

Court Holds Alcotest Breath Testing Device Is Reliable

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NJ Supreme Court Decision on Alcotest Breath Testing Device

The long-awaited decision in the matter of **State v. Chun, et al**, has finally been rendered by the New Jersey Supreme Court in which the Supreme Court held that the Alcotest breath testing device is reliable and may be used in convicting defendants who are charged with drunk driving. In a 133 page opinion, the Court established rules for the admissibility of the results obtained from the Alcotest device.

The decision has an important significance to all those people who are charged with DWI and applies to past and present cases. Many cases will be returned to Court to determine if the prior test results are admissible. Defendants who entered conditional pleas should contact their attorney immediately to discuss the effect of the **Chun** decision and their past case.

If you are now facing a DWI charge, you should consult with an attorney to review the impact of the **Chun** case as it pertains to your matter. The Alcotest results are a critical part of the state's proofs and have a direct bearing upon whether the State can prove the DWI case or the length of any suspension imposed as a result of a DWI conviction. It is important to have each DWI case evaluated both by an attorney and by an Alcotest Expert, to ensure that your rights are preserved.

Our Firms DWI/DUI attorney is Michael R. Ascher, who has been involved in DWI cases for 30 years. He prosecuted cases early in his career as an Assistant Prosecutor and has been defending DWI/DUI cases since 1978.