

ALCOHOL MONITORING SYSTEMS, INC. (AMS)

SUMMARY OF EVIDENTIARY & PROBATION VIOLATION HEARINGS

SCRAMx continues to be validated in court hearings across the country. To date, an AMS expert witness has participated in **86 evidentiary-level hearings in 23 states**, with 33 of the hearings resulting in a Daubert, Frye, or hybrid ruling. As part of the 86, three State Supreme and Appellate Court rulings have been made in favor of SCRAMx and subsequent monitoring results.

Since 2003, AMS has been working with courts and ancillary agencies to provide comprehensive SCRAMx testimony, which has included the creation of nearly 2,000 formal court reports used to detail the monitoring results of offenders who denied a SCRAMx violation (either alcohol consumption, equipment tampering, or a combination). In the majority of the cases, offenders confronted by the court armed with a comprehensive SCRAMx reporting package admitted to the violation prior to the scheduled hearing.

TESTIMONY MET THE FRYE STANDARD FOR ADMISSIBILITY (6)

- IL First Judicial Circuit Court Jul 2007
- FL Collier County Court Nov 2006
- FL 20th Judicial Circuit Court Aug 2006
- PA Lycoming DUI Court May 2006
- GA Cherokee County State Court Sep 2005
- FL Circuit Court of Okaloosa County Sep 2005

TESTIMONY MET THE DAUBERT STANDARD FOR ADMISSIBILITY (26)

- MI Berrien County Circuit Court Oct 2010
- OK Jackson County District Court July 2010
- WY Albany County Drug Court Jan 2010
- SD South Dakota Board of Pardons & Parole Nov 2009
- SD Circuit Court of the Sixth Judicial Circuit Nov 2009*
- CO Greeley Combined Court Division #4 Nov 2009
- NH Southern Carroll County Superior Court May 2009
- SD Circuit Court of the Sixth Judicial Circuit May 2009
- NY Clinton County Supreme Court Mar 2009
- NY Clinton County Supreme Court Mar 2009
- OH Putnam County Court Jan 2009
- OH Putnam County Court Jan 2009
- IN Hamilton County Superior Court #5 Dec 2008*
- TN Rutherford County Circuit Court Nov 2008
- TX 114th District Court Jul 2008
- TX 114th District Court Jul 2008
- CO Westminster Municipal Court Dec 2007
- SD Circuit Court of the Sixth Judicial Circuit Oct 2007*
- TX 238th District Court Jul 2007
- TN Criminal Court 18th Judicial District Jun 2007
- TN General Session 18th Judicial District Mar 2007
- OH Common Pleas Court Feb 2007
- OK Payne County District Court Oct 2006
- OH Cleveland Municipal Court Oct 2006
- LA 16th Judicial District Court Sep 2006
- OH Fairfield County Common Pleas Court Sep 2005

TESTIMONY MET THE STANDARD FOR ADMISSIBILITY, BASED ON A HYBRID STANDARD OF FRYE, DAUBERT AND FRE 702 (1)

- CA Superior Court of San Fernando County Oct 2007

*State Supreme and Appellate Court rulings

WHAT IS DAUBERT?

Written by the U.S. Supreme Court in 1993, Daubert, or *Daubert v. Merrill Dow Pharmaceuticals*, is a standard for courts to use to determine the admissibility of expert testimony. The intent is to ensure that testimony based on “junk science” not be admitted as evidence, as well as to ensure that new, cutting-edge scientific information, which meets a set of standards established in Daubert, is allowed to be considered by a court, even though it may be relatively new.

WHAT IS FRYE?

Previous to Daubert, the standard for admissibility, *Frye V. United States*, applied the standard that scientific conclusions must be “generally accepted” within the expert community. This limited the admissibility of new scientific conclusions that might not yet be generally accepted. The Frye standard is still used in some jurisdictions, and yet others will use a hybrid standard that blends Frye and Daubert.



