PUNCHING ☐ RESISTING ☐ THUMBING NOSE ☐ DIFFICULT TO AWAKEN

☐ KICKING ☐ PROFANITY ☐ THREATENING

(30) EYES

☒ BLOODSHOT ☒ WATERY ☒ DROOPY LIDS ☐ WEARING GLASSES ☐ NOT WEARING GLASSES

☐ GLASS EYE? ☐ RIGHT ☐ LEFT

(31) CLOTHING

☐ MUSSSED ☐ PARTLY DRESSED ☐ DEFECATED IN SAME

☐ DIRTY ☐ VOMITED ON ☐ URINATED IN SAME

(32) MOVEMENT OF HANDS

☐ FUMBLING ☐ SLOW

(33) FACE

☒ FLUSHED ☒ PALE

(34) ODOR OF ALCOHOLIC BEVERAGE ON BREATH

☐ NONE ☒ YES

(35) REMARKS: (If needed, to clarify observations)

(36) SEE ATTACHED

(37) NARRATIVE OF INVESTIGATION-

(Number, capitalize and underline the following paragraph titles in the sequence of events. Be brief and record events in order to refresh recollection at a later time. 1. OPERATION OF THE MOTOR VEHICLE: 2. WHEN STOPPED or ARRIVAL AT SCENE: - if an accident. 3. ENROUTE TO STATION: or wherever going. 4. AT THE STATION: - or wherever taken, i.e., doctor's office, hospital, etc.). (Add bond paper if more space needed) 5. List other TRAFFIC OFFENSES: (by summons number and statute number)

1. OPERATION OF THE MOTOR VEHICLE:

OPERATION OF MOTOR VEHICLE: ON FRIDAY, APRIL 27, 2018 AT APPROXIMATELY 18:28 HOURS, LOWER TOWNSHIP POLICE DISPATCH RECEIVED A CALL FROM A CONCERNED CITIZEN ABOUT AN ERRATIC DRIVER. THE CALLER DESCRIBED THE VEHICLE AS A BLACK IN COLOR CHEVROLET TRUCK. THE CALLER ADVISED THE VEHICLE WAS TRAVELING ON BREAKWATER ROAD TOWARDS ROUTE NINE AT A HIGH RATE OF SPEED AND WAS BEING OPERATED IN A WAY THAT WAS UNSAFE TO OTHER VEHICLES ON THE ROAD. WHEN DISPATCH NOTIFIED ANY OFFICERS IN THE AREA, I WAS LEAVING THE COMPLEX WHEN I SAW THE VEHICLE ON BREAKWATER ROAD PASSING THE COMPLEX. I WAS ABLE TO LOCATE THE VEHICLE STOPPED AT THE INTERSECTION OF BREAKWATER ROAD AND ROUTE 9, IN THE LEFT HAND TURNING LANE. THE VEHICLE WAS AS DESCRIBED BEARING NJ REGISTRATION ZV155S, AND MADE THE LEFT HAND TURN ONTO ROUTE 9 AND BEGAN TO TRAVEL NORTH BOUND. AS I FOLLOWED THE VEHICLE NORTH ON ROUTE 9 I NOTICED THE DRIVER OF THE VEHICLE HAD A DIFFICULT TIME MAINTAINING THE LANE OF TRAVEL. THE DRIVER CROSSED OVER THE CENTER LINE AND CROSSED OVER THE FOG LINE AND AT THE INTERSECTION OF ROUTE 9 AND HONEYSUCKLE ROAD I ACTIVATED MY OVERHEAD LIGHTS AND ATTEMPTED TO PERFORM A MOTOR VEHICLE STOP. THE VEHICLE MADE A RIGHT HAND TURN ON HONEYSUCKLE ROAD AND CONTINUED TO DRIVE WHILE I FOLLOWED WITH MY OVERHEAD LIGHTS ON. THE VEHICLE FINALLY CAME TO A COMPLETE STOP AT THE INTERSECTION OF HONEYSUCKLE ROAD AND IDELL ROAD AND I WAS ABLE TO PERFORM A MOTOR VEHICLE STOP.

WHEN STOPPED: ONCE STOPPED IN THE AREA OF HONEYSUCKLE ROAD AND IDELL ROAD, I APPROACHED THE DRIVER SIDE OF THE VEHICLE. THE DRIVER, NOW IDENTIFIED AS JOHN CHEW, WAS SEATED IN THE VEHICLE AND WHEN I BEGAN TO SPEAK WITH HIM I NOTICED HIS EYES WERE WATERY AND DROOPY. I WAS ALSO ABLE TO DETECT A STRONG ODOR OF ALCOHOLIC BEVERAGE EMANATING FROM WITHIN THE VEHICLE. CPL. ARMBRUSTER WAS ON SCENE, AND UPON ARRIVING ON SCENE HE MADE THE DETERMINATION TO NOTIFY THE APPROPRIATE SUPERVISORS AS PER DEPARTMENTAL POLICY. I DETERMINED THAT IT WAS NECESSARY THAT MR. CHEW WOULD BE ASKED TO STEP OUT OF THE VEHICLE AND PERFORM STANDARDIZED COORDINATION AND BALANCE TESTS TO DETERMINE IF HE HAD BEEN OPERATING HIS MOTOR VEHICLE UNDER THE INFLUENCE.

ONCE OUR EMERGENCY LIGHTS WERE DEACTIVATED, I RE-APPROACHED THE VEHICLE WITH CPL. ARMBRUSTER AND WE ASKED MR. CHEW TO STEP OUT OF THE VEHICLE IN ORDER TO PERFORM THE TESTS. I THEN ESCORTED MR. CHEW TO AN AREA THAT CAN BE DESCRIBED AS A LEVEL BLACK TOP SURFACE THAT WAS FREE OF DEBRIS AND OPERABLE. I ADVISED HIM THAT I WAS GOING TO BE ADMINISTERING STANDARDIZED BALANCE AND COORDINATION TESTS AND ASKED HIM IF HE COULD REMOVE HIS HAT. I THEN INSTRUCTED HIM AS FOLLOWS, KEEP YOUR HEAD STILL AND FOLLOW THE STIMULUS (I POINTED TO THE TIP OF MY RIGHT FINGER) WITH YOUR EYES ONLY. DO NOT MOVE YOUR HEAD. I ASKED HIM IF HE UNDERSTOOD THE INSTRUCTIONS AND HE STATED YES. THE STIMULUS WAS POSITIONED APPROXIMATELY 12 TO 15 INCHES FROM MR. CHEW'S NOSE AND SLIGHTLY ABOVE HIS EYE LEVEL. I CHECKED TO SEE THAT BOTH OF HIS PUPILS WERE EQUAL IN SIZE, AND THAT HE DID NOT HAVE RESTING NYSTAGMUS. I MOVED THE STIMULUS SMOOTHLY ACROSS HIS ENTIRE FIELD OF VISION, CHECKING TO SEE THAT HIS EYES TRACKED THE STIMULUS TOGETHER, WHICH THEY DID. I THEN CHECKED MR. CHEW'S LEFT EYE BY MOVING THE STIMULUS TO MY RIGHT BRINGING HIS EYE AS FAR TO THE SIDE AS IT WOULD GO. WHILE MOVING THE STIMULUS I LOOKED AT HIS EYE TO DETERMINE WHETHER IT WAS ABLE TO PURSUE SMOOTHLY, IT WAS NOT. I MOVED THE STIMULUS ALL THE WAY TO MY LEFT, BACK ACROSS MR. CHEW'S FACE CHECKING IF HIS RIGHT EYE PURSUED SMOOTHLY, IT DID NOT. I THEN REPEATED THIS PROCEDURE WITH THE SAME RESULTS. NEXT I CHECKED MR. CHEW'S EYES FOR DISTINCT AND SUSTAINED NYSTAGMUS AT MAXIMUM DEVIATION BEGINNING WITH HIS LEFT EYE BY MOVING THE STIMULUS TO HIS LEFT SIDE UNTIL HIS EYE HAD GONE AS FAR TO THE SIDE AS POSSIBLE. I HELD THE EYE AT THAT POSITION FOR APPROXIMATELY 5 SECONDS OBSERVING THE EYE FOR DISTINCT AND SUSTAINED NYSTAGMUS. I THEN MOVED THE STIMULUS ALL THE WAY ACROSS MR. CHEW'S FACE TO CHECK HIS RIGHT EYE IN THE SAME MANNER. I REPEATED THE PROCEDURE, CHECKING BOTH EYES AGAIN AND CONCLUDED DISTINCT AND SUSTAINED NYSTAGMUS AT MAXIMUM DEVIATION WAS EVIDENT IN BOTH EYES. NEXT I CHECKED MR. CHEW'S LEFT EYE FOR THE ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES BY MOVING THE STIMULUS TO MY RIGHT WATCHING THE EYE FOR ANY SIGN OF JERKING. I THEN CHECKED MR. CHEW'S RIGHT EYE BY MOVING THE STIMULUS TO MY LEFT, CHECKING IN THE SAME MANNER AS HIS LEFT EYE. I REPEATED THIS PROCEDURE FOR BOTH EYES AND DETERMINED THERE WAS ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES IN BOTH OF HIS EYES. DURING THIS TEST I REPEATEDLY HAD TO REMIND MR. CHEW TO NOT MOVE HIS HEAD AND MOVE HIS EYES ONLY. MR. CHEW WAS ALSO NOTICEABLY SWAYING DURING THE ENTIRETY OF THIS TEST AND HAD TO WIDEN HIS FEET AND GRASP ONTO HIS VEHICLE FOR BALANCE. I CONCLUDED THIS TEST BY CHECKING FOR VERTICAL GAZE

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DRINKING - DRIVING REPORT
CONTINUATION PAGE

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(37) NARRATIVE OF INVESTIGATION (Continued)

NYSTAGMUS, WHICH WAS NOT DETECTED.

THE NEXT TEST ADMINISTERED WAS THE WALK AND TURN. THE TEST WAS DEMONSTRATED AND EXPLAINED TO MR. CHEW AS FOLLOWS: HE WAS INSTRUCTED TO PLACE HIS RIGHT FOOT IN FRONT OF HIS LEFT FOOT, MAINTAINING HEEL TO TOE CONTACT, WITH THE HEEL OF HIS RIGHT FOOT, TOUCHING THE TOES OF HIS LEFT FOOT AND TO KEEP HIS ARMS AT HIS SIDES AT ALL TIMES. HE WAS TOLD TO MAINTAIN THIS POSITION UNTIL I COMPLETED THE INSTRUCTIONS. ONCE MR. CHEW WAS PUT INTO THE STARTING POSITION, HE WAS UNABLE TO MAINTAIN THAT POSITION DURING THE INSTRUCTIONS. HE HAD TO SEPARATE HIS FEET AND GRASP ONTO HIS TRUCK FOR BALANCE. HE THEN BEGAN THE TEST PRIOR TO BEING TOLD TO DO SO. I REPEATED MY INSTRUCTIONS AND TOLD MR. CHEW TO REMAIN IN THE STARTING POSITION UNTIL TOLD TO DO OTHERWISE, I ASKED IF HE UNDERSTOOD THE INSTRUCTIONS SO FAR, MR. CHEW STATED YES BUT BEGAN THE TEST ANYWAY. HE WAS STOPPED AND REMINDED NOT TO BEGIN UNTIL TOLD TO DO SO. I THEN DEMONSTRATED AND EXPLAINED TO HIM THAT I WANTED HIM TO WALK NINE HEEL TO TOE STEPS, TURN AND TAKE NINE HEEL TO TOE STEPS BACK. HE WAS TO TURN KEEPING HIS FRONT FOOT ON THE LINE AND TURN BY TAKING A SERIES OF SMALL STEPS WITH THE OTHER FOOT. DURING THIS TEST, HE WAS TO KEEP HIS ARMS DOWN AT HIS SIDES, WATCH HIS FEET AT ALL TIMES AND COUNT EACH STEP OUT LOUD. HE WAS TOLD ONCE HE STARTED WALKING, NOT TO STOP UNTIL HE HAD COMPLETED THE TEST. WHEN ASKED IF HE UNDERSTOOD THE INSTRUCTIONS, MR. CHEW STATED YES. I THEN TOLD HIM TO BEGIN THE TEST. MR. CHEW WAS UNABLE TO COMPLETE THIS TEST PROPERLY. HE FAILED TO MAINTAIN HIS STANCE WHILE LISTENING TO THE INSTRUCTIONS. I ALSO OBSERVED THAT HE WAS SWAYING. ONCE HE BEGAN, HE WAS UNABLE TO MAINTAIN HEEL TO TOE CONTACT WITH EACH STEP, HE PERFORMED MORE STEPS THEN REQUIRED AND TURNED IMPROPERLY. HE DID NOT COUNT THE STEPS OUT LOUD AND HE USED HIS ARMS FOR BALANCE. HE WAS UNABLE TO PERFORM THE TASK IN A RELATIVELY STRAIGHT LINE.

THE NEXT TEST ADMINISTERED WAS THE ONE LEG STAND. I EXPLAINED AND DEMONSTRATED THIS TEST TO MR. CHEW AS FOLLOWS: I ADVISED MR. CHEW THAT I WANTED HIM TO STAND WITH HIS FEET TOGETHER, ARMS AT HIS SIDES. WHEN I TOLD HIM TO BEGIN, HE WAS TO RAISE WHICHEVER LEG HE FELT MORE COMFORTABLE WITH, APPROXIMATELY SIX INCHES OFF OF THE GROUND. HE WAS TO KEEP BOTH LEGS STRAIGHT WITH HIS ARMS AT HIS SIDES AND KEEP WATCHING THE RAISED FOOT. ONCE IN THIS POSITION, HE WAS TO COUNT OUT LOUD AS SUCH, 1000-01, 1000-02, 1000-03 UNTIL TOLD TO STOP. I ASKED MR. CHEW IF HE UNDERSTOOD AND HE REPLIED, YES. I THEN TOLD HIM TO BEGIN THE TEST. WHEN MR. CHEW ATTEMPTED THIS TEST HE GRASPED ONTO HIS TRUCK FOR SUPPORT AND BEGAN. HE WAS ADVISED TO NOT HOLD ONTO HIS VEHICLE AND HE COULD NOT COMPLETE TEST PROPERLY. I OBSERVED A NOTICEABLE SWAY WHILE BALANCING AND HE USED HIS ARMS FOR BALANCE. WHILE STANDING AND LISTENING TO MY INSTRUCTIONS, I OBSERVED THAT MR. CHEW WAS SWAYING.

BASED ON THE TESTS ADMINISTERED AND MY TRAINING AND EXPERIENCE, IT WAS DETERMINED THAT MR. CHEW WAS OPERATING HIS VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL. I PLACED HIM UNDER ARREST FOR VIOLATION OF NJS: 39:4-50. HE WAS HANDCUFFED AND SECURED IN THE REAR OF PATROL VEHICLE #123.

ENROUTE TO THE STATION: ENROUTE TO THE LOWER TOWNSHIP POLICE STATION A STRONG ODOR OF ALCOHOLIC BEVERAGE COULD BE DETECTED THROUGHOUT THE INTERIOR OF MY PATROL VEHICLE THAT WAS NOT THERE PRIOR TO PLACING MR. CHEW IN THE BACK. I DID NOT ASK MR. CHEW ANY QUESTIONS. MR. CHEW DID NOT SPEAK AT ANY TIME DURING THE TRANSPORT TO THE LOWER TOWNSHIP POLICE DEPARTMENT.

