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REPORTER'S RECORD  
VOLUME 1 OF 1 VOLUME  
TRIAL COURT CAUSE NO. MB04-61285-B

THE STATE OF TEXAS ) IN THE COUNTY CRIMINAL COURT  
VS. ) NO. 2, DALLAS COUNTY, TEXAS  
[REDACTED] ) JULY TERM A.D., 2006

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**EXCERPT OF JURY TRIAL**

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On the 18th day of July, 2006, the following proceedings came on to be heard in the above-titled and numbered cause before the HONORABLE NEIL PASK, Judge Presiding, held in Dallas, Dallas County, Texas.

Proceedings reported by computerized Stenograph machine.

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**A P P E A R A N C E S**

HON. BILL HILL, Dallas County Criminal District Attorney  
By: Marci Curry, Assistant District Attorney  
SBOT No. 24047318  
133 N. Industrial Blvd., LB 19  
Frank Crowley Courthouse  
Dallas, TX 75207  
Phone: 214-653-3600

ON BEHALF OF THE STATE OF TEXAS

-AND-

Mr. Jeff Stewart, Attorney at Law  
SBOT No. 00789654  
4916 Camp Bowie Blvd., Suite 200  
Fort Worth, TX 76107  
Phone: 817-740-8881

ON BEHALF OF THE DEFENDANT

**COPY**

**P R O C E E D I N G S****ALVIN FINKLEY,**

having been first duly sworn, testified as follows:

**CROSS EXAMINATION**

By Mr. Stewart:

Q. Mr. Finkley, my name is Jeff Stewart. We've never had the chance to meet, have we, sir?

A. No, sir.

Q. I'm going to ask you a few questions.

When you testify -- how often would you say you testify in court on DWI cases?

A. Like today, three times. Usually our office in general will testify anywhere between maybe five, six times per week.

Q. And that is -- you're called by the state or the government, correct?

A. Sometimes and sometimes by the Defense as well.

Q. Would you say the majority of the time you're called by the state?

A. Yes, sir.

Q. And you are paid by the state, correct?

A. No. I work for Dallas County and I'm paid by Dallas County?

Q. I shouldn't say "state." When I say "state," you're paid by the county, the same people that pays

1 these guys?

2 A. I'm employed through the county and that's who  
3 pays me.

4 Q. Let's talk about the Intoxilyzer 5000. How  
5 long have you been dealing with Intoxilyzer machines?

6 A. About five and a half years.

7 Q. Were you around when the Intoxilyzer 3000 was  
8 around?

9 A. No, sir.

10 Q. Have you heard of the Intoxilyzer 3000?

11 A. Never heard of it.

12 Q. Were you aware there was a machine previous to  
13 this machine?

14 A. Yes, but not the 3000.

15 Q. Okay. What was the other machine that you were  
16 familiar with?

17 A. There's the Data Master, the Breathalyzer, the  
18 4011 ASA, and the 66 Model 5000.

19 Q. Do you have an opinion based on your experience  
20 and training -- let me phrase it this way. If you're  
21 trying to get someone's blood/alcohol concentration,  
22 isn't the most accurate means of doing that through  
23 taking a blood test?

24 A. What I deal with is strictly is the blood.  
25 Both means are equally as accurate for alcohol

