

NORTH CAROLINA

_____ COUNTY

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO.

ORDER

_____,
Defendant

THIS CAUSE coming on to be heard and being heard before the undersigned Judge Presiding over the District Court of Durham County, North Carolina, and the Court, upon the Motion of the Defendant, enters the following:

FINDINGS OF FACT

1. The client was charged with driving while impaired.
2. The defendant believes upon information and belief that the procedures set out by the Department of Health and Human Services were not followed in the breath test, and the results are inadmissible.
3. The defendant believes that the chemical analyst's testimony could be exculpatory under Brady v. Maryland, or otherwise useful in the search for the truth.

BASED ON THE FOREGOING FINDINGS OF FACT,

THE COURT FINDS THE FOLLOWING:

CONCLUSIONS OF LAW

1. That the Court has jurisdiction over the parties and the subject matter in this action.
2. That this Court has reviewed the findings of fact and finds the same reasonable and justified under the circumstances.

WHEREFORE IT IS ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. The defendant is allowed to subpoena the chemical analyst for future court dates.

This is the _____ day of _____, 2009.

Judge Presiding