AT THE STATION: IN THE CLEAR LIGHT OF THE PROCESSING ROOM OF THE LOWER TOWNSHIP POLICE STATION AT APPROXIMATELY 1911 HOURS MR. CHEW'S MOUTH WAS INSPECTED FOR ANY FOREIGN DEBRIS WITH NEGATIVE RESULTS. AFTER THIS MR. CHEW WAS OBSERVED FOR AN UNINTERRUPTED PERIOD OF TWENTY MINUTES BEFORE BEING ADMINISTERED A BREATH TEST. HIS FACE APPEARED FLUSHED, HIS EYES APPEARED BLOODSHOT AND WATERY. CPL. ARMBRUSTER, BADGE #190 AND LT. PRIOLE BADGE # 137 WOULD BE ASSISTING IN PROCESSING. LT PRIOLE ADVISED MR. CHEW OF HIS MIRANDA WARNING RIGHTS AS FOLLOWS:

1. YOU HAVE THE RIGHT TO REMAIN SILENT.
2. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.
3. YOU HAVE THE RIGHT TO TALK TO A LAWYER AND HAVE HIM PRESENT WITH YOU WHILE YOU ARE BEING QUESTIONED.
4. IF YOU CANNOT AFFORD TO HIRE A LAWYER, ONE WILL BE APPOINTED TO REPRESENT YOU BEFORE ANY QUESTIONING, IF YOU WISH.
5. YOU CAN DECIDE AT ANYTIME TO EXERCISE THESE RIGHTS AND NOT ANSWER ANY QUESTIONS OR MAKE ANY STATEMENTS.
6. "DO YOU UNDERSTAND EACH OF THESE RIGHTS I HAVE EXPLAINED TO YOU?"

MR. CHEW DID NOT RESPOND TO THE MIRANDA AND HE WAS NOT QUESTIONED IN REGARDS TO THE MATTER. DURING THE PROCESSING OF MR. CHEW, THE VEHICLE HE WAS OPERATING WAS TOWED IN ACCORDANCE WITH JOHN'S LAW.

CPL. ARMBRUSTER WOULD BE ADMINISTERING THE CHEMICAL BREATH TEST TO MR. CHEW. PRIOR TO THE CHEMICAL BREATH TEST BEING ADMINISTERED TO MR. CHEW, HE WAS READ THE NEW JERSEY MOTOR VEHICLE COMMISSION STANDARD STATEMENT FOR OPERATORS OF A MOTOR VEHICLE, NJS: 39:4-50.2E. AT THE END OF THE

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(37) NARRATIVE OF INVESTIGATION (Continued)

STATEMENT WHEN ASKED IF HE WOULD SUBMIT SAMPLES OF HIS BREATH, MR. CHEW REPLIED, YES. PRIOR TO THE TEST BEING ADMINISTERED, ALL PORTABLE RADIOS AND CELL PHONES WERE REMOVED FROM THE PROCESSING ROOM.

AFTER OBTAINING TWO SUCCESSFUL BREATH SAMPLES FROM MR. CHEW THE FINAL RESULT INDICATED A 0.36 PERCENT BLOOD ALCOHOL CONTENT. SEE CPL. ARMBRUSTER'S SUPPLEMENTAL INVESTIGATION REPORT FOR A DETAILED PROCEDURE OF THE TESTING PROCESS.

MR. CHEW WAS ISSUED THE FOLLOWING MOTOR VEHICLE SUMMONS:

A-063726: DRIVING WHILE INTOXICATED: 39:4-50

A-063727: FAILURE TO MAINTAIN LANE 39:4-88A

AT THE CONCLUSION OF PROCESSING MR. CHEW WAS TRANSPORTED TO CAPE REGIONAL MEDICAL CENTER AND A POTENTIAL LIABILITY WARNING - N.J.S.A. 39:4-50.22 WAS COMPLETED AND SIGNED BY ROBERT ECKEL OF 928 TOWERVIEW ROAD, PENDING HIS RELEASE FROM CAPE REGIONAL MEDICAL CENTER.

THE FOLLOWING ARE TO BE SUBPOENAED:

CPL. ARMBRUSTER/190/LTPD

END OF REPORT.

(38) Title	Signature	Badge No	(39) Reviewed By
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05/15/2018			

DRINKING DRIVER QUESTIONNAIRE

Defendant (First name) JOHN	(Initial) A	(Last name) CHEW	Case Number 2018-11836	Sequential File No.
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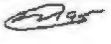
QUESTIONS:

The following Questions were asked:		Occupation?	
On		At	
Are you Sick? If Yes, Explain:			
Are you under the care of a Doctor? If so, provide name & address.		Last Visit Date: Time:	
Are you taking Medicine? If so, What and What for?		Last Dose? Date: Time:	
Do you have Diabetes?	Are you taking Insulin?	Last Dose? Date: Time:	
Are you Injured?	Where?		
Are your Injuries Affecting you now? If so, What and How?			
Note any Physical Injuries or Deformities observed:			

ADVISE SUBJECT OF MIRANDA WARNING:

What kind of Alcoholic Drinks have you had?		How many?
Where?		What was the time between each drink?
When did you have your First Drink? Date: Time:		When did you finish your Last Drink? Date: Time:
What time did you Finish eating?	What did you Eat?	

Remarks:

PTL. MICHAEL T NUSCIS (Rank)		 (Signature)	195 (Badge No.)	Copy given to Subject: ON
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**N.J. ATTORNEY GENERAL'S STANDARD STATEMENT
FOR MOTOR VEHICLE OPERATORS (N.J.S.A. 39:4-50.2(e))
(revised & effective July 1, 2012)**

Enter Defendant's Name John A Chew

The police officer shall read the following:

1. You have been arrested for driving while intoxicated. N.J.S.A. 39:4-50.
2. The law requires you to submit samples of your breath for the purpose of testing to determine alcohol content.
3. A record of the taking of the breath samples, including the test results, will be made. Upon your request, a copy of that record will be made available to you.
4. After you have provided samples of your breath for testing, you have the right, at your own expense, to have a person or physician of your own selection take independent samples of your breath, blood or urine for independent testing.
5. If you refuse to provide samples of your breath, you will be issued a separate summons for the refusal. A court may find you guilty of both refusal and driving while intoxicated.
6. If a court finds you guilty of the refusal, you will be subject to various penalties, including license revocation of up to 20 years, a fine of up to \$2000, installation of an ignition interlock, and referral to an Intoxicated Driver Resource Center. These penalties may be in addition to penalties imposed by the court for any other offense of which you are found guilty.
7. You have no legal right to have an attorney, physician or anyone else present for the purpose of taking the breath samples. You have no legal right to refuse to give, or delay giving, samples of your breath.
8. Any response from you that is ambiguous or conditional, in any respect, to my request that you provide breath samples, will be treated as a refusal to submit to breath testing. Even if you agree to take the test, but then do not follow my instructions, do not properly perform the test, or do not provide sufficient breath samples, I will charge you with refusal to submit to breath testing.
9. I repeat, the law requires you to submit samples of your breath for testing. Will you submit the samples of your breath?

Answer yes

1921

If the arrested person does not respond, or gives any ambiguous or conditional answer short of an unequivocal "yes," the police officer shall read the following.

Your answer is not acceptable. The law requires that you submit samples of your breath for breath testing. If you do not answer, or answer with anything other than "yes," I will charge you with refusal. Now, I ask you again, will you submit to breath testing?

Answer _____



LOWER TOWNSHIP POLICE DEPARTMENT SUPPLEMENTARY INVESTIGATION REPORT

1. Department LOWER TOWNSHIP POLICE DEPARTMENT		2. Mun. Code 0505	3. Phone Number 609-886-1619	4. CAD Incident# 2018-16301	5. Other Agency Case #	6. Department Case Number 2018-11836
7. Crime/Incident TRAFFIC ENFORCE / STOP		8. New Crime/Incident if Changed		9. Victim(s) New Address if Changed		
				10. Victim(s) Name		11. Home Phone / Cellular /
12. New NJS	13. Date of Crime 04/27/2018 18:28		Value of Stolen/Recovered Property	14. Currency	15A. Jewelry	16. Furs
		17. Clothing		18. Auto		19. Miscellaneous
20. S.C.I.C.	21. Additional Technical Service-Agency		22. Additional Stolen Property Value		23. Add I Recovered Property Value	
24. N.C.I.C.	25.		26.		27.	
28. Vehicle	29. Year 2002	30. Make CHEVROLET	31. Body Type PICKUP TRUCK	32. Color BLACK	33. Registered Number & State ZV155S NJ	34. Serial Number or Identification 1GCHK23G62F225718
List Name Only of Previous Accused, Complete Information on New Accused; Include Additional Perpetrators: Suspects; Record all Developments Since Last Report: Explain Any Crime Change; List Additional Interviews of Victims: Persons Contacted; Witnesses: Evidence; Technical Services, Stolen Property; Recovered Property; Court Action.						
35. No. of Accused	36. New Accused	37. Adult	38. Juvenile	39. Status Crime	40. Status Case	41. UCR Status Month Yr.
						42. Date Cleared
43. Code	44. Name	45. Address		46. Age	47. Sex	48. Race
				49. Eth	50. DOB	
[DEFENDANT] CHEW, JOHN A - 972 LENAPE DR, ERMA, NJ 08204-4825 - 47 - M - W - N - 07/04/1970 - HM-609-780-7018 - - -						

51. Narrative

ON 1828 HOURS ON 04/27/2018 WHILE ON PATROL AS THE ACTING OFFICER IN CHARGE, I WAS ENROUTE TO PICK UP THE ONCOMING SUPERVISOR IN THE AREA OF THE MOOSE LODGE ON SEASHORE ROAD. OVER THE POLICE RADIO I HEARD THE REPORT OF AN ERRATIC DRIVER IN THE AREA OF BREAKWATER ROAD, NEAR M&M STORAGE. AT THE TIME I WAS CURRENTLY HEADING SOUTH ON SEASHORE ROAD. POLICE DISPATCH AGAIN BROADCASTED OVER THE POLICE RADIO THAT THE ERRATIC DRIVER WAS DRIVING DANGEROUSLY. I THEN TURNED AROUND IN THE MOOSE LODGE PARKING LOT AND WAITED IN THE AREA IN ATTEMPT TO LOCATE THE ERRATIC DRIVER, DESCRIBED AS A BLACK CHEVY PICK UP TRUCK. POLICE DISPATCH AGAIN BROADCASTED THE DIRECTION OF TRAVEL FOR THE VEHICLE IN THE AREA OF SEASHORE ROAD AND BREAK WATER. I THEN OBSERVED THE VEHICLE IN QUESTION TRAVEL THROUGH THE INTERSECTION AT BREAKWATER ROAD AND SEASHORE ROAD AND CONTINUE ON BREAKWATER TOWARDS ROUTE 9. I ALSO OBSERVED PTLM. NUSCIS FOLLOWING BEHIND THE VEHICLE AS HE BROADCASTED OVER THE POLICE RADIO HE WAS IN THE AREA. I THEN TRAVELED NORTH ON SEASHORE AND TURNED RIGHT ON TO BREAKWATER APPROXIMATELY FOUR CARS BEHIND PTLM. NUSCIS. THE ERRATIC DRIVER BEGAN TRAVELING NORTH ON ROUTE 9 AND WAS APPROXIMATELY FIVE CAR LENGTHS AHEAD OF ME. IT APPEARED HE SWERVED OVER THE CENTER LINE IN TO THE SOUTH BOUND LANE A COUPLE OF TIMES. A MOTOR VEHICLE STOP WAS INITIATED BY PTLM. NUSCIS AND WITH ME BACKING HIM UP.

ONCE THE VEHICLE CAME TO A STOP MYSELF AND PTLM. NUSCIS APPROACHED THE VEHICLE AND OBSERVED LOWER TOWNSHIP OFF DUTY LIEUTENANT JOHN A. CHEW IN THE DRIVER SEAT. HE WAS VISIBLY FLUSHED IN THE FACE AND STARED FORWARD AS WE SPOKE TO HIM. HE DID NOT APPEAR TO BE HIS NORMAL SELF AND APPEARED TO BE UNDER THE INFLUENCE. GIVEN THE CIRCUMSTANCES I WENT TO THE BACK OF HIS VEHICLE AND CONTACTED THE ON DUTY ADMINISTRATOR, LIEUTENANT PRIOLE AND ADVISED HIM OF THE INCIDENT, AS PER DEPARTMENTAL POLICY. LIEUTENANT PRIOLE ADVISED ME TO FOLLOW PROTOCOL. AFTER SPEAKING WITH PTLM. NUSCIS I ADVISED HIM TO PERFORM FIELD SOBRIETY TESTING ON JOHN A. CHEW TO ENSURE HE WAS CAPABLE OF SAFELY OPERATING HIS MOTOR VEHICLE. PTLM. NUSCIS ADMINISTERED THE FIELD SOBRIETY TESTING TO JOHN A. CHEW. DURING THE FIELD SOBRIETY TESTING MR. CHEW FAILED TO PROPERLY COMPLETE THE TESTS AND I COULD DETECT A STRONG ODOR OF AN ALCOHOLIC BEVERAGE EMANATING FROM HIS PERSON. ULTIMATELY MR. CHEW WAS TAKEN IN TO CUSTODY BY PTLM. NUSCIS AND I REMAINED ON SCENE WITH MR. CHEW'S VEHICLE UNTIL I WAS RELIEVED BY S/O

Print Rank/OFC Name CORPORAL JOHN T ARMBRUSTER	Badge No. 190	Page No. 1 Of 2	Report Date 05/02/2018	Reviewed By LIEUTENANT WILLIAM C PRIOLE
Signature <i>John A. Chew #190</i>				Supervisor Signature <i>W. C. Priole</i>

Department LOWER TOWNSHIP POLICE DEPARTMENT	ORI NO. 0505	Dept. Case No. 2018-11836	Incident No. 2018-16301
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CAMPBELL TO AWAIT THE JOHN'S LAW TOW.

AT APPROXIMATELY 19:15 HOURS, I RESPONDED TO THE LOWER TOWNSHIP POLICE DEPARTMENT TO ADMINISTER THE ALCOTEST TO MR. CHEW. WHEN I ARRIVED AT THE LOWER TOWNSHIP POLICE DEPARTMENT AND REMOVED MY POLICE RADIOS AND CELL PHONES PRIOR TO ENTERING THE PROCESSING AREA. WHEN I ENTERED THE PROCESSING ROOM LIEUTENANT PRIOLE, PATROLMAN NUSCIS, AND MR. CHEW WERE ALREADY THERE. LIEUTENANT PRIOLE AND PATROLMAN NUSCIS ADVISED THEY REMOVED THEIR POLICE RADIO AND CELL PHONE BEFORE ENTERING THE PROCESSING ROOM. MR. CHEW WAS CHECKED AND WAS FREE OF ANY ELECTRONIC DEVICES.

I ADVISED MR. CHEW THAT I WOULD BE OBSERVING HIM FOR 20 MINUTES BEFORE ADMINISTERING THE ALCOTEST. I BEGAN OBSERVING MR. CHEW AT 1922 HRS. I OBSERVED MR. CHEW DID NOT HAVE ANYTHING IN HIS MOUTH AS THE OBSERVATION PERIOD BEGAN. I MAINTAINED A CONSTANT VISUAL ON MR. CHEW WITHOUT ANY INTERRUPTIONS. DURING THIS TIME, HE DID NOT BELCH, VOMIT OR PLACE ANYTHING IN HIS MOUTH. WHILE OBSERVING MR. CHEW I DETECTED A STRONG ODOR OF AN ALCOHOL BEVERAGE EMITTING FROM HIS BREATH.

MR. CHEW WAS PLACED ON A BENCH ADJACENT TO THE ALCOTEST MACHINE, WHILE I PREPARED THE ALCOTEST MACHINE, SERIAL NO. ARWF-0389.

PRIOR TO MY ARRIVAL IN THE PROCESSING ROOM LIEUTENANT PRIOLE READ OUT LOUD THE MOTOR VEHICLE STANDARD STATEMENT FOR OPERATING A MOTOR VEHICLE, WHICH MR. CHEW STATED HE WOULD PROVIDE SAMPLES.

