

APPENDIX C

1 Q You didn't take any written notes
2 of what that interview resulted in, correct?

3 A No, ma'am.

4 Q What you're testifying here to
5 today, is simply your recollection of what you
6 believe the interview was on February 20th, 2009;
7 correct?

8 A Yes, ma'am.

9 Q At the scene, you testified that
10 you saw a MINI Cooper that had been rolled over,
11 correct?

12 A Yes, ma'am.

13 Q My client, [REDACTED] was
14 standing outside the vehicle, correct?

15 A Yes, ma'am.

16 Q The engine wasn't running, was it?

17 A No, ma'am.

18 Q The keys were not in the ignition,
19 were they?

20 A No, ma'am.

21 Q The other individual that you
22 testified to as being a passenger, was also
23 standing outside the vehicle, correct?

24 A Yes, ma'am.

25 Q There were no people in the

1 vehicle, correct?

2 A No, ma'am.

3 Q At some point in time after you
4 spoke with my client, you inventoried that vehicle,
5 is that right?

6 A Yes, ma'am.

7 Q There was no alcohol found in that
8 vehicle, correct?

9 A Not to my memory.

10 Q No drugs found in that vehicle,
11 correct?

12 A No, ma'am.

13 Q Now, when you saw [REDACTED] at the
14 scene of this accident, he had cuts to his face; is
15 that correct?

16 A Correct.

17 Q He had been in the vehicle that
18 rolled over, you did ascertain that; correct?

19 A Yes, ma'am.

20 Q So, it's fair to say that there was
21 a possibility that he had a head injury, is that
22 correct?

23 A Yes, ma'am.

24 MR. BARCA: Objection, Your Honor
25 as to speculation.

1 THE COURT: Sustained.
2 Q You said, he also had cuts to his
3 hands, is that correct?
4 A Yes, ma'am.
5 Q Now, you testified that when you
6 saw him, his eyes appeared glassy; is that correct?
7 A Yes, ma'am.
8 Q You had never seen Mr. [REDACTED]
9 prior to February 20th, 2009, had you?
10 A No, ma'am.
11 Q You don't know him, do you?
12 A No, ma'am.
13 Q Are you aware he's a 73 year old
14 man?
15 A Yes, ma'am.
16 Q You became aware of that, that
17 evening, correct?
18 A Yes, ma'am.
19 Q There is a possibility that it
20 could be due to something else, correct?
21 MR. BARCA: Objection, Your Honor.
22 THE COURT: I'll allow it.
23 A Yes, ma'am.
24 Q You also testified, that my client
25 Mr. [REDACTED] had slurred speech, correct?

1 A Yes, ma'am.

2 Q It's fair to say, that somebody who
3 has been in a car accident could have a head
4 injury, correct?

5 MR. BARCA: Objection. Your Honor.

6 THE COURT: I'm going to sustain
7 that.

8 Q Somebody who has slurred speech,
9 could have slurred speech as a result of something
10 other than alcohol or drug impairment, correct?

11 A Yes, ma'am.

12 Q Now, you never ascertained whether
13 my client was under any medical care at that time,
14 did you?

15 A Not at that time, ma'am.

16 Q You never ascertained that my
17 client suffered from high blood pressure at that
18 time, did you?

19 A Not at that time, ma'am.

20 Q You didn't ascertain as to whether
21 or not he was on any other medication, did you?

22 A Not at the scene, ma'am.

23 Q Not at the scene. So, when you got
24 to the hospital, you learned that he was on
25 medication?

1 A I didn't interview him at the
2 hospital, those are standardized questions.

3 Q Did you ever learn that my client
4 was on medication?

5 A No, ma'am.

6 Q You also testified that Mr. ██████████
7 had impaired, I believe it was impaired motor
8 condition, that's the way it's listed on your
9 Supporting Deposition; is that correct?

