



**CERTIFICATION PURSUANT TO CPLR 4518 OF RECORDS
MAINTAINED IN THE REGULAR COURSE OF BUSINESS**

I, Joshua Vinehout, Supervisor of Public Safety Programs, Office of Public Safety, New York State Division of Criminal Justice Services, 80 South Swan Street, Albany, New York 12210, having been duly designated and authorized by the Commissioner of the Division of Criminal Justice Services, do hereby certify and authenticate, as provided by subdivision c of Rule 4518 of the Civil Practice Law and Rules, that the document annexed hereto is an exact copy of an electronic record of the Office of Public Safety which is in my possession, custody and control. This record, once created, is stored in an electronic format that cannot thereafter be altered or modified.

I further certify that the original electronic record of inspection/maintenance/calibration of NAT'L PATENT ANALYTICAL SYS, DATAMASTER DMT breath test instrument, serial number 100231, performed on October 03, 2019 by Office of Public Safety employee Martin Schilling, of which the annexed is an exact copy, was made in the regular course of business of the New York State Division of Criminal Justice Services, Office of Public Safety, that such record was made at the time such inspection/ maintenance/calibration was performed or within a reasonable time thereafter, and further that it is the regular course of the Office of Public Safety's business to make such records at the time such inspection/maintenance /calibration is performed, or within a reasonable time thereafter, and to provide such instrument's records to the agency that requested them.

A handwritten signature in black ink that reads "Joshua Vinehout".

Digitally signed under
ESRA by Joshua Vinehout
on 10/9/2019 9:47 AM

Joshua Vinehout
Supervisor of Public Safety Programs
Office of Public Safety

An Equal Opportunity/Affirmative Action Agency

**BREATH TEST INSTRUMENT
RECORD OF INSPECTION / MAINTENANCE / CALIBRATION**

Name of Submitting Agency: **Whitestown Town Police Dept**
Manufacturer: **NAT'L PATENT ANALYTICAL SYS** Model: **DATAMASTER DMT**
Date: **October 03, 2019** Serial Number: **100231**

Reference Solution Lot Number: **18371**
Reference Solution Standard: **0.10 % at 34.0 degrees centigrade**

Test No	Test Result	Simulator Temperature
1	0.095 %	34.01 degrees centigrade
2	0.095 %	34.01 degrees centigrade
3	0.095 %	34.01 degrees centigrade
4	0.096 %	34.01 degrees centigrade

Reference Solution Lot Number: **19101**
Reference Solution Standard: **0.08 % at 34.0 degrees centigrade**

Test No	Test Result	Simulator Temperature
1	0.080 %	34.01 degrees centigrade
2	0.080 %	34.01 degrees centigrade
3	0.081 %	34.01 degrees centigrade
4	0.081 %	34.01 degrees centigrade

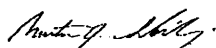
Reference Solution Lot Number: **19210**
Reference Solution Standard: **0.180 % at 34.0 degrees centigrade**

Test No	Test Result	Simulator Temperature
1	0.182 %	34.01 degrees centigrade
2	0.180 %	34.01 degrees centigrade
3	0.182 %	34.01 degrees centigrade
4	0.181 %	34.01 degrees centigrade

I hereby certify that I have performed any necessary maintenance procedures and calibrated NAT'L PATENT ANALYTICAL SYS breath test instrument model DATAMASTER DMT, serial number 100231, and have determined that it is accurate and reliable for the determination of ethyl alcohol in the blood by analysis of the breath. The instrument's test results are recorded above and this instrument satisfies all limits and standards established by the New York State Commissioner of Health as enumerated in Part 59, Subchapter D of Chapter II, TITLE 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York, (10 NYCRR Part 59) as amended.

I further certify that I made the entries in these records of inspection/maintenance/calibration at the time that such inspection/maintenance/calibration of the above identified breath test instrument was performed, or within a reasonable time thereafter.

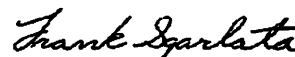
Performed by:



Digitally signed under
ESRA by Martin Schilling
on 10/3/2019 1:13 PM

Martin Schilling
Highway Safety Equipment Technician
Breath Analysis Operator Permit # 45926

Reviewed by:



Digitally signed under
ESRA by Frank Sgarlata
on 10/4/2019 9:31 AM

Frank Sgarlata
Breath Analysis Technical Supervisor

**BREATH TEST INSTRUMENT
RECORD OF INSPECTION / MAINTENANCE / CALIBRATION**

Name of Submitting Agency: Whitestown Town Police Dept
Manufacturer: NAT'L PATENT ANALYTICAL SYS
Model: DATAMASTER DMT
Serial Number: 100231
Date: October 03, 2019

- 1. General Appearance and condition of this device -----: **OK**

- 2. Check controls and indicators -----: **OK**

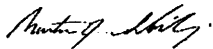
- 3. Check breath flow system -----: **OK**