I PROVIDED MR. CHEW WITH INSTRUCTIONS ON HOW TO PROVIDE SAMPLES. MR. CHEW PROVIDED TWO SUFFICIENT SAMPLES FOR BREATH TESTING. EACH TIME MR. CHEW PROVIDED SAMPLES OF HIS BREATH A CLEAN MOUTH PIECE WAS USED. THE BREATH SAMPLES HE PROVIDED RESULTED IN A BLOOD ALCOHOL RATING OF 0.36 PERCENT. COUNTY POLICE DISPATCH RAN THE ALCOTEST CALCULATOR AND THE RESULTS WERE WITHIN RANGE. MR. CHEW WAS TRANSPORTED TO THE CAPE REGIONAL MEDICAL CENTER BY THE LOWER TOWNSHIP RESCUE SQUAD. THE ALCOHOL INFLUENCE REPORT FORM WILL BE INCLUDED IN THIS CASE FILE.

END OF REPORT.

Case No. 2018-11836

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Signature <i>John Armstrong</i>				Supervisor Signature



LOWER TOWNSHIP POLICE DEPARTMENT SUPPLEMENTARY INVESTIGATION REPORT

1. Department LOWER TOWNSHIP POLICE DEPARTMENT	2. Mun. Code 0505	3. Phone Number 609-886-1619	4. CAD Incident# 2018-16301	5. Other Agency Case #	6. Department Case Number 2018-11836
7. Crime/Incident TRAFFIC ENFORCE / STOP	8. New Crime/Incident If Changed DRIVING WHILE INTOXICATED		9. Victim(s) New Address if Changed		
		10. Victim(s) Name		11. Home Phone / Cellular /	
12. New NJS 39:4-50	13. Date of Crime 04/27/2018 18:28		Value of Stolen/Recovered Property	14. Currency	15A. Jewelry
		17. Clothing		18. Auto	16. Furs
				19. Miscellaneous	
20. S.C.I.C.	21. Additional Technical Service-Agency		22. Additional Stolen Property Value		23. Add I Recovered Property Value
24. N.C.I.C.	25.		26.		27.
28. Vehicle	29. Year 2002	30. Make CHEVROLET	31. Body Type PICKUP TRUCK	32. Color BLACK	33. Registered Number & State ZV155S NJ
			34. Serial Number or Identification 1GCHK23G62F225718		

List Name Only of Previous Accused; Complete Information on New Accused; Include Additional Perpetrators; Suspects; Record all Developments Since Last Report; Explain Any Crime Change; List Additional Interviews of Victims; Persons Contacted; Witnesses; Evidence; Technical Services; Stolen Property; Recovered Property; Court Action.

35. No. of Accused	36. New Accused	37. Adult	38. Juvenile	39. Status Crime	40. Status Case	41. UCR Status Month Yr.	42. Date Cleared
43. Code 44. Name 45. Address 46. Age 47. Sex 48. Race 49. Eth 50. DOB							
[DEFENDANT] CHEW, JOHN A - 972 LENAPE DR, ERMA, NJ 08204-4825 - 47 - M - W - N - 07/04/1970 - HM-609-780-7018 - - -							

51. Narrative
2018-11836

I received a phone call from Corporal Armbruster advising that Lt Chew was reported as an erratic driver and they suspected he may be intoxicated. I instructed him to handle this like any other DUI case. When I learned he was under arrest for the DUI, I advised Armbruster he would be running the Alcotest under my supervision. I responded to police headquarters to observe the arrest and processing.

At 1915hrs I entered the booking area as they brought John Chew into the area. They had just finished processing another prisoner.

I read the Standardized Statement to the defendant, completing this at 1921 hours.. He stated he would supply breath samples. He appeared somewhat disheveled during this process, his eyes were bloodshot, I was able to detect an odor of an alcoholic beverage emitting from his breath as he spoke.

Corporal Armbruster arrived in the processing area and I advised we would restart the 20 minute observation period at 1922 hours, and reconfirmed we had already read the standardized statement. The defendant sat mostly leaning forward with his arms on his knees during this time period.

I then read the defendant his Miranda warnings from a card in the processing area. As I completed each sentence of the form I asked if he understood. After each question, he raised his right hand and extended the middle finger in my direction. Upon asking the last question if he wished to answer questions he again extended his middle finger in my direction. I advised I would consider that a NO.

After the completion of the Miranda warnings, Corporal Armbruster inspected the interior of John Chew's mouth and began the 20 minute observation period. Numerous times during the observation period, we had to remind him to keep his hands away from his face and mouth due to the alcotest requirements. He remained seated during this process. During the 20 minute observation period he began stating he was going to refuse the test. I advised that we would be completing the 20 minute observation period, we would prepare the machine and give him the opportunity to provide the sample.

Print Rank/OFC Name LIEUTENANT WILLIAM C PRIOLE <i>Lt W. Priole</i>	Badge No. 139	Page No. 1 OF 2	Report Date 05/03/2018	Reviewed By CAPTAIN MARTIN BIERSBACH <i>M. Biersbach</i>
Signature				Supervisor Signature

Department LOWER TOWNSHIP POLICE DEPARTMENT	ORI NO. 0505	Dept. Case No. 2018-11836	Incident No 2018-16301
--	-----------------	------------------------------	---------------------------

During conversation in this period, I stated I had wanted to talk to him as a friend, and I've called him. We don't have any choices how to handle this type of situation. During this process at one point he advised Armbruster and Nuscis they were both great cops. He also stated he doesn't hold any of this against us. He continued to put his hand in the vicinity of his mouth and continued to state he would not take the test. I also stated it is in his best interest to take the breath test, and we would be preparing the machine before we accepted his refusal.

Corporal Armbruster prepared the instrument and read the required instructions for how to provide the breath test. As Corporal Armbruster attempted to get the breath sample, the defendant attempted to reach out and grasp the mouth piece tube on both tests, needing to be reminded only the operator could touch the tube. He did provide 2 good breath samples with the first test at 1951 hours. John Chew was cooperative during this part of the process. Corporal Armbruster called me outside to advise me of the reading of .36% BAC, he confirmed this was within the acceptable tolerance with the State of New Jersey Alcotest Calculator. At the conclusion of the testing, as I stepped outside, the defendant attempted to follow me out and it was necessary to remind him he could not leave at this time.

When asked to submit to booking photos, he advised "I'm definitely not fucking do that" & "I'm not having my fucking picture taken". After reasoning with him and advising him we still had to handle this correctly, he eventually agreed.

He then began advising he was done tomorrow and he would be retiring. I suggested we discuss this issue tomorrow. He then talked about his biggest mistake was him not going to work for the last 5 days.

I then stepped out in the hallway to speak with Captain Biersbach. As I entered the room, Captain Biersbach spoke to John Chew from the doorway advising him he was administratively suspended and would need to report to meet with the Chief on Monday morning.

After he was advised of this, I then advised him of his BAC reading of .36%, and he would need to be transported to the hospital. He advised he would not be going to the hospital. I made him aware that we had made arrangements for his friend Rob Eckel to sign the John's Law form at the hospital. He was adamant about the fact he would not go to the hospital. Eventually, he advised he would go, if I drove him. After much negotiation he eventually agreed to walk out to the rig if I went with him in the rescue rig. I made arrangements for Ptlm Nuscis to drive my vehicle to the hospital so that I could ride up the hospital in the rescue rig.

He then walked out to the rig and sat on the stretcher. I rode in the back of the rig. The ride to the hospital was largely uneventful. I discussed some concerns I had for him regarding his health, family, and drinking.

Once at the hospital, I escorted him inside where I located Rob Eckel and put him in contact with Patrolman Nuscis to sign the John's Law form. Once the forms and paperwork were complete we left the hospital and returned to the station.

Case No. 2018-11836

Print Rank/OFC Name LIEUTENANT WILLIAM C PRIOR <i>Lt W. Prior</i>	Page No. 139	Page No. 2 Of 2	Report Date 05/03/2018	Reviewed By: CAPTAIN MARTIN BIERSBACH <i>M. Biersbach</i>
Signature				Supervisor Signature

**ALCOHOL INFLUENCE REPORT FORM, ALCOTEST 7110 MKIII-C
LOWER TOWNSHIP POLICE**

Department Case No.: 2018-11836
Summons No(s): 0505-A-063726
Sequential File No.: 01110

Subject

Last Name: CHEW First Name: JOHN MI: A
D.O.B.: 07/04/1970 Age: 47 Gender: MALE Ht: 5 ft. 11 in. Wt: 215 lbs.
Driver License Number: [REDACTED] Issuing State: NJ

Arresting Officer

Last Name: NUSCIS First Name: MICHAEL MI: T
Badge No.: 195 Arrest Date: 04/27/2018 Arrest Time: 18:28D Arrest Location: 0505

Instrument

Alcotest 7110 MKIII-C Serial No.: ARWF-0389
Location: LOWER TOWNSHIP POLICE
Calibration File No.: 01076 Calib. Date: 11/28/2017 Calib. No.: 00040
Certification File No.: 01077 Cert. Date: 11/28/2017 Cert. No.: 00030
Linearity File No.: 01078 Lin. Date: 11/28/2017 Lin. No.: 00031
Solution File No.: 01106 Soln. Date: 04/12/2018 Soln. No.: 00217
Sequential File No.: 01110 File Date: 04/27/2018

Calibrating Unit: WET Model No.: CU-34 Serial No.: DDWK S3-0402
Control Solution %: 0.100% Expires: 12/02/2018
Solution Control Lot: 16390 Bottle No.: 1025

Breath Test Information

Date of Test: 04/27/2018

Function	Result %BAC	Time HH:MM	Volume (L)	Duration Sec (s)	Temp. Sim. (°C)	Error Message
Ambient Air Blank	0.000%	19:48D				
Control Test 1					34.0°C	
EC Result	0.101%	19:49D				
IR Result	0.101%	19:49D				
Ambient Air Blank	0.000%	19:50D				
Breath Test 1			3.4L	7.4s		
EC Result	0.374%	19:51D				
IR Result	0.382%	19:51D				
Ambient Air Blank	0.000%	19:51D				
Breath Test 2			2.4L	8.6s		
EC Result	0.367%	19:53D				
IR Result	0.377%	19:53D				
Ambient Air Blank	0.000%	19:55D				
Control Test 2					34.0°C	
EC Result	0.102%	19:55D				
IR Result	0.100%	19:55D				
Ambient Air Blank	0.000%	19:56D				

REPORTED BREATH TEST RESULT: 0.36% BAC

Breath Test Operator

Last Name: ARMBRUSTER First Name: JOHN MI: T
Signature: CPI [Signature] 190 Badge No.: 190
Date: 04/27/2018

Copy Given to Subject

State of New Jersey Alcotest Calculator

Score 1:

EC: . IR: .

Score 2:

EC: . IR: .

Reported Breath Test Result: .

Total: .

Mean: .

Upper Limit Relative Tolerance: .

Upper Limit Absolute Tolerance: .

Lower Limit Relative Tolerance: .

Lower Limit Absolute Tolerance: .

Upper Tolerance Limit: .

Lower Tolerance Limit: .

Breath Samples Are Within Acceptable Tolerance

Printed:

Date: 4/27/118 Time: 20:03:22

DEPARTMENT OF
Public Safety
and Police
Office is to certify that

John T. Armbruster Jr.

ORIGINAL COURSE DATES		Refresher Course	
DATE	PLACE	INSTRUCTOR	
1. 6-13-17	CMPA	Wm P. Coz	
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			

S.P. 293B (Rev. 06/13)

Calibrating Unit

New Standard Solution Report

Equipment	Alcotest 7110 MKIII-C	Serial No.:	ARWF-0389
Location:	LOWER TOWNSHIP POLICE		
Calibration File No.:	01076	Calib. Date:	11/28/2017
Certification File No.:	01077	Cert. Date:	11/28/2017
Linearity File No.:	01078	Lin. Date:	11/28/2017
Solution File No.:	01106	Soln. Date:	04/12/2018
Sequential File No.:	01106	File Date:	04/12/2018
Calibrating Unit:	WET	Model No.:	CU-34
Control Solution %:	0.100%	Serial No.:	DDWK S3-0402
Solution Control Lot:	16390	Expires:	12/02/2018
		Bottle No.:	1025

Function	Result	Time	Temperature	Comment(s)
	%BAC	HH:MM	Simulator (°C)	or Error(s)
Ambient Air Blank	0.000%	10:03D		
Control 1 EC	0.100%	10:04D	34.0°C	*** TEST PASSED ***
Control 1 IR	0.102%	10:04D	34.0°C	*** TEST PASSED ***
Ambient Air Blank	0.000%	10:04D		
Control 2 EC	0.100%	10:05D	34.0°C	*** TEST PASSED ***
Control 2 IR	0.101%	10:05D	34.0°C	*** TEST PASSED ***
Ambient Air Blank	0.000%	10:06D		
Control 3 EC	0.101%	10:06D	34.0°C	*** TEST PASSED ***
Control 3 IR	0.101%	10:06D	34.0°C	*** TEST PASSED ***
Ambient Air Blank	0.000%	10:07D		

All tests within acceptable tolerance.

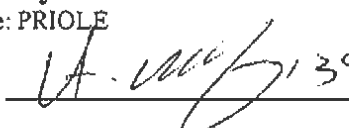
On this date, I installed the above indicated "NEW SOLUTION" in accordance with Alcotest 7110 operator training and procedures established by the (NJSP) Chief Forensic Scientist.

Changed By:

Last Name: PRIOLE

First Name: WILLIAM

MI: C

Signature: 

Badge No.: 139

Date: 04/12/2018

Calibrating Unit

New Standard Solution Report

Equipment	Alcotest 7110 MKIII-C	Serial No.:	ARWF-0389
Location:	LOWER TOWNSHIP POLICE		
Calibration File No.:	01076	Calib. Date:	11/28/2017
Certification File No.:	01077	Cert. Date:	11/28/2017
Linearity File No.:	01078	Lin. Date:	11/28/2017
Solution File No.:	01090	Soln. Date:	01/18/2018
Sequential File No.:	01090	File Date:	01/18/2018
Calibrating Unit:	WET	Model No.:	CU-34
Control Solution %:	0.100%	Serial No.:	DDWK S3-0402
Solution Control Lot:	16390	Expires:	12/02/2018
		Bottle No.:	1130

Function	Result %BAC	Time HH:MM	Temperature Simulator (°C)	Comment(s) or Error(s)
Ambient Air Blank	0.000%	11:13S		
Control 1 EC	0.103%	11:13S	33.9°C	*** TEST PASSED ***
Control 1 IR	0.102%	11:13S	33.9°C	*** TEST PASSED ***
Ambient Air Blank	0.000%	11:14S		
Control 2 EC	0.103%	11:15S	34.0°C	*** TEST PASSED ***
Control 2 IR	0.101%	11:15S	34.0°C	*** TEST PASSED ***
Ambient Air Blank	0.000%	11:15S		
Control 3 EC	0.103%	11:16S	34.0°C	*** TEST PASSED ***
Control 3 IR	0.102%	11:16S	34.0°C	*** TEST PASSED ***
Ambient Air Blank	0.000%	11:17S		

All tests within acceptable tolerance.

On this date, I installed the above indicated "NEW SOLUTION" in accordance with Alcotest 7110 operator training and procedures established by the (NJSP) Chief Forensic Scientist.

Temperature Probe Serial Number: ΔΔWJPE-007 (KA)

Changed By:

Last Name: ALCOTT

First Name: KEVIN

MI: W.