Evidentiary Hearings Where AMS Provided Expert Testimony

As of Oct 2011 *Indicates transcript is available **Indicates written order is available from AMS

	Court	County (City)	State	Ruling	Hearing Date	Case #
1	Schoharie County Court	Schoharie County (Schoharie)	NY		Aug 2011	1577
2	Lake County Superior Court 9	Lake County (Crown Point)	IN		Aug 2011	45D09-0706-CM-898
3	Court of Common Pleas of McKean	McKean County (Smethport)	PA		Jul 2011	502-CR-2005
4	Court of Common Pleas of Lackawanna	Lackawanna (Scranton)	PA		Mar 2011	09CR2583
5	Berrien County Circuit Court	Berrien (St. Joseph)	MI	Daubert	Oct 2010	719640
6	Collin County District Court	Collin (McKinney)	TX		Sep 2010	366-82989-06
7	Jackson County District Court	Jackson (Altus)	OK	Daubert	Jul 2010	CF-2007-26
8	Hamilton County Superior Court #5	Hamilton (Noblesville)	IN		Jul 2010	29D06-0709-FD-4262
9	Court of Common Pleas of Lycoming	Lycoming (Williamsport)	PA		Feb 2010	
10	Albany County Drug Court	Albany (Laramie)	WY	Daubert	Jan 2010	
11	Chatham County DUI Court	Chatham (Savannah)	GA		Dec 2009	
12	Chatham County DUI Court	Chatham (Savannah)	GA		Dec 2009	R08060024
13	Chatham County DUI Court	Chatham (Savannah)	GA		Dec 2009	R0704D309
14	Las Vegas Township Justice Court	Clark (Las Vegas)	NV		Nov 2009	08M08660X
15	South Dakota Board of Pardons & Parole	Minnehaha (Sioux Falls)	SD	Daubert	Nov 2009	40196
16	Circuit Court of the Sixth Judicial Circuit	Tripp (Winner)	SD	Daubert **	Nov 2009	61C0900003A0
17	Greeley Combined Court Division #4	Weld (Greeley)	CO	Daubert **	Nov 2009	D0622008CR001060
18	Jasper County Circuit Court	Jasper (Rensselaer)	IN		Oct 2009	37CO10805FD269
19	Walton County Court	Walton (De Funiak Springs)	FL		Sept 2009	09CF177
20	City of Richmond Circuit Court	Richmond	VA		Sept 2009	010101
21	Elkhart Superior Court	Elkhart (Elkhart)	IN		Aug 2009	20D05-0806-CM-301
22	Red Hook Community Court	Kings (Brooklyn)	NY	**	Jun 2009	2008CK003181
23	Isabella County Circuit Court	Isabella (Mt. Pleasant)	MI		May 2009	
24	Southern Carroll County Superior Court	Southern Carroll (Ossipee)	NH	Daubert	May 2009	2004-S-436
25	Circuit Court of the Sixth Judicial Circuit	Tripp (Winner)	SD	Daubert	Apr 2009	61C07000174
26	Clinton County Supreme Court	Clinton (Plattsburgh)	NY	Daubert **	Mar 2009	NN-00086/00087-08108B
27	Clinton County Supreme Court	Clinton (Plattsburgh)	NY	Daubert **	Mar 2009	NN-01743101744-07/08B,C&D
28	Putnam County Court	Putnam (Ottawa)	OH	Daubert	Jan 2009	2008 TRC 01351
29	Putnam County Court	Putnam (Ottawa)	OH	Daubert	Jan 2009	2008 TRC 01323
30	Waseca County District Court	Waseca (Waseca)	MN		Jan 2009	81-CR-08-1178
31	Hamilton County Superior Court #5	Hamilton (Noblesville)	IN	Daubert **	Dec 2008	29D05-0610-CM6683
32	Rutherford County Circuit Court	Rutherford (Murfreesboro)	TN	Daubert	Nov 2008	F54820
33	Court of Common Pleas of Schuylkill	Schuylkill (Pottsville)	PA		Oct 2008	05 TR 4879
34	16 th Judicial Circuit Court	Kane (St. Charles)	IL		Aug 2008	05 TR 4879
35	114 th District Court	Smith (Tyler)	TX	Daubert *	Jul 2008	114-0101-08
36	114 th District Court	Smith (Tyler)	TX	Daubert *	Jul 2008	114-0101-08
37	Westminster Municipal Court	Adams (Westminster)	CO	Daubert **	Dec 2007	06-018213-DV

