1 REPORTER'S RECORD VOLUME 1 OF 1 VOLUMES 2 TRIAL COURT CAUSE NO. MB05-20040-B 3 THE STATE OF TEXAS) IN THE COUNTY CRIMINAL COURT NO.2 4 VS.) DALLAS COUNTY, TEXAS 5) JULY TERM, A.D., 2006 6 7 EXCERPT OF JURY TRIAL 8 On the 7th day of February, 2006, the following 9 proceedings came on to be heard in the above-titled and numbered cause before the HONORABLE NEIL PASK, Judge 10 Presiding, held in Dallas, Dallas County, Texas. Proceedings reported by computerized Stenograph 11 ************* 12 13 APPEARANCES HON. BILL HILL, Dallas County Criminal District Attorney 14 15 Tom Nowak, Assistant District Attorney By: SBOT No. 24048966 133 N. Industrial Blvd., LB 19 16 Frank Crowley Courthouse 17 Dallas, TX 75207 Phone: 214-653-3600 18 ON BEHALF OF THE STATE OF TEXAS 19 -AND-20 21 Tom Hooten, Attorney at Law SBOT No. 22 8344 E. R.L. Thornton, Suite 300 Dallas, TX 75228 Phone: 214-328-9957 23 ON BEHALF OF THE DEFENDANT ORIGINAL 24

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PROCEEDINGS

CROSS-EXAMINATION

3 By Mr. Hooten

- Q. Sir, you mentioned if there are tests done in the field -- are there tests not done in the field prior to it being sent into the field?
- A. Yes, there are.
- Q. And do you have the records concerning those tests?
- 10 A. No, I didn't bring those with me.
- 11 Q. Why not?
- 12 A. I was not requested to.
- I have a standard package that I bring to

 court. If other information is requested by you, I have

 no problem coming forth with that information.
- Q. So we don't -- so there's other tests that were done prior to this machine going into the field?
 - A. Absolutely.
- Q. Approximately how many times did you testify in a DWI case last year?
- A. Maybe about 30 to 40 times last year, roughly.
- 22 Q. The year before, about that?
- A. Probably more.
- Q. Probably more. Okay.

Do you get paid by Dallas County?