Signature: Tpt. I R W. #6704

Badge No.: 6704

Date: 01/18/2018

Alcotest 7110 Calibration Record

Equipment	Alcotest 7110 MKIII-C	Serial No.:	ARWF-0389
Location:	LOWER TOWNSHIP POLICE		
Calibration File No.:	01076	Calib. Date:	11/28/2017
Certification File No.:	01056	Cert. No.:	00040
Linearity File No.:	01057	Cert. Date:	11/29/2016
Solution File No.:	01075	Lin. Date:	11/29/2016
Sequential File No.:	01076	Lin. No.:	00030
		Soln. Date:	06/22/2017
		Soln. No.:	00211
		File Date:	11/28/2017
Calibrating Unit:	WET	Model No.:	CU-34
Control Solution %:	0.100%	Serial No.:	DDWK S3-0408
Solution Control Lot:	16220	Expires:	09/07/2018
		Bottle No.:	0994

Coordinator

Last Name:	ALCOTT	First Name:	KEVIN	MI:	W.
Signature:	<u>Tpr. I [Signature] W. #6704</u>			Badge No.:	6704
				Date:	11/28/2017

*Black Key Temperature Probe Serial.....# DDXKP2-396 (KA)

*Digital NIST Temperature Measuring System Serial.....# 170 428 368 (KA)

Pursuant to law, and the "Chemical Breath Testing Regulations" N.J.A.C. 13:51, I am a duly appointed Breath Test Coordinator/Instructor. In my official capacity, and consistent with "Calibration Check Procedure for Alcotest 7110," as established by the Chief Forensic Scientist of the Division of State Police, I perform calibration checks on approved instruments employing infrared analysis and electrochemical analysis, when utilized in a single approved instrument as a dual system of chemical breath testing. Pursuant to, and consistent with, the current "Calibration Check Procedure for Alcotest 7110," as established by the Chief Forensic Scientist, I performed a Calibration Check on the approved instrument identified on this certificate. The results of my Calibration Check are recorded on this certificate, which consists of two parts on two pages: Part I - Control Tests; and Part II - Linearity Tests. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Alcotest 7110 Calibration Certificate

Part I - Control Tests

Equipment	Alcotest 7110 MKIII-C	Serial No.:	ARWF-0389
Location:	LOWER TOWNSHIP POLICE		
Calibration File No.:	01076	Calib. Date:	11/28/2017
Certification File No.:	01077	Cert. Date:	11/28/2017
Linearity File No.:	01057	Lin. Date:	11/29/2016
Solution File No.:	01075	Soln. Date:	06/22/2017
Sequential File No.:	01077	File Date:	11/28/2017
Calibrating Unit:	WET	Model No.:	CU-34
Control Solution %:	0.100%	Serial No.:	DDWK S3-0408
Solution Control Lot:	16220	Expires:	09/07/2018
		Bottle No.:	0994

Function	Result %BAC	Time HH:MM	Temperature Simulator (°C)	Comment(s) or Error(s)
Ambient Air Blank	0.000%	09:21S		
Control 1 EC	0.100%	09:22S	34.0°C	*** TEST PASSED ***
Control 1 IR	0.100%	09:22S	34.0°C	*** TEST PASSED ***
Ambient Air Blank	0.000%	09:23S		
Control 2 EC	0.100%	09:23S	34.0°C	*** TEST PASSED ***
Control 2 IR	0.100%	09:23S	34.0°C	*** TEST PASSED ***
Ambient Air Blank	0.000%	09:24S		
Control 3 EC	0.100%	09:24S	34.0°C	*** TEST PASSED ***
Control 3 IR	0.100%	09:24S	34.0°C	*** TEST PASSED ***
Ambient Air Blank	0.000%	09:25S		

All tests within acceptable tolerance.

Coordinator

Last Name: ALCOTT

First Name: KEVIN

MI: W.

Signature:

[Handwritten Signature] #6704

Badge No.: 6704

Date: 11/28/2017

Pursuant to law, and the "Chemical Breath Testing Regulations" N.J.A.C. 13:51, I am a duly appointed Breath Test Coordinator/Instructor. In my official capacity, and consistent with "Calibration Check Procedure for Alcotest 7110," as established by the Chief Forensic Scientist of the Division of State Police, I perform calibration checks on approved instruments employing infrared analysis and electrochemical analysis, when utilized in a single approved instrument as a dual system of chemical breath testing. Pursuant to, and consistent with, the current "Calibration Check Procedure for Alcotest 7110," as established by the Chief Forensic Scientist, I performed a Calibration Check on the approved instrument identified on this certificate. The results of my Calibration Check are recorded on this certificate, which consists of two parts on two pages: Part I - Control Tests; and Part II - Linearity Tests. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Alcotest 7110 Calibration Certificate

Part II - Linearity Tests

Equipment	Alcotest 7110 MKIII-C	Serial No.: ARWF-0389
Location:	LOWER TOWNSHIP POLICE	
Calibration File No.: 01076	Calib. Date: 11/28/2017	Calib. No.: 00040
Certification File No.: 01077	Cert. Date: 11/28/2017	Cert. No.: 00030
Linearity File No.: 01078	Lin. Date: 11/28/2017	Lin. No.: 00031
Solution File No.: 01075	Soln. Date: 06/22/2017	Soln. No.: 00211
Sequential File No.: 01078	File Date: 11/28/2017	
Calibrating Unit: WET	Model No.: CU-34	Serial No.: DDWE S3-0206
Control Solution %: 0.040%		Expires: 09/19/2018
Solution Control Lot: 16230		Bottle No.: 1453
Calibrating Unit: WET	Model No.: CU-34	Serial No.: DDWF S3-0218
Control Solution %: 0.080%		Expires: 09/27/2018
Solution Control Lot: 16250		Bottle No.: 0153
Calibrating Unit: WET	Model No.: CU-34	Serial No.: DDWJ S3-0334
Control Solution %: 0.160%		Expires: 10/03/2018
Solution Control Lot: 16260		Bottle No.: 0543

Function	Result %BAC	Time HH:MM	Temperature Simulator (°C)	Comment(s) or Error(s)
Ambient Air Blank	0.000%	09:39S		
Control 1 EC	0.040%	09:39S	34.0°C	*** TEST PASSED ***
Control 1 IR	0.038%	09:39S	34.0°C	*** TEST PASSED ***
Ambient Air Blank	0.000%	09:40S		
Control 2 EC	0.040%	09:41S	34.0°C	*** TEST PASSED ***
Control 2 IR	0.040%	09:41S	34.0°C	*** TEST PASSED ***
Ambient Air Blank	0.000%	09:43S		
Control 3 EC	0.079%	09:43S	33.9°C	*** TEST PASSED ***
Control 3 IR	0.079%	09:43S	33.9°C	*** TEST PASSED ***
Ambient Air Blank	0.000%	09:45S		
Control 4 EC	0.079%	09:45S	34.0°C	*** TEST PASSED ***
Control 4 IR	0.079%	09:45S	34.0°C	*** TEST PASSED ***
Ambient Air Blank	0.000%	09:47S		
Control 5 EC	0.157%	09:47S	33.9°C	*** TEST PASSED ***
Control 5 IR	0.159%	09:47S	33.9°C	*** TEST PASSED ***
Ambient Air Blank	0.000%	09:49S		
Control 6 EC	0.158%	09:49S	33.9°C	*** TEST PASSED ***
Control 6 IR	0.159%	09:49S	33.9°C	*** TEST PASSED ***
Ambient Air Blank	0.000%	09:51S		

All tests within acceptable tolerance.

Coordinator

Last Name: ALCOTT

First Name: KEVIN

MI: W.

Signature: _____

Tr. I K W. 8 #6704

Badge No.: 6704

Date: 11/28/2017

Calibrating Unit

New Standard Solution Report

Equipment Alcotest 7110 MKIII-C Serial No.: ARWF-0389
Location: LOWER TOWNSHIP POLICE
Calibration File No.: 01076 **Calib. Date:** 11/28/2017 **Calib. No.:** 00040
Certification File No.: 01077 **Cert. Date:** 11/28/2017 **Cert. No.:** 00030
Linearity File No.: 01078 **Lin. Date:** 11/28/2017 **Lin. No.:** 00031
Solution File No.: 01079 **Soln. Date:** 11/28/2017 **Soln. No.:** 00212
Sequential File No.: 01079 **File Date:** 11/28/2017

Calibrating Unit: WET **Model No.:** CU-34 **Serial No.:** DDWK S3-0408
Control Solution %: 0.100% **Expires:** 12/02/2018
Solution Control Lot: 16390 **Bottle No.:** 1225

Function	Result %BAC	Time HH:MM	Temperature Simulator (°C)	Comment(s) or Error(s)
Ambient Air Blank	0.000%	10:58S		
Control 1 EC	0.101%	10:58S	34.0°C	*** TEST PASSED ***
Control 1 IR	0.101%	10:58S	34.0°C	*** TEST PASSED ***
Ambient Air Blank	0.000%	10:59S		
Control 2 EC	0.101%	11:00S	34.0°C	*** TEST PASSED ***
Control 2 IR	0.102%	11:00S	34.0°C	*** TEST PASSED ***
Ambient Air Blank	0.000%	11:00S		
Control 3 EC	0.102%	11:01S	34.0°C	*** TEST PASSED ***
Control 3 IR	0.101%	11:01S	34.0°C	*** TEST PASSED ***
Ambient Air Blank	0.000%	11:01S		

All tests within acceptable tolerance.

On this date, I installed the above indicated "NEW SOLUTION" in accordance with
Alcotest 7110 operator training and procedures established by the (NJSP) Chief Forensic Scientist.

Temperature Probe Serial Number: DDWJP2-218 KA

Changed By:

Last Name: ALCOTT

First Name: KEVIN

MI: W.

Signature: Tpt. I K W. #6704

Badge No.: 6704

Date: 11/28/2017

Dräger

Simulator

CERTIFICATE OF ACCURACY

This Certificate of Accuracy verifies that the specified unit has been examined and found to be in compliance with National Highway and Traffic Safety Administration regulations for devices used to calibrate Evidential Breath Testers.
(F.R. Vol. 59 No. 249 12/19/94 Notices)
Dräger, Inc.

☒ Model: ALCOTEST CU34

☐ Model: MARK IIA

☐ Other: _____

Serial Number:

DDWES3-0206

Certification Date:

9-26-17

Technician:

BC

Re-Certification Due Date:

9-26-18

Dräger

Simulator

CERTIFICATE OF ACCURACY

This Certificate of Accuracy verifies that the specified unit has been examined and found to be in compliance with National Highway and Traffic Safety Administration regulations for devices used to calibrate Evidential Breath Testers.
(F.R. Vol. 59 No. 249 12/19/94 Notices)
Dräger, Inc.

☒ Model: ALCOTEST CU34

☐ Model: MARK IIA

☐ Other: _____

Serial Number:

DDWES3-0218

Certification Date:

9-26-17

Technician:

BC

Re-Certification Due Date:

9-26-18

Dräger

Simulator

CERTIFICATE OF ACCURACY

This Certificate of Accuracy verifies that the specified unit has been examined and found to be in compliance with National Highway and Traffic Safety Administration regulations for devices used to calibrate Evidential Breath Testers.
(F.R. Vol. 59 No. 249 12/19/94 Notices)
Dräger, Inc.

- ☒ Model: ALCOTEST CU34
☐ Model: MARK IIA
☐ Other: _____

Serial Number:

DDWJ 53-0334

Certification Date:

9-27-17

Technician:

BC

Re-Certification Due Date:

9-27-18

Dräger

Alcotest 7110 Temperature Probe

CERTIFICATE OF ACCURACY

This is to certify that the Alcotest 7110 Temperature Probe has been tested for accuracy with instrumentation that is traceable to the National Institute of Standards and Technology (NIST). The manufacturer recommends accuracy verification of the Temperature Probe within 12 months of the certification date below, or sooner, according to your state's specifications. For accurate temperature readings, the probe value on this certificate, noted below, must be programmed into the Alcotest 7110.

Serial Number Temp Probe:

DDXKP2-396

Certification Date:

9-8-17

Next Certification Due:

9-8-18

Probe Value:

104

Dräger, Inc.

BC



Calibration
Certificate No. 1750.01

Calibration complies with ISO/IEC
17025, ANSI/NCSL Z540-1, and 9001



Cert. No.: 4000-8609168

Traceable® Certificate of Calibration for Digital Thermometer

Manufactured for and distributed by VWR International, LLC, Radnor Corporate Center, Bldg 1, Ste 200, 100 Matsonford Road, Radnor, PA 19087
Instrument Identification:

Model: 61220-601 S/N: 170428368 Manufacturer: Control Company

Standards/Equipment:

Description	Serial Number	Due Date	NIST Traceable Reference
Temperature Calibration Bath TC-231	A79341		
Thermistor Module	A27129	12/01/17	1000401760
Temperature Probe	5267	12/06/17	B6B30059
Temperature Calibration Bath TC-191	A42238		
Thermistor Module	A27129	12/01/17	1000401760
Temperature Probe	5202	12/19/17	B6B30058-1
Temperature Calibration Bath TC-218	A73332		
Thermistor Probe	5356	1/10/18	B7104024
Readout, Digital Thermometer	B5C344	3/12/18	B7314035
Temperature Calibration Bath TC-275	B16388		
Thermistor Probe	5357	1/06/18	B7104023
Readout, Digital Thermometer	B5C344	3/12/18	B7314035

Certificate Information:

Technician: 104 Procedure: CAL-06 Cal Date: 6/08/17 Due Date: 6/08/19
Test Conditions: 23.5°C 50.0 %RH 1014 mBar

Calibration Data: (New Instrument)

Unit(s)	Nominal	As Found	In Tol	Nominal	As Left	In Tol	Min	Max	±U	TUR
°C		N.A.		0.002	0.001	Y	-0.048	0.052	0.010	>4.1
°C		N.A.		25.003	25.000	Y	24.953	25.053	0.010	>4.1
°C		N.A.		50.002	50.001	Y	49.952	50.052	0.010	>4.1
°C		N.A.		100.001	99.998	Y	99.951	100.051	0.010	>4.1

This instrument was calibrated using instruments traceable to National Institute of Standards and Technology.

A Test Uncertainty Ratio of at least 4:1 is maintained unless otherwise stated and is calculated using the expanded measurement uncertainty. Uncertainty evaluation includes the instrument under test and is calculated in accordance with the ISO "Guide to the Expression of Uncertainty in Measurement" (GUM). The uncertainty represents an expanded uncertainty using a coverage factor $k=2$ to approximate a 95% confidence level. In tolerance conditions are based on test results falling within specified limits with no reduction by the uncertainty of the measurement. The results contained herein relate only to the item calibrated. This certificate shall not be reproduced except in full, without written approval of Control Company.

Nominal=Standard's Reading; As Left=Instrument's Reading; In Tol=In Tolerance; Min/Max=Acceptance Range; ±U=Expanded Measurement Uncertainty; TUR=Test Uncertainty Ratio; Accuracy= $\pm(\text{Max-Min})/2$; Min = As Left Nominal(Rounded) - Tolerance; Max = As Left Nominal(Rounded) + Tolerance; Date=MM/DD/YY

Nicol Rodriguez
Nicol Rodriguez, Quality Manager

Aaron Judice
Aaron Judice, Technical Manager

Maintaining Accuracy:

In our opinion once calibrated your Digital Thermometer should maintain its accuracy. There is no exact way to determine how long calibration will be maintained. Digital Thermometers change little, if any at all, but can be affected by aging, temperature, shock, and contamination.

Recalibration:

For factory calibration and re-certification traceable to National Institute of Standards and Technology contact Control Company.

CONTROL COMPANY 12554 Galveston RD Suite B230 Webster TX USA 77598
Phone 281 482-1714 Fax 281 482-9448 service@control3.com www.control3.com

Control Company is an ISO 17025:2005 Calibration Laboratory Accredited by (A2LA) American Association for Laboratory Accreditation, Certificate No. 1750.01
Control Company is ISO 9001:2008 Quality Certified by (DNV) Det Norske Veritas, Certificate No. CERT-01805-2008-AQ-HOU-RvA
International Laboratory Accreditation Cooperation (ILAC) - Multilateral Recognition Arrangement (MRA)



State of New Jersey

OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF STATE POLICE
POST OFFICE BOX 7068
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(609) 682-2000

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHRISTOPHER S. PARRINO
Attorney General

COLONEL JOSEPH R. PUNTIERO
Superintendent

CERTIFICATION OF ANALYSIS
0.10 PERCENT BREATH ALCOHOL SIMULATOR SOLUTION

ACCEPTANCE SPECIFICATIONS FOR BREATH ALCOHOL SIMULATOR SOLUTION: Ethyl alcohol concentration within, but not exceeding, the range of 0.1174 to 0.1246 grams per 100 milliliters of solution.

