

ORDER PREPARED BY THE COURT

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
CAMDEN COUNTY

DOCKET NO. A 45-02

State of New Jersey, : QUASI-CRIMINAL ACTION

Plaintiff : ORDER

v. :

Arnold Foley, Adam Gerzoff, :
Timothy Reid, Marjorie Proud, :
Paul Berry, Michael Bianco, :
Lara Howell, Walter Behrle, :
Kristin Hahn, Paul Collins, :
Timothy Stillwell, Patrick Kollasch, :
John Clark, Nicholas Gagliardi, :
Christopher Pasin, Hector Ramirez, :
Kyan Julius, Fernando Cartagena, :
Robert Ferreri, Angel Garcia, and :
Craig Walton :

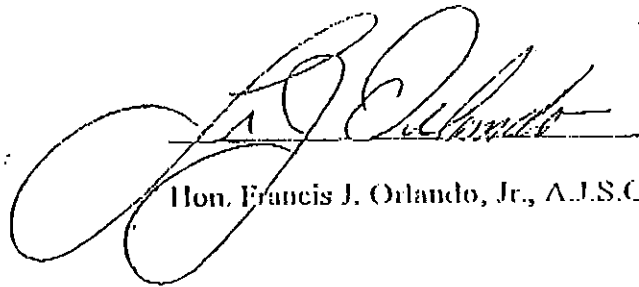
Defendants

This matter having been opened to the Court on Motion of the State of New Jersey for a common proofs N.J.R.E. §104 pre-trial hearing to determine the scientific reliability of the Alcotest 7110 MK III evidential breath test instrument; and the Court

Having conducted a plenary hearing; and the Court having set forth its finding of fact and conclusions of law in a written opinion dated December 12, 2003,

IT IS ON THIS 5th day of January 2004 ORDERED:

1. The breath test readings produced by the Alcotest 7110 MK III may be introduced into evidence in a prosecution for violation of N.J.S.A. 39:4-50 or N.J.S.A. 39:3-10.3 or N.J.S.A. 12:7-46 without the need for the State to produce expert testimony in each case.
2. No person who delivers a breath sample of at least .5 liters on the Alcotest 7110 MK III may be charged with refusal pursuant to N.J.S.A. 39:4-50.2 and/or N.J.S.A. 39:4-50.4(a).
3. The pending cases of each defendant named in the above caption are remanded back to the Pennsauken Township Municipal Court for a disposition to take place within 45 days of the Order.



Hon. Francis J. Orlando, Jr., A.J.S.C.