10 A Yes, ma'am.

11 Q That impaired motor condition you
12 testified, was an indication that he could have
13 been impaired by alcohol or substance abuse,
14 correct?

15 A Yes, ma'am.

16 Q Impaired motor condition could also
17 be the result of some other thing, isn't that
18 correct?

19 A Yes, ma'am.

20 Q After speaking with my client, you
21 testified that you ascertained that he was coming
22 from home and going to a store; is that correct?

23 A Yes, ma'am.

24 Q Are you familiar with the
25 Supporting Deposition that was filled out in this

1 case?

2 A No, ma'am.

3 Q No?

4 A No, ma'am.

5 Q As part of your preparation for
6 testimony here today, you did not review the
7 Supporting Deposition that was filed as supporting
8 documents to the simplified traffic informations
9 that were filed in this case?

10 A No, ma'am.

11 Q In preparation for testimony here
12 today, you did not review the simplified traffic
13 informations that were filed in this case, is that
14 right?

15 A That was the only thing I had
16 access to, ma'am.

17 Q Were the simplified traffic
18 informations?

19 A Were Trooper Peters notes from the
20 accident.

21 Q You had access to Trooper Peters
22 notes from the accident, is that correct?

23 A Yes, ma'am.

24 Q So, it's fair to say that you
25 reviewed the arrest paperwork here, isn't that

1 right?

2 A Yes, ma'am.

3 Q Part of the arrest paperwork is the
4 Supporting Deposition, isn't it?

5 A It's not on-line. I only have
6 access to what's on-line.

7 Q You reviewed the incident report in
8 this case --

9 A Yes, ma'am.

10 Q -- prior to testifying?

11 A Yes, ma'am.

12 Q You reviewed the accident report,
13 is that correct?

14 A Yes, ma'am.

15 Q Trooper Peters filed out the arrest
16 paperwork in this case, is that right?

17 A Yes, ma'am.

18 Q When it came to indicating what
19 field sobriety tests had been performed with regard
20 to Mr. [REDACTED] that information was given to
21 Trooper Peters by you, is that correct?

22 A Yes, ma'am.

23 Q Trooper Peters was not with you
24 when you performed the field sobriety test, is that
25 right?

1 A Yes, ma'am.

2 Q So, anything that's in the
3 Supporting Deposition that Trooper Peters filled
4 out, is based on what he was told by you; is that
5 fair to say?

6 A As far as the SFST's; yes, ma'am.

7 Q You testified that you performed a
8 horizontal nystagmus test, is that right?

9 A Yes, ma'am.

10 Q You testified that Mr. [REDACTED]
11 performed appropriately on the horizontal
12 nystagmus, isn't that fair to say?

13 A Yes, ma'am.

14 Q There were no indicators, is that
15 right?

16 A On the horizontal?

17 Q On the horizontal, that's what I'm
18 talking about?

19 A Yes, ma'am.

20 Q You further testified, that you
21 performed a vertical nystagmus test; is that right?

22 A Yes, ma'am.

23 Q On the vertical nystagmus test, you
24 indicated that there was some indication to you
25 that his ability had been impaired; is that fair to

1 say?

2 A Yes, ma'am.

3 Q Yet, when you reported to Trooper
4 Peters, you didn't indicate to him that you
5 performed a vertical nystagmus test; is that right?

6 A That's the only thing I performed
7 is the horizontal nystagmus test.

8 Q I thought you performed the
9 horizontal and the vertical?

10 A The horizontal and vertical
11 nystagmus I performed.

12 Q Those are two different tests,
13 isn't that right?

14 A They are part of the same test.

15 Q Trooper, vertical nystagmus is one
16 test and the horizontal nystagmus is a second test,
17 correct?

18 A Correct.

19 Q Two different names, correct?

20 A Yes.

21 Q Now, you testified with regard to
22 the nystagmus test, that you used a pen in front of
23 my client's eyes in order to perform that test; is
24 that correct?

25 A Yes, ma'am.