MANUFACTURER: Draeger Safety, Inc.

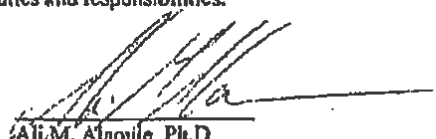
ANALYSIS DATE: 09/19/2016

BREATH ALCOHOL SIMULATOR SOLUTION LOT NUMBER: 16220

Representative samples of the above-referenced Lot Number were tested by Gas Chromatography and found to have a mean ethyl alcohol concentration range of 0.1202 to 0.1207 grams per 100 milliliters of solution.

This lot of breath alcohol simulator solution may be utilized as a known traceable standard for the purpose of conducting periodic tests, pursuant to N.J.A.C. 13:51-4.3, of approved breath test instruments (N.J.A.C. 13:51-3.5) utilized by law enforcement agencies in this State. The manufacturer's expiration date for this lot of breath alcohol simulator solution is September 07, 2018.

As Research Scientist for the Division of State Police, I hereby certify and attest that the tests and results documented in this Certificate of Analysis were performed at the Office of Forensic Sciences of the Division of State Police on properly functioning and calibrated instruments and equipment. All procedures utilized are accurate, objective, and performed on a routine basis by personnel within the Office of Forensic Sciences, in accordance with their professional duties and responsibilities.


Ali M. Alaoui, Ph.D.
Research Scientist
NJSP Office of Forensic Sciences

Sworn to and subscribed before me this 19th day of September, 2016.

Notary

MARY ELIZABETH MCLAUGHLIN

ID # 2052180
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires Dec. 24, 2018



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Governor

KIM GUADAGNO
Lt. Governor

CHRISTOPHER S. PARRINO
Attorney General

COLONEL JOSEPH R. FLENNIES
Superintendent

CERTIFICATION OF ANALYSIS
0.04 PERCENT BREATH ALCOHOL SIMULATOR SOLUTION

ACCEPTANCE SPECIFICATIONS FOR BREATH ALCOHOL SIMULATOR SOLUTION: Ethyl alcohol concentration within, but not exceeding, the range of 0.0469 to 0.0499 grams per 100 milliliters of solution.

MANUFACTURER: Dräger Safety, Inc.

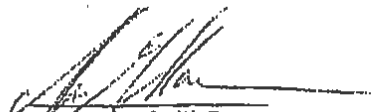
ANALYSIS DATE: 09/27/2016

BREATH ALCOHOL SIMULATOR SOLUTION LOT NUMBER: 16239

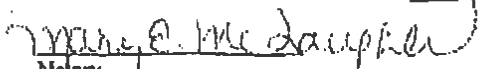
Representative samples of the above-referenced Lot Number were tested by Gas Chromatography and found to have a mean ethyl alcohol concentration range of 0.0484 to 0.0492 grams per 100 milliliters of solution.

This lot of breath alcohol simulator solution may be utilized as a known traceable standard for the purpose of conducting periodic tests, pursuant to N.J.A.C. 13:51-4.3, of approved breath test instruments (N.J.A.C. 13:51-3.5) utilized by law enforcement agencies in this State. The manufacturer's expiration date for this lot of breath alcohol simulator solution is September 19, 2018.

As Research Scientist for the Division of State Police, I hereby certify and attest that the tests and results documented in this Certificate of Analysis were performed at the Office of Forensic Sciences of the Division of State Police on properly functioning and calibrated instruments and equipment. All procedures utilized are accurate, objective, and performed on a routine basis by personnel within the Office of Forensic Sciences, in accordance with their professional duties and responsibilities.


Ali M. Alaric, Ph.D.,
Research Scientist
NJSP Office of Forensic Sciences

Sworn to and subscribed before me this 28th day of September, 2016.


Notary
MARY ELIZABETH MCLAUGHLIN

ID # 2052190
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires Dec. 24, 2018



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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHRISTOPHER S. PORRINO
Attorney General

COLONEL JOSEPH R. PUENTES
Superintendent

CERTIFICATION OF ANALYSIS
0.08 PERCENT BREATH ALCOHOL SIMULATOR SOLUTION

ACCEPTANCE SPECIFICATIONS FOR BREATH ALCOHOL SIMULATOR SOLUTION: Ethyl alcohol concentration within, but not exceeding, the range of 0.0939 to 0.0997 grams per 100 milliliters of solution.

MANUFACTURER: Dräger Safety, Inc.

ANALYSIS DATE: 10/04/2016

BREATH ALCOHOL SIMULATOR SOLUTION LOT NUMBER: 16250

Representative samples of the above-referenced Lot Number were tested by Gas Chromatography and found to have a mean ethyl alcohol concentration range of 0.0965 to 0.0975 grams per 100 milliliters of solution.

This lot of breath alcohol simulator solution may be utilized as a known traceable standard for the purpose of conducting periodic tests, pursuant to N.J.A.C. 13:51-4.3, of approved breath test instruments (N.J.A.C. 13:51-3.5) utilized by law enforcement agencies in this State. The manufacturer's expiration date for this lot of breath alcohol simulator solution is September 27, 2018.

As Research Scientist for the Division of State Police, I hereby certify and attest that the tests and results documented in this Certificate of Analysis were performed at the Office of Forensic Sciences of the Division of State Police on properly functioning and calibrated instruments and equipment. All procedures utilized are accurate, objective, and performed on a routine basis by personnel within the Office of Forensic Sciences, in accordance with their professional duties and responsibilities.

Ali M. Alcaide, Ph.D.
Research Scientist
NJSP Office of Forensic Sciences

Sworn to and subscribed before me this 5th day of October, 2016.

Notary

MARY ELIZABETH MCLAUGHLIN

ID # 2052180
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires Dec. 24, 2018



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CHRIS CHRISTIE
Governor

CHRISTOPHER S. PORRINO
Attorney General

KIM GUADAGNO
Lt. Governor

COLONEL JOSEPH R. PUGNIES
Superintendent

CERTIFICATION OF ANALYSIS 0.16 PERCENT BREATH ALCOHOL SIMULATOR SOLUTION

ACCEPTANCE SPECIFICATIONS FOR BREATH ALCOHOL SIMULATOR SOLUTION: Ethyl alcohol concentration within, but not exceeding, the range of 0.1878 to 0.1994 grams per 100 milliliters of solution.

MANUFACTURER: Dräger Safety, Inc.

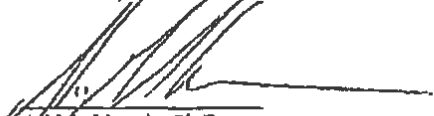
ANALYSIS DATE: 10/13/2016

BREATH ALCOHOL SIMULATOR SOLUTION LOT NUMBER: 16260

Representative samples of the above-referenced Lot Number were tested by Gas Chromatography and found to have a mean ethyl alcohol concentration range of 0.1928 to 0.1964 grams per 100 milliliters of solution.

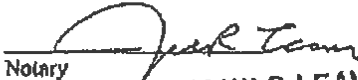
This lot of breath alcohol simulator solution may be utilized as a known traceable standard for the purpose of conducting periodic tests, pursuant to N.J.A.C. 13:51-4.3, of approved breath test instruments (N.J.A.C. 13:51-3.5) utilized by law enforcement agencies in this State. The manufacturer's expiration date for this lot of breath alcohol simulator solution is October 3, 2018.

As Research Scientist for the Division of State Police, I hereby certify and attest that the tests and results documented in this Certificate of Analysis were performed at the Office of Forensic Sciences of the Division of State Police on properly functioning and calibrated instruments and equipment. All procedures utilized are accurate, objective, and performed on a routine basis by personnel within the Office of Forensic Sciences, in accordance with their professional duties and responsibilities.


Ali M. Alaoulo, Ph.D.
Research Scientist
NJSP Office of Forensic Sciences

Sworn to and subscribed before me this 17 day of October, 2016.

Notary


JOHN R LEAVER
ID # 2207138
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires Dec. 14, 2017



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State of New Jersey

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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHRISTOPHER S. PORRINO
Attorney General

COLONEL JOSEPH R. FUENTES
Superintendent

CERTIFICATION OF ANALYSIS 0.10 PERCENT BREATH ALCOHOL SIMULATOR SOLUTION

ACCEPTANCE SPECIFICATIONS FOR BREATH ALCOHOL SIMULATOR SOLUTION: Ethyl alcohol concentration within, but not exceeding, the range of 0.1174 to 0.1246 grams per 100 milliliters of solution.

MANUFACTURER: Draeger Safety, Inc.

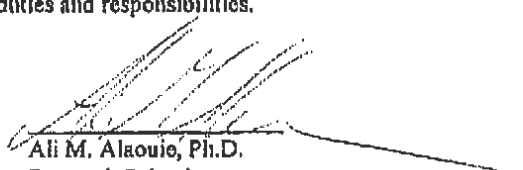
ANALYSIS DATE: 12/20/2016

BREATH ALCOHOL SIMULATOR SOLUTION LOT NUMBER: 16390

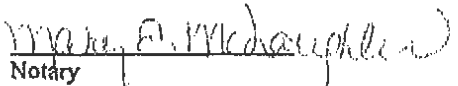
Representative samples of the above-referenced Lot Number were tested by Gas Chromatography and found to have a mean ethyl alcohol concentration range of 0.1211 to 0.1225 grams per 100 milliliters of solution.

This lot of breath alcohol simulator solution may be utilized as a known traceable standard for the purpose of conducting periodic tests, pursuant to N.J.A.C. 13:51-4.3, of approved breath test instruments (N.J.A.C. 13:51-3.5) utilized by law enforcement agencies in this State. The manufacturer's expiration date for this lot of breath alcohol simulator solution is December 02, 2018.

As Research Scientist for the Division of State Police, I hereby certify and attest that the tests and results documented in this Certificate of Analysis were performed at the Office of Forensic Sciences of the Division of State Police on properly functioning and calibrated instruments and equipment. All procedures utilized are accurate, objective, and performed on a routine basis by personnel within the Office of Forensic Sciences, in accordance with their professional duties and responsibilities.


Ali M. Alaoui, Ph.D.
Research Scientist
NJSP Office of Forensic Sciences

Sworn to and subscribed before me this 21st day of December, 2016.


Notary

MARY ELIZABETH MCLAUGHLIN

ID # 2052190

NOTARY PUBLIC

STATE OF NEW JERSEY

My Commission Expires Dec. 24, 2018



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DEPARTMENT OF
Traffic and Public Safety
Which is to certify that

Kevin W. Alcott
Breath Test Coordinator/Instructor

IS QUALIFIED AND COMPETENT TO CONDUCT CHEMICAL BREATH ANALYSIS IN ACCORDANCE WITH CHAPTER 142 OF
THE LAWS OF 1964 IN THE OPERATION OF THE **Alcotest 7110 MKIII-C**
A METHOD TO DETERMINE INTOXICATION.
GIVEN UNDER MY HAND AT TRENTON, NEW JERSEY, this 21st DAY OF May
TWO THOUSAND AND Fifteen.

[Signature]
SUPERINTENDENT
NEW JERSEY STATE POLICE

[Signature]
ATTORNEY GENERAL
STATE OF NEW JERSEY

DEPARTMENT OF
Traffic and Public Safety
Which is to certify that

KEVIN W. ALCOTT
NEW JERSEY STATE POLICE

IS QUALIFIED AND COMPETENT TO CONDUCT CHEMICAL BREATH ANALYSIS IN ACCORDANCE WITH CHAPTER 142 OF
THE LAWS OF 1964 IN THE OPERATION OF THE **ALCOTEST 7110 MKIII-C**
A METHOD TO DETERMINE INTOXICATION.
GIVEN UNDER MY HAND AT TRENTON, NEW JERSEY, this 10th DAY OF APRIL
TWO THOUSAND AND EIGHT.

[Signature]
SUPERINTENDENT
NEW JERSEY STATE POLICE

[Signature]
ATTORNEY GENERAL
STATE OF NEW JERSEY

ORIGINAL COURSE DATES

DATE	Refresher Course PLACE	INSTRUCTOR
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____

S.P. 2836 (Rev. 09/13)

ORIGINAL COURSE DATES

DATE	Refresher Course PLACE	INSTRUCTOR
1. <u>8-25-10</u>	<u>ACPA</u>	<u>R. T...</u>
2. <u>1-12-12</u>	<u>ROSEN LODA</u>	<u>C...</u>
3. <u>1-16-14</u>	<u>SAYREVILLE</u>	<u>R. T...</u>
4. <u>1/21/16</u>	<u>Lakewood</u>	<u>Wm. St...</u>
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____

S.P. 2836 (Rev. 07/07)

Dräger

Alcotest® 7110 MKIII-C

CERTIFICATE OF ACCURACY

This is to certify that the Alcotest 7110 MKIII-C has been tested for accuracy and found to be in compliance with the National Highway Traffic Safety Administration Standard for evidential breath testing devices. The Alcotest MKIII-C is compliant as a "mobile" and "nonmobile" EBT with 49 FR 48854, 49 FR 48864 and 58 FR 48705. The manufacturer recommends accuracy verification of this instrument within 12 months of the calibration date below, or sooner, according to your State Specifications.

Certification Date:

6-22-17

SERIAL NUMBER:

ARWF-0389

Draeger Safety Diagnostics, Inc.

BC



Dräger

CERTIFICATE OF ACCURACY

This Certificate of Accuracy verifies that the specified unit has been examined and found to be in compliance with National Highway and Traffic Safety Administration regulations for devices used to calibrate Evidential Breath Testers.
(F.R. Vol. 59 No. 249 12/19/94 Notices)

Draeger Safety Diagnostics, Inc.

☒ Model: ALCOTEST® CU34

☐ Model: MARK IIA

☐ Other: _____

Serial Number:

DDWKS3-0408

Certification Date

02-07-17

Technician

RAJ

Re-Certification Due Date

02-07-18

Dräger

ALCOTEST® 7110 TEMPERATURE PROBE

CERTIFICATE OF ACCURACY

This is to certify that the Alcotest® 7110 Temperature Probe has been tested for accuracy with instrumentation that is traceable to the National Institute of Standards and Technology (NIST). The manufacturer recommends accuracy verification of the Temperature Probe within 12 months of the certification date below, or sooner, according to your State Specification. For accurate temperature readings, the probe value on this certificate, noted below, must be programmed into the Alcotest® 7110.

Serial Number Temp. Probe

DDWSP2-218

Certification date:

02-07-17

Next Certification due:

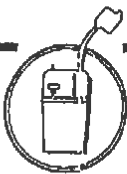
02-07-18

Probe Value

104

Draeger Safety Diagnostics, Inc.
Technical Service Department

RAJ



Dräger

CERTIFICATE OF ACCURACY

This Certificate of Accuracy verifies that the specified unit has been examined and found to be in compliance with National Highway and Traffic Safety Administration regulations for devices used to calibrate Evidential Breath Testers.
(F.R. Vol. 59 No. 249 12/19/94 Notices)

Draeger Safety Diagnostics, Inc.

- ☒ Model: ALCOTEST® CU34
☐ Model: MARK IIA
☐ Other: _____

Serial Number:

DDWKS3-0408

Certification Date

02-07-17

Technician

PLG

Re-Certification Due Date

02-07-18

Dräger

ALCOTEST® 7110 TEMPERATURE PROBE

CERTIFICATE OF ACCURACY

This is to certify that the Alcotest® 7110 Temperature Probe has been tested for accuracy with instrumentation that is traceable to the National Institute of Standards and Technology (NIST).

The manufacturer recommends accuracy verification of the Temperature Probe within 12 months of the certification date below, or sooner, according to your State Specification.

For accurate temperature readings, the probe value on this certificate, noted below, must be programmed into the Alcotest® 7110.