- 4. Check printer operation -----: **OK**

- 5. System cycles through all modes -----: **OK**

6. Record any repairs made to this instrument and list services provided: INSPECTED INSTRUMENT, CHECKED SETUP VOLTAGES PRINT AND REMOTE OPERATION. PERFORMED CALIBRATION/ADJUSTMENT PROCEDURE, RAN SUBJECT, TECHNICIAN AND DIAGNOSTIC TESTS, VERIFIED CALIBRATION

Performed by:



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on 10/3/2019 1:13 PM

Martin Schilling
Highway Safety Equipment Technician
Breath Analysis Operator Permit # 45926

Reviewed by:

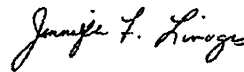


Digitally signed under
ESRA by Frank Sgarlata
on 10/4/2019 9:31 AM

Frank Sgarlata
Breath Analysis Technical Supervisor

CERTIFIED COPY (CPLR RULE 4518)
0.10% SIMULATOR SOLUTION RECORD
Lot Number 19250, dated October 24, 2019

I, Jennifer F Limoges, Associate Director of Forensic Science, Forensic Investigation Center, do hereby certify and authenticate, as provided by Rule 4518, subdivisions a and c, Civil Practice Law and Rules, that the document annexed hereto is a true and accurate representation of an electronic record of the New York State Police Forensic Investigation Center which has been delegated to my possession, custody and control by the Superintendent of the New York State Police. This record, once created, is stored in an electronic format that cannot, thereafter, be altered or modified. This record was made in the regular course of business of the New York State Police Forensic Investigation Center, it is the regular course of the Forensic Investigation Center business to make such record, and such record was made at the time of each event recorded in it or within a reasonable time thereafter.



Digitally signed under
ESRA by Jennifer F Limoges
on
2019.10.24 14:48:52 -04'00'

Jennifer F Limoges
Associate Director of Forensic Science
Forensic Investigation Center



**State
Police**

**Forensic
Investigation
Center**

ANDREW M. CUOMO
Governor

KEITH M. CORLETT
Superintendent

DR. RAY A. WICKENHEISER
Director

0.10% SIMULATOR SOLUTION RECORD

Report Date: October 24, 2019
Manufacturer: Guth Laboratories, Inc.
Lot Number: 19250
Expiration Date: 3/30/2020
Analysis Results: 122 mg Ethyl Alcohol / 100 mL of solution

I, Carol S Miller, tested simulator solution lot number 19250 by headspace gas chromatography and have determined that it contains the appropriate concentration of ethyl alcohol. This solution is hereby approved for use.

When this simulator solution is used with a properly operating breath testing instrument, it will provide a value of 0.10% within acceptable limits.

I, Carol S Miller, made the entries contained in this record at the time of each event recorded, or within a reasonable time thereafter.

Performed by:

Reviewed by:

Digitally signed under
ESRA by Carol S Miller on
2019.10.24 11:45:19 -04'00'

Digitally signed under
ESRA by Carrie A Kirkton on
2019.10.24 12:54:00 -04'00'

Carol S Miller
Forensic Scientist III
Breath Analysis Technical Supervisor/Operator #43419

Carrie A Kirkton
Supervisor of Forensic Services
Breath Analysis Technical Supervisor



Division of Criminal Justice Services

CERTIFICATION PURSUANT TO CPLR 4518 OF RECORDS MAINTAINED IN THE REGULAR COURSE OF BUSINESS

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ESRA by Joshua Vinehout
on 10/9/2019 9:47 AM

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Supervisor of Public Safety Programs
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Performed by:

Martin Schilling
 Digitally signed under
 ESRA by Martin Schilling
 on 10/3/2019 1:13 PM

Martin Schilling
 Highway Safety Equipment Technician
 Breath Analysis Operator Permit # 45926

Reviewed by:

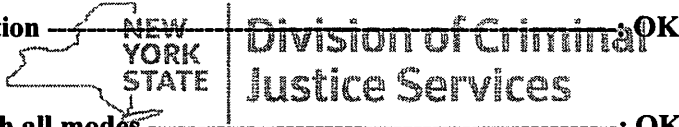
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Frank Sgarlata
 Breath Analysis Technical Supervisor

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Date: October 03, 2019

- 1. General Appearance and condition of this device -----: OK
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- 3. Check breath flow system -----: OK
- 4. Check printer operation -----: OK
- 5. System cycles through all modes -----: OK



6. Record any repairs made to this instrument and list services provided: INSPECTED INSTRUMENT, CHECKED SETUP VOLTAGES PRINT AND REMOTE OPERATION. PERFORMED CALIBRATION/ADJUSTMENT PROCEDURE, RAN SUBJECT, TECHNICIAN AND DIAGNOSTIC TESTS, VERIFIED CALIBRATION

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