

# APPENDIX E

1 Q You saw two individuals standing  
2 outside of the vehicle, is that right?

3 A Yes.

4 Q You testified that they were the  
5 occupants of the vehicle, is that right?

6 A Yes.

7 Q But you never saw them in the  
8 vehicle, did you?

9 A No.

10 Q You didn't see my client who you  
11 identified as [REDACTED], ever sitting in the  
12 driver's seat of that vehicle, did you?

13 A No.

14 Q When you arrived at the scene was  
15 the engine running of the vehicle?

16 A I don't recall.

17 Q Would it help if you looked at, as  
18 we consider, your DWI paperwork?

19 A Sure.

20 MS. WALLACH: Your Honor, I believe  
21 the Supporting Deposition is marked for  
22 identification as Number 1, I'll hand my  
23 copy of it to the trooper.

24 Q Can you look at it and when you're  
25 done look up, please.

1 (Whereupon, the witness complies)

2 Q Trooper Peters, did that refresh  
3 your recollection as to whether or not the engine  
4 was running of the vehicle?

5 A Yes.

6 Q Was the engine running of the  
7 vehicle?

8 A It's not indicated on the report.

9 Q So, if it's not indicated on the  
10 report, does that mean it was not running?

11 A Yes.

12 Q The keys were not in the ignition,  
13 were they?

14 A I don't recall.

15 Q I ask you if it would refresh your  
16 recollection to look at your Supporting Deposition,  
17 again?

18 A Yes.

19 Q I ask that, that be handed back to  
20 the witness, again it's marked for identification  
21 as 1.

22 (Whereupon, the witness complies)

23 Q Officer, after looking at the  
24 Supporting Deposition, does that refresh your  
25 recollection as to whether or not the keys were in

1 the ignition?

2 A Yes.

3 Q The keys were not in the ignition  
4 were they?

5 A That's not indicated on my report.

6 Q If it's not indicated on the  
7 report, it would mean that the keys were not in the  
8 ignition; correct?

9 A Yes.

10 Q Now, also on your Supporting  
11 Deposition, as well as, your incident report, you  
12 indicate that you observed my client, [REDACTED]  
13 to have injuries; is that correct?

14 A Yes.

15 Q The injuries that you indicate in  
16 your incident report consist of cuts to the face  
17 and the head, is that right?

18 A Yes.

19 Q Also, [REDACTED] vehicle was on  
20 its roof when you arrived at the scene; is that  
21 correct?

22 A Yes.

23 Q Now, you indicated that my client  
24 displayed certain conditions, including being  
25 unstable on his feet; is that right?

1 A Yes.

2 Q You indicated that you had been  
3 trained in DWI identification and identifying  
4 people whose abilities are impaired by the  
5 intoxication of alcohol, is that correct?

6 A Yes.

7 Q One of the signs of it might be  
8 unstable on his feet, correct?

9 A Yes.

10 Q Also being unstable on his feet,  
11 might be an indication that he had a head injury;  
12 is that correct?

13 A Yes.

14 Q Now, you also indicated that my  
15 client had an impaired motor condition; is that  
16 correct?

17 A Yes.

18 Q When you said, he had an impaired  
19 motor condition, you indicated that was based on  
20 your observations of him at the scene; is that  
21 correct?

22 A Yes.

23 Q Again, you have been trained in  
24 identification of people who have been possibly  
25 impaired by alcohol, and that impaired motor

1 condition would be an indication of that; correct?

2 A Could you repeat that?

3 Q An impaired motor condition would  
4 possibly be an indication of somebody who is  
5 impaired by alcohol, correct?

6 A Yes.

7 Q It also could possibly be a  
8 condition of somebody who suffered a head injury,  
9 couldn't it?

10 MR. BARCA: Objection, Your Honor.

11 That would be speculation.

12 THE COURT: Overruled.

13 A Yes.

14 Q Now, you indicated that you spoke  
15 with my client at the scene of the accident;  
16 correct?

17 A Yes.

18 Q When you spoke to the him, you  
19 didn't ascertain from him whether he suffered from  
20 any medical conditions, did you?

21 A I don't recall.

22 Q Would it refresh your recollection  
23 if I told you that my client suffered from high  
24 blood pressure, does that refresh your  
25 recollection?