Serial Number Temp. Probe

DDWSP2-218

Certification date:

02-07-17

Next Certification due:

02-07-18

Probe Value

104

Draeger Safety Diagnostics, Inc.
Technical Service Department

PLG

Dräger

Alcotest® 7110 MKIII-C

CERTIFICATE OF ACCURACY

This is to certify that the Alcotest 7110 MKIII-C has been tested for accuracy and found to be in compliance with the National Highway Traffic Safety Administration Standard for evidential breath testing devices. The Alcotest MKIII-C is compliant as a "mobile" and "nonmobile" EBT with 49 FR 48854, 49 FR 48864 and 58 FR 48705. The manufacturer recommends accuracy verification of this instrument within 12 months of the calibration date below, or sooner, according to your State Specifications.

Certification Date:

6-22-17

SERIAL NUMBER:

ARWF-0389

Draeger Safety Diagnostics, Inc.

BC

COURT I.D.		PREFIX		TICKET NUMBER		MUNICIPAL COURT TOWNSHIP OF LOWER 401 Breakwater Road Erma, NJ 08204	
0505		A		063727		18-11836	
POLICE RECORD							
YOU ARE HEREBY SUMMONED TO APPEAR BEFORE THIS COURT TO ANSWER THIS COMPLAINT CHARGING YOU WITH THE OFFENSE LISTED:							
Driver's Lic. No.		EXP. DATE		STATE		☐ Commercial License	
		7/21		NJ			
THE UNDERSIGNED CERTIFIES THAT							
Name First		Initial		Last		(Please Print)	
John		A		Chew			
Address 972 Lenape Drive							
City		State		Zip Code		Telephone	
Erma		NJ		08204			
Birth Date		Eyes		Sex		Weight	
7/1/70		6		M			
Height		Restrictions					
DID UNLAWFULLY (PARK) (OPERATE) A							
Make of Vehicle		Year		Body Type		Color	
Chevy		02		TRUP		BK	
License Plate No.		State		Exp. Date			
2V1555		NJ		3/19			
Offense Date		Month		Day		Year	
		4		27		18	
Time		Hour		Minute		AM/PM	
18		28				PM	
LOCATION OF OFFENSE		Describe Location					
0505		Merrysuckle Idell					
Municipality		County		Mun. Code (Offense)			
LOWER TOWNSHIP		CAPE MAY		0505			
AND DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE (ONE CHARGE PER COMPLAINT)							
TRAFFIC OFFENSES - (CHECK ONE) - TITLE 39:							
☐ 3-4 Unregistered vehicle		☐ 4-85 Improper passing		☐ 4-97 Careless driving		☐ 4-124 Failure to turn	
☐ 3-29 Failure to exhibit documents		☐ 4-97 Careless driving		☐ 4-124 Failure to turn		☐ 4-144 Failure to stop or yield	
☐ D.L. or ☐ REG or ☐ INS		☐ 4-124 Failure to turn		☐ 4-144 Failure to stop or yield		☐ 8-1 Failure to inspect	
☐ 3-33 Unclear plates		☐ 4-144 Failure to stop or yield		☐ 8-1 Failure to inspect		☐ 8-4 Failure to make repairs	
☐ 3-66 Maintenance of lamps		☐ 8-1 Failure to inspect		☐ 8-4 Failure to make repairs			
☐ 3-76.2f Failure to wear seatbelt		☐ 8-4 Failure to make repairs					
☐ 4-81 Failure to observe signal							
☒ 4-98 Speeding _____ MPH in a _____ MPH zone							
IN EXCESS OF SPEED LIMIT BY:							
☐ 1-9MPH ☐ 10-14MPH ☐ 15-19MPH ☐ 20-24MPH ☐ 25-29MPH ☐ 30-34MPH							
☐ 65 MPH Zone ☐ Safe Corridor ☐ Construction Zone							
PENALTY SCHEDULE ON REVERSE							
PARKING OFFENSE							
☐ Overtime Meter No. ☐ Prohibited Area ☐ Double							
OTHER TRAFFIC/PARKING OFFENSE (Describe)							
Failure to Maintain Lane							
Statute No.		Ordinance/Code No.					
39:4-85c							
THE UNDERSIGNED FURTHER STATES THAT THERE ARE JUST AND REASONABLE GROUNDS TO BELIEVE THAT YOU COMMITTED THE ABOVE OFFENSE AND WILL FILE THIS COMPLAINT IN THIS COURT CHARGING YOU WITH THAT OFFENSE.		Month		Day		Year	
		4		27		18	
Signature of Complaining Witness		Officer's ID. No.					
		195					
NOTICE TO APPEAR							
☒ COURT APPEARANCE REQUIRED		COURT DATE		Month		Day	
				5		15	
				Year		18	
				Time		9:00 AM	
☐ Accident ☐ Property Damage ☐ Personal Injury ☐ Death/Serious Bodily Injury							
CONDITIONS		AREA		Business		School	
				☒ Dry		☐ Wet	
				☐ Light		☐ Medium	
				☐ Clear		☐ Rain	
				☐ Snow		☐ Fog	
Equipment		☐ Helicopter		☐ Pace		☐ Speed Measurement Device	
						☐ EBT	
Equipment Operator's Name		Operator ID No.		Unit Code			
POLICE RECORD							

UTT-1 10-17-06 (rev. 1/9/07)

COURT I.D.		PREFIX		TICKET NUMBER		MUNICIPAL COURT TOWNSHIP OF LOWER 401 Breakwater Road Erma, NJ 08204	
0505		A		063726		18-11836	
POLICE RECORD							
YOU ARE HEREBY SUMMONED TO APPEAR BEFORE THIS COURT TO ANSWER THIS COMPLAINT CHARGING YOU WITH THE OFFENSE LISTED:							
Driver's Lic. No.		EXP. DATE		STATE		☐ Commercial License	
		7/21		NJ			
THE UNDERSIGNED CERTIFIES THAT							
Name First		Initial		Last		(Please Print)	
John		A		Chew			
Address 972 Lenape Drive							
City		State		Zip Code		Telephone	
Erma		NJ		08204			
Birth Date		Eyes		Sex		Weight	
7/1/70		6		M			
Height		Restrictions					
DID UNLAWFULLY (PARK) (OPERATE) A							
Make of Vehicle		Year		Body Type		Color	
Chevy		02		TRUP		BK	
License Plate No.		State		Exp. Date			
2V1555		NJ		3/19			
Offense Date		Month		Day		Year	
		4		27		18	
Time		Hour		Minute		AM/PM	
18		28				PM	
LOCATION OF OFFENSE		Describe Location					
0505		Merrysuckle Idell					
Municipality		County		Mun. Code (Offense)			
LOWER TOWNSHIP		CAPE MAY		0505			
AND DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE (ONE CHARGE PER COMPLAINT)							
TRAFFIC OFFENSES - (CHECK ONE) - TITLE 39:							
☐ 3-4 Unregistered vehicle		☐ 4-85 Improper passing		☐ 4-97 Careless driving		☐ 4-124 Failure to turn	
☐ 3-29 Failure to exhibit documents		☐ 4-97 Careless driving		☐ 4-124 Failure to turn		☐ 4-144 Failure to stop or yield	
☐ D.L. or ☐ REG or ☐ INS		☐ 4-124 Failure to turn		☐ 4-144 Failure to stop or yield		☐ 8-1 Failure to inspect	
☐ 3-33 Unclear plates		☐ 4-144 Failure to stop or yield		☐ 8-1 Failure to inspect		☐ 8-4 Failure to make repairs	
☐ 3-66 Maintenance of lamps		☐ 8-1 Failure to inspect		☐ 8-4 Failure to make repairs			
☐ 3-76.2f Failure to wear seatbelt		☐ 8-4 Failure to make repairs					
☐ 4-81 Failure to observe signal							
☒ 4-98 Speeding _____ MPH in a _____ MPH zone							
IN EXCESS OF SPEED LIMIT BY:							
☐ 1-9MPH ☐ 10-14MPH ☐ 15-19MPH ☐ 20-24MPH ☐ 25-29MPH ☐ 30-34MPH							
☐ 65 MPH Zone ☐ Safe Corridor ☐ Construction Zone							
PENALTY SCHEDULE ON REVERSE							
PARKING OFFENSE							
☐ Overtime Meter No. ☐ Prohibited Area ☐ Double							
OTHER TRAFFIC/PARKING OFFENSE (Describe)							
DUI							
Statute No.		Ordinance/Code No.					
39:4-50							
THE UNDERSIGNED FURTHER STATES THAT THERE ARE JUST AND REASONABLE GROUNDS TO BELIEVE THAT YOU COMMITTED THE ABOVE OFFENSE AND WILL FILE THIS COMPLAINT IN THIS COURT CHARGING YOU WITH THAT OFFENSE.		Month		Day		Year	
		4		27		18	
Signature of Complaining Witness		Officer's ID. No.					
		195					
NOTICE TO APPEAR							
☒ COURT APPEARANCE REQUIRED		COURT DATE		Month		Day	
				5		15	
				Year		18	
				Time		1:00 PM	
☐ Accident ☐ Property Damage ☐ Personal Injury ☐ Death/Serious Bodily Injury							
CONDITIONS		AREA		Business		School	
				☒ Dry		☐ Wet	
				☐ Light		☐ Medium	
				☐ Clear		☐ Rain	
				☐ Snow		☐ Fog	
Equipment		☐ Helicopter		☐ Pace		☐ Speed Measurement Device	
						☐ EBT	
Equipment Operator's Name		Operator ID No.		Unit Code			
POLICE RECORD							

UTT-1 10-17-06 (rev. 1/9/07)

**STATE OF NEW JERSEY
MOTOR VEHICLE COMMISSION
ABSTRACT OF DRIVER HISTORY RECORD**

CERTIFIED - COMPLETE

gc. M. Nuccio
2018-11836

DRIVER LICENSE NUMBER

[REDACTED]

FIRST NAME

JOHN

M.I.

A

LAST NAME

CHEW

JR

STREET

972 LENAPE DR

CITY

ERMA

STATE

NJ

ZIPCODE

08204-4825

LOWER TWP POLICE DEPT
405 BREAKWATER RD
ERMA NJ 08204

CLASS: D

ENDORSEMENTS:

RESTRICTIONS:

EXPIRATION: 07 31 2021

REQ. REF. NO.

UNIT NUMBER

6466

ABSTRACT DATE

05 03 2018

TYPE

H

EVENT DATE MO. DAY YR.	EVENT RESPONSI- BILITY	EVENT TYPE	EVENT IDENTI- FIER	EVENT DESCRIPTION	C M V	H Z M	F T L	P A	PTS.	POSTING DATE MMDDYY
02 03 05	DMV	M	DDCC	DEFENSIVE DRIVING COURSE COMPLETED						030105
01 15 94	DMV	Z	PC03	POINT CREDIT-ANNUAL SAFE DRIVING					-3	011594
01 15 93	DMV	Z	PC03	POINT CREDIT-ANNUAL SAFE DRIVING					-3	011693
01 01 93	ISS	B	SURC	DRIVER SURCHARGED						121392
01 15 92	DMV	Z	PC03	POINT CREDIT-ANNUAL SAFE DRIVING					-3	011592
01 01 92	ISS	B	SURC	DRIVER SURCHARGED						121591
02 22 91	DIP	N	PTPS	POINT SYSTEM ADVISORY NOTICE DIP						022291
02 08 91	DIP	N	PTPS	POINT SYSTEM ADVISORY NOTICE DIP						020891
01 15 91	A09	V	0491	FAILURE YIELD TO EMERGENCY VEHICLE					2	022291
01 03 91	A09	V	4982	SPEEDING					2	020891
01 01 91	ISS	B	SURC	DRIVER SURCHARGED						121690
09 16 90	E07	V	0496	RECKLESS DRIVING					5	121290
01 17 90	DMV	Z	PC03	POINT CREDIT-ANNUAL SAFE DRIVING					-3	011790
01 01 90	ISS	B	SURC	DRIVER SURCHARGED						121789
09 18 89	CIS	A	POLC	INVOLVED IN ACCIDENT-POLICE REPORT						020290

I CERTIFY THAT ACCORDING TO THE RECORDS OF THE MOTOR VEHICLE COMMISSION, THIS LISTING IS A TRUE ABSTRACT OF THE DRIVER HISTORY RECORD OF THE INDIVIDUAL WHOSE DRIVER LICENSE NUMBER IS LISTED ABOVE. THE RECORD INCLUDES ACCIDENTS, SUSPENSIONS AND CONVICTIONS FOR MOVING VIOLATIONS, AS OF THE ABOVE ABSTRACT DATE.

B. Sue Fulton
B. Sue Fulton, Chief Administrator

**STATE OF NEW JERSEY
MOTOR VEHICLE COMMISSION
ABSTRACT OF DRIVER HISTORY RECORD**

CERTIFIED - COMPLETE

DRIVER LICENSE NUMBER

[REDACTED]

FIRST NAME

JOHN

M.I.

A

LAST NAME

CHEW

JR

STREET

972 LENAPE DR

CITY

ERMA

STATE

NJ

ZIPCODE

08204-4825

LOWER TWP POLICE DEPT
405 BREAKWATER RD
ERMA NJ 08204

CLASS: D

ENDORSEMENTS:

RESTRICTIONS:

EXPIRATION: 07 31 2021

REQ. REF. NO.

UNIT NUMBER

6466

ABSTRACT DATE

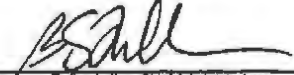
05 03 2018

TYPE

H

EVENT DATE MO. DAY YR.	EVENT RESPONSI- BILITY	EVENT TYPE	EVENT IDENTI- FIER	EVENT DESCRIPTION	C M V	H Z M	F T L	P A	PTS.	POSTING DATE MMDDYY
CONTINUED										
08 12 89	PDP	Z	PC03	POINT CREDIT AFTER PDP CLASS COMPL					-3	081889
08 12 89	PDP	W	0001	PDP CLASS CMPLT/WARNING IN PERSON						081889
05 01 89	PDP	P	PROG	PROB DRIVER PROG ASSIGN/SCHEDULE						050289
05 01 89	PDP	F	PROG	PROBATIONARY DRIVER PROG FEE PAID						050289
04 13 89	PDP	D	PROG	PROBATIONARY DRIVER PROG FEE DUE						041389
01 17 89	E08	V	8122	SPEEDING					2	041389
04 30 88	E09	V	4126	FAILURE TO GIVE PROPER SIGNAL					2	081788
04 30 88	CIS	A	POLC	INVOLVED IN ACCIDENT-POLICE REPORT						072688
04 01 88	E15	V	0497	CARELESS DRIVING					2	101788
				CURRENT STATUS - IN GOOD STANDING						
				* OUT OF STATE DRIVER HISTORY *						
				*** NONE ***						

I CERTIFY THAT ACCORDING TO THE RECORDS OF THE MOTOR VEHICLE COMMISSION, THIS LISTING IS A TRUE ABSTRACT OF THE DRIVER HISTORY RECORD OF THE INDIVIDUAL WHOSE DRIVER LICENSE NUMBER IS LISTED ABOVE. THE RECORD INCLUDES ACCIDENTS, SUSPENSIONS AND CONVICTIONS FOR MOVING VIOLATIONS, AS OF THE ABOVE ABSTRACT DATE.