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38	Circuit Court of the Sixth Judicial Circuit	Hughes (Pierre)	SD	Daubert **	Nov 2007	32C05000605A0
39	18 th Judicial District, Division A	Arapahoe (Littleton)	CO		Oct 2007	
40	Superior Court of Los Angeles	Los Angeles	CA	Hybrid *	Oct 2007	PA051212
41	Lycoming DUI Court	Lycoming (Williamsport)	PA		Sep 2007	07400
42	18 th Judicial District Division A	Arapahoe (Littleton)	CO		Aug 2007	07T612
43	238th District Court	Midland	TX	Daubert *	Jul 2007	CR30683
44	1 st Judicial Circuit Court	Jackson (Murphysboro)	IL	Frye **	Jul 2007	06-DT-212
45	Criminal Court 18 th Judicial District	Sumner (Gallatin)	TN	Daubert	Jun 2007	441-06
46	Muskegon County Circuit Court	Muskegon	MI		Apr 2007	04-50315-FH
47	Kern County Family Court	Kern (Bakersfield)	CA		Apr 2007	S-1501-FL-567951
48	412 th District Court	Brazoria (Angleton)	TX		Apr 2007	52030
49	General Session 18 th Judicial District	Sumner (Gallatin)	TN	Daubert *	Mar 2007	18909-06
50	Court of Common Pleas of Tuscarawas	Tuscarawas (New Philadelphia)	OH	Daubert **	Feb 2007	2003CR050130
51	Tarrant County Criminal District Court One	Tarrant (Ft. Worth)	TX		Dec 2006	0501965CT
52	Collier County Court	Collier (Naples)	FL	Frye	Nov 2006	0501965CT
53	Cleveland Municipal Court	Cuyahoga (Cleveland)	OH	Daubert **	Oct 2006	2006 TRC 003272
54	Payne County District Court	Payne (Stillwater)	OK	Daubert *	Oct 2006	PCDC 05-1034
55	16 th Judicial District Court	New Iberia	LA	Daubert *	Sep 2006	
56	Wayne County Municipal Court	Wayne (Wooster)	OH	**	Sep 2006	TRC06021454
57	20 th Judicial Circuit Court	Collier (Naples)	FL	Frye *	Aug 2006	05-001317CT-(ECT)
58	4 th Judicial District Court	Hennepin (Minneapolis)	MN		Aug 2006	02064356
59	Superior Court #3	Hendricks (Danville)	IN		Aug 2006	32D03-0506-CM-290
60	Fairfield Co. Common Pleas Court	Fairfield (Lancaster)	OH	Daubert **	Jul 2006	2005CR00252
61	Dallas County #283 District Court	Dallas	TX		Jun 2006	F9823306-FT
62	Lycoming DUI Court	Lycoming	PA	Frye	May 2006	05891
63	Greeley Municipal Court	Weld	CO		Apr 2006	M191882
64	Denver County Court	Denver	CO	**	Feb 2006	05M00543
65	22 nd District Court	Washtenaw	MI		Nov 2005	O41875FH
66	County Court at Law Number 11	Bexar	TX		Nov 2005	CC 850837
67	Escambia County Court – Div II	Escambia (Pensacola)	FL	*	Oct 2005	04-20282-MMA
68	Cherokee County State Court	Cherokee (Canton)	GA	Frye *	Sep 2005	04T3536
69	Circuit Court of Okaloosa County	Okaloosa (Ft. Walton Beach)	FL	Frye *	Sep 2005	04-224CFA & 04-225 CFA
70	48 th District Court	Oakland	MI	*	Sep 2005	0420922
71	West Juvenile Drug Court	Volusia	FL		Jul 2005	0404379
72	Maricopa County Superior Court	Maricopa	AZ		May 2005	CR 2003-021561-001
73	Maricopa County Superior Court	Maricopa	AZ		Mar 2005	CR 2003-035106-001

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74	382 nd District Court	Rockwall	TX		Feb 2005	02-00-28
75	22 nd District Court	Washtenaw	MI		Dec 2004	CRW-04691-FH
76	52-1 District Court	Oakland	MI	*	Dec 2004	04-003877-FY
77	Maricopa County Superior Court	Maricopa	AZ		Dec 2004	CR2003-027284
78	Maricopa County Superior Court	Maricopa	AZ		Dec 2004	CR2002-020361
79	3 rd Judicial District Court	Salt Lake	UT	*	Dec 2004	055100007
80	Anchorage Superior Court	Anchorage Borough	AK		Oct 2004	3AN-S04-4652
81	Cobb County Drug Court	Cobb (Marietta)	GA		Jul 2004	04-9-0975
82	Kotzebue Municipal Court	NW Arctic Borough	AK		Apr 2004	2KB-04-147CR
83	29 th District Court of Common Pleas	Lycoming	PA		Aug 2004	0211303
84	47 th District Court	Oakland (Farmington Hills)	MI		Apr 2004	03C412666
85	58 th District Court	Ottawa (Holland)	MI	*	Feb 2004	03-16029-SD
86	22 nd Circuit Court	Washtenaw	MI	*	May 2003	01-1909-FH