B. Sue Fulton, Chief Administrator

POTENTIAL LIABILITY WARNING - N.J.S.A. 39:4-50.22 (Rev. 2-20-2004) FORM

Defendant Information		Case # 18-11836
Name: Last, First, M.I. Chew, John A	DL# & State [REDACTED]	Arresting Officer Information
Street Address 972 Lengua Drive	Birth Date 7/4/70	Name: Last, First, M.I. Rank Nuscis
Town, State ZIP Essex, NJ 08204	Arrest: Date & Time 4/27/18 14:28	Badge # 195
Violation(s) Charged: (Check appropriate boxes)		
☒ N.J.S.A. 39:4-50(a), DWI ☐ N.J.S.A. 39:4-50.2, Refusal to submit to chemical breath testing		

You have been summoned by, or on behalf of, the person whose name appears above as "defendant," to transport or accompany the defendant from this law enforcement agency. The defendant has been arrested and charged with one or both of the motor vehicle violations checked in the box above. Pursuant to N.J.S.A. 39:4-50.22, this WARNING is to advise you that if you accept responsibility to transport or accompany the defendant, and you permit or facilitate the operation of a motor vehicle by the defendant while the defendant is intoxicated or has a blood alcohol concentration at, or above, that permitted by law (N.J.S.A. 39:4-50), then you are potentially subject to criminal penalties and civil liability.

Permitting a person who is intoxicated or who has a blood alcohol concentration at, or above, that permitted by law, to operate a motor vehicle is a violation of N.J.S.A. 39:4-50(a). If you are charged and convicted under that statute: your driving privilege will be suspended; fines and monetary penalties will be imposed; and you may be incarcerated. If you permit or facilitate the defendant to operate a motor vehicle while the defendant remains intoxicated or has a blood alcohol concentration at, or above, that permitted by law, and the defendant becomes involved in a motor vehicle collision where other persons are injured or killed, then you may be subject to indictment and criminal prosecution. If you are prosecuted and found guilty, the court can impose fines and mandatory penalties, and a prison sentence. In addition to any criminal liability, if you permit or facilitate the defendant to operate a motor vehicle while the defendant remains intoxicated or has a blood alcohol concentration at, or above, that permitted by law, and the defendant becomes involved in a motor vehicle collision where there is property damage, or personal injury or death, then you may be held liable for civil damages, and those damages may not be covered by insurance.

Person Acknowledging Receipt

Robert Eckel
 Print Name
 926 Tower View
 Street Address
 Essex, NJ 08204
 City & State

Law Enforcement Officer

Nuscis
 Print Name
 Ptl. #195
 Rank & Badge No.
 4/27/18
 Date & Time of Acknowledgment

ACKNOWLEDGMENT OF RECEIPT OF POTENTIAL LIABILITY WARNING

I, John A. Chew, have received this POTENTIAL
 Signature of Person Summoned
 LIABILITY WARNING from the Law Enforcement Officer whose name appears below.

REFUSAL TO ACKNOWLEDGE, IN WRITING,
 RECEIPT OF POTENTIAL LIABILITY WARNING

_____, was given a copy of this POTENTIAL
 Print Name of Person Summoned
 LIABILITY WARNING, but refused to sign the acknowledgment of receipt.

Signature of Law Enforcement Officer

Date & Time of Refusal to Acknowledge

**Lower Township Police Department
Chain Of Custody Report (Short Version)****FILE****Department Case Number: 2018-11836****Case Information**

Case Officer: 195 - % Michael Nuscis
Offense Date/Time: 04/27/2018 - 18:28Hrs
Offense Location: HONEYSUCKLE ROAD, ERMA, NJ 08204
Offense Type: 2410 - Driving Under the Influence - Alcohol

Case Names

Name Type: Suspect **Name:** CHEW, JOHN, A **Sex:** M **Race:** W **DOB:** 07/04/1970

Case Items

Item Number: 001 **Description:** MVR FOOTAGE FROM VEHICLE #123 AND #S1 **Owner:** JOHN CHEW

Status Date / Time	Status Code	Status Description	Location Description	Status Officer	Officer	Signature Window
04/27/2018 @ 18:28	0001	Item Collected		195	% Michael Nuscis	
05/02/2018 @ 15:13	SUBM	Item Submitted Into Property	Pass Through Locker 3	195	% Michael Nuscis	
05/08/2018 @ 07:56	0002	Stored in Location	MVR Shelf	170	Majane, Michael	



Lower Township Police

FILE

2 discs



VIDEO RECORDING Request Form

Date of Incident: 4/27/2018 Time of Incident: 18:28

Requesting Officer: NURCIS Vehicle Number: _____

PD Case Number: 2018-11836 Involved Person: John Chew

Incident Type: DWI

Additional Officers/Vehicles with Video:

Acmbruster

Bail Reform: YES _____ NO ✓ Video Type: ☒ BWC ☒ MVR ☒ In-Station

Potential Privacy Issues on Video: YES _____ NO _____

(if YES, CHECK any of the potential issues that may appear on the video)

- | | | |
|--|---|---|
| 1. Images of: | ☐ VICTIM of criminal offense | ☐ CHILDREN |
| | ☐ UNDERCOVER OFFICER | ☐ CONFIDENTIAL INFORMANT |
| 2. Video made in residential premises: | ☐ HOME/APT. | ☐ COLLEGE DORM ROOM |
| | ☐ OTHER | ☐ HOTEL/MOTEL ROOM |
| 3. Video made in: | ☐ SCHOOL PREMISES | ☐ YOUTH FACILITY |
| 4. Video made in: | ☐ HEALTHCARE/TREATMENT FACILITY | ☐ MEDICAL OFFICE |
| 5. Video captures: | ☐ REQUEST TO DEACTIVATE BWC THAT IS DECLINED | |
| | ☐ SPECIAL OPS EVENT/WARRANT WITH CONFIDENTIAL PROCEDURES | |

Related Reports on Dictaphone: YES _____ NO _____

After completion of this form, place in the Video Request Completed Box

RECORDS DEPT: Please stamp disks & covers with "PRIVACY", along with the identified issue, if any of the above potential privacy issues are checked.

(FOR PRIORITY BAIL REFORM VIDEOS ONLY): Date Received: 4/30/2018

Date Completed & Person Contacted at CMCROS: _____



2 Discs
Spanned

Lower Township Police

FILE



VIDEO RECORDING Request Form

Date of Incident: 4-28-18 Time of Incident: 1828

Requesting Officer: Armbuster Vehicle Number: S1

PD Case Number: 18-11836 Involved Person: _____

Incident Type: DWI

Additional Officers/Vehicles with Video:

Nuscis / 124

Bail Reform: YES _____ NO ✓ Video Type: ☒ BWC ☒ MVR ☒ In-Station

Potential Privacy Issues on Video: YES _____ NO ✓

(if YES, CHECK any of the potential issues that may appear on the video)

- | | | |
|--|---|---|
| 1. Images of: | ☐ VICTIM of criminal offense | ☐ CHILDREN |
| | ☐ UNDERCOVER OFFICER | ☐ CONFIDENTIAL INFORMANT |
| 2. Video made in residential premises: | ☐ HOME/APT. | ☐ COLLEGE DORM ROOM |
| | ☐ OTHER | ☐ HOTEL/MOTEL ROOM |
| 3. Video made in: | ☐ SCHOOL PREMISES | ☐ YOUTH FACILITY |
| 4. Video made in: | ☐ HEALTHCARE/TREATMENT FACILITY | ☐ MEDICAL OFFICE |
| 5. Video captures: | ☐ REQUEST TO DEACTIVATE BWC THAT IS DECLINED | |
| | ☐ SPECIAL OPS EVENT/WARRANT WITH CONFIDENTIAL PROCEDURES | |

Related Reports on Dictaphone: YES _____ NO ✓

After completion of this form, place in the Video Request Completed Box

RECORDS DEPT: Please stamp disks & covers with "PRIVACY", along with the identified issue, if any of the above potential privacy issues are checked.

(FOR PRIORITY BAIL REFORM VIDEOS ONLY): Date Received: _____

Date Completed & Person Contacted at CMCPROS: _____

CAPE MAY COUNTY



EMERGENCY MANAGEMENT COMMUNICATIONS CENTER

30 WEST MECHANIC STREET, CAPE MAY COURT HOUSE, NJ 08210

(O) 609.463.6370 (F) 609.463.6252 (Email) martin.paglinghi@co.cape-may.nj.us

Gerald M. Thornton, Freeholder

Martin L. Paglinghi, Director

Frank Sippel, Deputy Director

Steven Long, Deputy Director

FAX COVER SHEET

DATE:

4/27/2018

TO:

PTIM.. Armbruster

INCIDENT NUMBER:

2018-11836

CASE TYPE:

NAME/VEHICLE/ARTICLE

NIC NUMBER

MESSAGE LOG NUMBER

OPERATOR

SINZMUS

CONFIDENTIALITY NOTICE

This telecopier transmission contains information from the Cape May County Emergency Management Communications Center which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited and that the documents should be returned to this office immediately. In this regard, if you have received this telecopy in error, please notify us by telephone so that we can arrange for the prompt return of the original documents to us at no cost to you. Thank you.

LOWER TOWNSHIP POLICE DEPARTMENT

Incident Report

INCIDENT INFORMATION

Case No	Report Date / Time	Reported Method	Created By
2018-11836	04/27/2018 18:28	VIA CAD	ARMBRUSTER, JOHN T
CAD Incident CFS Type	Agency Incident / Actual CFS Type	Incident: From Date / Time	Incident: To Date / Time
TRAFFIC ENFORCE / STOP	TRAFFIC ENFORCE / STOP	04/27/2018 18:28	
Crime / Arrest Location	Area / Post		
INCIDENT(CAD)	0505		
Address	Common Place / POI	Bldg / Apt / Suite	
HONEYSUCKLE LANE & IDELL STREET			
City	State	Zip	
ERMA	NJ	08204	
County	Municipality		
Disposition Date & Time	CAD Disposition		
04/27/2018 21:32	REPORT		

DISPATCH NOTES

Date & Time	Description	Posted By
04/27/2018 18:28	Created Empty CFS 2018-16301.	VOLPE, SHERRY
04/27/2018 18:28	Sent CFS to the following Dispatcher:SHERRY VOLPE.	VOLPE, SHERRY
04/27/2018 18:29	Changed Incident Address: BREAKWATER RD, CAPE MAY, NJ 08204, USA.	VOLPE, SHERRY
04/27/2018 18:30	Changed CFS Type to: TRAFFIC ENFORCE / STOP.	VOLPE, SHERRY
04/27/2018 18:30	Dispatched Unit 190[JOHN T ARMBRUSTER][Primary] to CFS.	VOLPE, SHERRY
04/27/2018 18:30	Sent CFS to RMS	VOLPE, SHERRY
04/27/2018 18:30	Unit 190[JOHN T ARMBRUSTER] status was changed to DISPATCHED.	VOLPE, SHERRY
04/27/2018 18:30	Dispatched Unit 261[ERIC CAMPBELL 127][Secondary] to CFS.	VOLPE, SHERRY
04/27/2018 18:30	Sent CFS to RMS	VOLPE, SHERRY
04/27/2018 18:30	Unit 261[ERIC CAMPBELL 127] status was changed to DISPATCHED.	VOLPE, SHERRY
04/27/2018 18:30	Unit 261[ERIC CAMPBELL 127] status was changed to ENROUTE.	VOLPE, SHERRY
04/27/2018 18:30	Unit 190[JOHN T ARMBRUSTER] status was changed to ENROUTE.	VOLPE, SHERRY
04/27/2018 18:31	Changed Description to: BLACK CHEV PICK.	VOLPE, SHERRY

Wednesday, May 2, 2018 3:28:43 PM

BUDD, JOANNE M

Page 1 of 7

Incident Report Case No: 2018-11836. Disclaimer: The time entries listed on this report indicate the time the data was entered, and may not reflect the precise time the events documented in the report occurred. Persons reading this report are advised to review the audio recordings for the official time record of the events documented in this report.

LOWER TOWNSHIP POLICE DEPARTMENT

Date & Time	Description	Posted By
04/27/2018 18:31	Sent CFS to RMS	VOLPE, SHERRY
04/27/2018 18:31	Unit 261[ERIC CAMPBELL 127] status was changed to ON SCENE.	VOLPE, SHERRY
04/27/2018 18:31	Unit 190[JOHN T ARMBRUSTER] status was changed to ON SCENE.	VOLPE, SHERRY
04/27/2018 18:32	Changed Description to: BLACK CHEV PICK NJ ZV1555.	VOLPE, SHERRY
04/27/2018 18:32	Sent CFS to RMS	VOLPE, SHERRY
04/27/2018 18:32	Changed Police Zone to: Lower Twp 3 - Zone 3	VOLPE, SHERRY
04/27/2018 18:32	Changed Fire Zone to: 62 - Erma	VOLPE, SHERRY
04/27/2018 18:33	Changed Description to: BLACK CHEV PICK NJ ZV155S.	VOLPE, SHERRY
04/27/2018 18:33	Sent CFS to RMS	VOLPE, SHERRY
04/27/2018 18:34	Added new caller.	VOLPE, SHERRY
04/27/2018 18:36	Changed Description to: CALLER REPORTED A BLACK CHEV PICK NJ ZV155S DRIVING AT A HIGH RATE OF SPEED AND BEING DANGEROUS . CALLER FOLLOWED THEM FROM WAWA SAW THEM RUN THEU THE RIGHT AND ALMOST LOOSE CONTROL.	VOLPE, SHERRY
04/27/2018 18:36	Sent CFS to RMS	VOLPE, SHERRY
04/27/2018 18:36	Dispatched Unit 195[MICHAEL T NUSCIS 123][Secondary] to CFS.	VOLPE, SHERRY
04/27/2018 18:36	Sent CFS to RMS	VOLPE, SHERRY
04/27/2018 18:36	Unit 195[MICHAEL T NUSCIS 123] status was changed to DISPATCHED.	VOLPE, SHERRY
04/27/2018 18:36	Unit 195[MICHAEL T NUSCIS 123] status was changed to ON SCENE.	VOLPE, SHERRY
04/27/2018 18:37	Changed Description to: CALLER REPORTED A BLACK CHEV PICK NJ ZV155S DRIVING AT A HIGH RATE OF SPEED AND BEING DANGEROUS . CALLER FOLLOWED THEM FROM WAWA SAW THEM RUN THEU THE RIGHT AND ALMOST LOOSE CONTROL SEVERAL TIMES.LAST REPORT WAS AT BREAKWATER AND SEASHORE BEFORE CALLER BACKED OFF ..	VOLPE, SHERRY
04/27/2018 18:37	Sent CFS to RMS	VOLPE, SHERRY
04/27/2018 18:38	Changed Incident Address: BREAKWATER RD & SEASHORE RD, CAPE MAY, NJ 08204.	VOLPE, SHERRY
04/27/2018 18:38	Removed Fire Zone	VOLPE, SHERRY
04/27/2018 18:38	Removed Police Zone	VOLPE, SHERRY
04/27/2018 18:38	Sent CFS to RMS	VOLPE, SHERRY
04/27/2018 18:39	Changed Police Zone to: Lower Twp 3 - Zone 3	VOLPE, SHERRY
04/27/2018 18:39	Changed Fire Zone to: 62 - Erma	VOLPE, SHERRY
04/27/2018 18:55	badge 195 transporting one to station starting mileage 826	VOLPE, SHERRY

LOWER TOWNSHIP POLICE DEPARTMENT

Date & Time	Description	Posted By
04/27/2018 18:57	Changed Description to: CALLER REPORTED A BLACK CHEV PICK NJ ZV155S DRIVING AT A HIGH RATE OF SPEED AND BEING DANGEROUS . CALLER FOLLOWED THEM FROM WAWA SAW THEM RUN THEU THE RIGHT AND ALMOST LOOSE CONTROL SEVERAL TIMES.LAST REPORT WAS AT BREAKWATER AND SEASHORE BEFORE CALLER BACKED OFF . LTPD CASE # 2018-11836..	VOLPE, SHERRY
04/27/2018 18:57	Sent CFS to RMS	VOLPE, SHERRY
04/27/2018 18:58	OFF SHORE CALLED TO TOW FOR JOHN'S LAW	VOLPE, SHERRY
04/27/2018 18:58	Changed Description to: CALLER REPORTED A BLACK CHEV PICK NJ ZV155S DRIVING AT A HIGH RATE OF SPEED AND BEING DANGEROUS . CALLER FOLLOWED THEM FROM WAWA SAW THEM RUN THRU THE RIGHT AND ALMOST LOOSE CONTROL SEVERAL TIMES.LAST REPORT WAS AT BREAKWATER AND SEASHORE BEFORE CALLER BACKED OFF . LTPD CASE # 2018-11836..	VOLPE, SHERRY
04/27/2018 18:58	Sent CFS to RMS	VOLPE, SHERRY
04/27/2018 19:00	Unit 261[ERIC CAMPBELL 127] status was changed to PREEMPTED.	POINDEXTER, ADAM
04/27/2018 19:01	BADGE 195 OUT AT STATION E/M 83	VOLPE, SHERRY
04/27/2018 19:04	Changed Description to: CALLER REPORTED A BLACK CHEV PICK NJ ZV155S DRIVING AT A HIGH RATE OF SPEED AND BEING DANGEROUS . CALLER FOLLOWED THEM FROM WAWA SAW THEM RUN THRU THE RIGHT AND ALMOST LOOSE CONTROL SEVERAL TIMES.LAST REPORT WAS AT BREAKWATER AND SEASHORE BEFORE CALLER BACKED OFF . LTPD CASE # 2018-11836. CALL CAME IN ON PHONE LINE [REDACTED] AT 18:27 PM DURATION OF CALL 00:0036 STOP TIME 18: 30 PM..	VOLPE, SHERRY
04/27/2018 19:04	Sent CFS to RMS	VOLPE, SHERRY
04/27/2018 19:04	I MADE A MISTAKE ON START MILES IT IS 82 NOT 826.	VOLPE, SHERRY
04/27/2018 19:05	Changed Description to: CALLER REPORTED A BLACK CHEV PICK NJ ZV155S DRIVING AT A HIGH RATE OF SPEED AND BEING DANGEROUS . CALLER FOLLOWED THEM FROM WAWA SAW THEM RUN THRU THE RIGHT AND ALMOST LOOSE CONTROL SEVERAL TIMES.LAST REPORT WAS AT BREAKWATER AND SEASHORE BEFORE CALLER BACKED OFF . LTPD CASE # 2018-11836. CALL CAME IN ON PHONE LINE [REDACTED] AT 18:27 PM DURATION OF CALL 00:0036 STOP TIME 18: 30 PM. CALLER DEBBIE CLARK [REDACTED]	VOLPE, SHERRY
04/27/2018 19:05	Sent CFS to RMS	VOLPE, SHERRY
04/27/2018 19:09	Dispatched Unit 139[WILLIAM C PRIOLE][Secondary] to CFS.	PIGGOTT, JOHN R
04/27/2018 19:09	Sent CFS to RMS	PIGGOTT, JOHN R
04/27/2018 19:09	Unit 139[WILLIAM C PRIOLE] status was changed to DISPATCHED.	PIGGOTT, JOHN R
04/27/2018 19:09	Unit 139[WILLIAM C PRIOLE] status was changed to ON SCENE.	PIGGOTT, JOHN R
04/27/2018 19:14	Unit 190[JOHN T ARMBRUSTER] finished assignment of CFS.	LABAR, TIFFANY
04/27/2018 19:21	Changed Incident Address: HONEYSUCKLE LANE & IDELL STREET, ERMA, NJ 08204.	LABAR, TIFFANY
04/27/2018 19:21	Sent CFS to RMS	LABAR, TIFFANY

LOWER TOWNSHIP POLICE DEPARTMENT

Date & Time	Description	Posted By
04/27/2018 19:26	TOW ON LOCATION	DUFAULT, JOSEPH
04/27/2018 20:01	Unit 261[ERIC CAMPBELL 127] status was changed to DISPATCHED.	LABAR, TIFFANY
04/27/2018 20:03	Unit 261[ERIC CAMPBELL 127] status was changed to PREEMPTED.	CAMPBELL, ERIC
04/27/2018 20:03	Unit 261[ERIC CAMPBELL 127] status was changed to DISPATCHED.	LABAR, TIFFANY
04/27/2018 20:03	Unit 261[ERIC CAMPBELL 127] finished assignment of CFS.	LABAR, TIFFANY
04/27/2018 20:04	Dispatched Unit LT BLS[Primary] to CFS.	ERAZMUS, RICH
04/27/2018 20:04	Sent CFS to RMS	ERAZMUS, RICH
04/27/2018 20:04	Unit LT BLS status was changed to DISPATCHED.	ERAZMUS, RICH
04/27/2018 20:04	Unit LT BLS status was changed to ENROUTE.	ERAZMUS, RICH
04/27/2018 20:06	BADGE 190 REQUEST RESCUE FOR HEALTH EVALUATION.	ERAZMUS, RICH
04/27/2018 20:09	Unit LT BLS status was changed to ON SCENE.	ERAZMUS, RICH
04/27/2018 20:25	BLS 1227 ENROUTE TO CRMC WITH ONE	ERAZMUS, RICH
04/27/2018 20:43	BLS 1227 ARRIVING CRMC	ERAZMUS, RICH
04/27/2018 20:57	bls 1227 clear crmc returning to township	ERAZMUS, RICH
04/27/2018 20:57	Unit LT BLS finished assignment of CFS.	ERAZMUS, RICH
04/27/2018 21:26	Unit 195[MICHAEL T NUSCIS 123] finished assignment of CFS.	LABAR, TIFFANY
04/27/2018 21:32	Unit 139[WILLIAM C PRIOLE] finished assignment of CFS.	LABAR, TIFFANY
04/27/2018 21:32	Closed CFS 2018-16301 Closed Reason: CLOSED - REPORT REQUIRED	LABAR, TIFFANY
04/27/2018 21:32	Sent CFS to RMS	LABAR, TIFFANY

CALL INFORMATION

Phone #	Call Date&Time	Caller	Location
	04/27/2018 18:28		
Requested Action	Call Taker	Source Type	
	VOLPE, SHERRY	VIA CAD	

Brief Synopsis of Incident

CALLER REPORTED A BLACK CHEV PICK NJ ZV155S DRIVING AT A HIGH RATE OF SPEED AND BEING DANGEROUS . CALLER FOLLOWED THEM FROM WAWA SAW THEM RUN THRU THE RIGHT AND ALMOST LOOSE CONTROL SEVERAL TIMES.LAST REPORT WAS AT BREAKWATER AND SEASHORE BEFORE CALLER BACKED OFF .
LTPD CASE # 2018-11836. CALL CAME IN ON PHONE LINE [REDACTED] AT 18:27 PM DURATION OF CALL 00:0036 STOP TIME 18: 30 PM. CALLER DEBBIE CLARK [REDACTED]

DISPATCH INFORMATION

LOWER TOWNSHIP POLICE DEPARTMENT

Unit Name	Action
ARMBRUSTER, JOHN T	
CAMPBELL, ERIC	
NUSCIS, MICHAEL T	
PRIOLE, WILLIAM C	
LT BLS	

SUBJECT INFORMATION

Posted Date	Subject Name	Alias Name	Contact Role Type	SSN	DOB	SBI #	FBI #	Posted By
04/27/2018	CHEW, JOHN A		DEFENDANT	[REDACTED]	07/04/1970			NUSCIS, MICHAEL T

VEHICLE INFORMATION

Posted Date	Plate #	Make,Model,Year	VIN #	Color	Posted By
04/27/2018	ZV155S	CHEV SIL 2002	1GCHK23G62F2257 18	BLACK	ARMBRUSTER, JOHN T
04/27/2018	ZV1555				ARMBRUSTER, JOHN T

INDIVIDUAL CONTACT INFORMATION

Posted Date	Contact Name	Contact Type	Address	Phone #	Posted By
04/27/2018	CHEW, JOHN A	OTHER	HOME: 972 LENAPE DR, ERMA, NJ 08204-4825 EMPLOYER: 405 BREAKWATER ROAD (CR 613), ERMA, NJ 08204	HOME: [REDACTED]	ARMBRUSTER, JOHN T

PD CASE DISPOSITION INFORMATION

Disposition	Closed Date	Closed By
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Disposition

NOTES

LOWER TOWNSHIP POLICE DEPARTMENT

Posted Date

04/28/2018 14:42

Note

ON 1828 HOURS ON 04/27/2018 WHILE ON PATROL AS THE ACTING OFFICER IN CHARGE, I WAS ENROUTE TO PICK UP THE ONCOMING SUPERVISOR IN THE AREA OF THE MOOSE LODGE ON SEASHORE ROAD. OVER THE POLICE RADIO I HEARD THE REPORT OF AN ERRATIC DRIVER IN THE AREA OF BREAKWATER ROAD, NEAR M&M STORAGE. AT THE TIME I WAS CURRENTLY HEADING SOUTH ON SEASHORE ROAD. POLICE DISPATCH AGAIN BROADCASTED OVER THE POLICE RADIO THAT THE ERRATIC DRIVER WAS DRIVING DANGEROUSLY. I THEN TURNED AROUND IN THE MOOSE LODGE PARKING LOT AND WAITED IN THE AREA IN ATTEMPT TO LOCATE THE ERRATIC DRIVER, DESCRIBED AS A BLACK CHEVY PICK UP TRUCK. POLICE DISPATCH AGAIN BROADCASTED THE DIRECTION OF TRAVEL FOR THE VEHICLE IN THE AREA OF SEASHORE ROAD AND BREAK WATER. I THEN OBSERVED THE VEHICLE IN QUESTION TRAVEL THROUGH THE INTERSECTION AT BREAKWATER ROAD AND SEASHORE ROAD AND CONTINUE ON BREAKWATER TOWARDS ROUTE 9. I ALSO OBSERVED PTLM. NUSCIS FOLLOWING BEHIND THE VEHICLE AS HE BROADCASTED OVER THE POLICE RADIO HE WAS IN THE AREA. I THEN TRAVELED NORTH ON SEASHORE AND TURNED RIGHT ON TO BREAKWATER APPROXIMATELY FOUR CARS BEHIND PTLM. NUSCIS. THE ERRATIC DRIVER BEGAN TRAVELING NORTH ON ROUTE 9 AND WAS APPROXIMATELY FIVE CAR LENGTHS AHEAD OF ME. IT APPEARED HE SWERVED OVER THE CENTER LINE IN TO THE SOUTH BOUND LANE A COUPLE OF TIMES. A MOTOR VEHICLE STOP WAS INITIATED BY PTLM. NUSCIS AND WITH ME BACKING HIM UP.

ONCE THE VEHICLE CAME TO A STOP MYSELF AND PTLM. NUSCIS APPROACHED THE VEHICLE AND OBSERVED LOWER TOWNSHIP OFF DUTY LIEUTENANT JOHN A. CHEW IN THE DRIVER SEAT. HE WAS VISIBILITY FLUSHED IN THE FACE AND STARED FORWARD AS WE SPOKE TO HIM. HE DID NOT APPEAR TO BE HIS NORMAL SELF AND APPEARED TO BE UNDER THE INFLUENCE. GIVEN THE CIRCUMSTANCES I WENT TO THE BACK OF HIS VEHICLE AND CONTACTED THE ON DUTY ADMINISTRATOR. LIEUTENANT PRIOLE ADVISED HIM OF THE INCIDENT, AS PER DEPARTMENTAL POLICY. LIEUTENANT PRIOLE ADVISED ME TO FOLLOW PROTOCOL. AFTER SPEAKING WITH PTLM. NUSCIS I ADVISED HIM TO PERFORM FIELD SOBRIETY TESTING ON JOHN A. CHEW TO ENSURE HE WAS CAPABLE OF SAFELY OPERATING HIS MOTOR VEHICLE. PTLM. NUSCIS ADMINISTERED THE FIELD SOBRIETY TESTING TO JOHN A. CHEW. DURING THE FIELD SOBRIETY TESTING MR. CHEW FAILED TO PROPERLY COMPLETE THE TESTS AND I COULD DETECT A STRONG ODOR OF AN ALCOHOLIC BEVERAGE EMANATING FROM HIS PERSON. ULTIMATELY MR. CHEW WAS TAKEN IN TO CUSTODY BY PTLM. NUSCIS AND I REMAINED ON SCENE WITH MR. CHEW'S VEHICLE UNTIL I WAS RELIEVED BY S/O CAMPBELL TO AWAIT THE JOHN'S LAW TOW.

AT APPROXIMATELY 19:15 HOURS, I RESPONDED TO THE LOWER TOWNSHIP POLICE DEPARTMENT TO ADMINISTER THE ALCOTEST TO MR. CHEW. WHEN I ARRIVED AT THE LOWER TOWNSHIP POLICE DEPARTMENT AND REMOVED MY POLICE RADIOS AND CELL PHONES PRIOR TO ENTERING THE PROCESSING AREA. WHEN I ENTERED THE PROCESSING ROOM LIEUTENANT PRIOLE, PATROLMAN NUSCIS, AND MR. CHEW WERE ALREADY THERE. LIEUTENANT PRIOLE AND PATROLMAN NUSCIS ADVISED THEY REMOVED THEIR POLICE RADIO AND CELL PHONE BEFORE ENTERING THE PROCESSING ROOM. MR. CHEW WAS CHECKED AND WAS FREE OF ANY ELECTRONIC DEVICES.

I ADVISED MR. CHEW THAT I WOULD BE OBSERVING HIM FOR 20 MINUTES BEFORE ADMINISTERING THE ALCOTEST. I BEGAN OBSERVING MR. CHEW AT 1922 HRS. I OBSERVED MR. CHEW DID NOT HAVE ANYTHING IN HIS MOUTH AS THE OBSERVATION PERIOD BEGAN. I MAINTAINED A CONSTANT VISUAL ON MR. CHEW WITHOUT ANY INTERRUPTIONS. DURING THIS TIME, HE DID NOT BELCH, VOMIT OR PLACE ANYTHING IN HIS MOUTH. WHILE OBSERVING MR. CHEW I DETECTED A STRONG ODOR OF AN ALCOHOL BEVERAGE EMITTING FROM HIS BREATH.

MR. CHEW WAS PLACED ON A BENCH ADJACENT TO THE ALCOTEST MACHINE, WHILE I PREPARED THE ALCOTEST MACHINE, SERIAL NO. ARWF-0389.

PRIOR TO MY ARRIVAL IN THE PROCESSING ROOM LIEUTENANT PRIOLE READ OUT LOUD THE MOTOR VEHICLE STANDARD STATEMENT FOR OPERATING A MOTOR VEHICLE, WHICH MR. CHEW STATED HE WOULD PROVIDE SAMPLES.

I PROVIDED MR. CHEW WITH INSTRUCTIONS ON HOW TO PROVIDE SAMPLES. MR. CHEW PROVIDED TWO SUFFICIENT SAMPLES FOR BREATH TESTING. EACH TIME MR. CHEW PROVIDED SAMPLES OF HIS BREATH A CLEAN MOUTH PIECE WAS USED. THE BREATH SAMPLES HE PROVIDED RESULTED IN A BLOOD ALCOHOL RATING OF 0.36 PERCENT. COUNTY POLICE DISPATCH RAN THE ALCOTEST CALCULATOR AND THE RESULTS WERE WITHIN RANGE. MR. CHEW WAS TRANSPORTED TO THE CAPE REGIONAL MEDICAL CENTER BY THE LOWER TOWNSHIP RESCUE SQUAD. THE ALCOHOL INFLUENCE REPORT FORM WILL BE INCLUDED IN THIS CASE FILE.

END OF REPORT.

Wednesday, May 2, 2018 3:28:43 PM

BUDD, JOANNE M

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Incident Report Case No: 2018-11836. Disclaimer: The time entries listed on this report indicate the time the data was entered, and may not reflect the precise time the events documented in the report occurred. Persons reading this report are advised to review the audio recordings for the official time record of the events documented in this report.

LOWER TOWNSHIP POLICE DEPARTMENT

Posted Date

04/28/2018 08:17

Note

THE ABOVE SUBJECT WAS PLACED UNDER ARREST FOR 39:4-50 SUBSEQUENT TO A CALL FOR AN ERRATIC DRIVER COMPLAINT.