

AMS Evidentiary Hearings

SCRAM Continuous Alcohol Monitoring continues to be validated in court hearings across the country. To date, an AMS expert witness has participated in 89 evidentiary-level hearings in 24 states, with 33 of the hearings resulting in a Daubert, Frye, or hybrid ruling. As part of the 89, three State Supreme and Appellate Court rulings have been made in favor of SCRAM CAM and subsequent monitoring results.

Since 2003, AMS has been working with courts and ancillary agencies to provide comprehensive SCRAM CAM testimony, which has included the creation of nearly 2,000 formal court reports used to detail the monitoring results of offenders who denied a SCRAM CAM violation (either alcohol consumption, equipment tampering, or a combination). In the majority of the cases, offenders confronted by the court armed with a comprehensive SCRAM CAM reporting package admitted to the violation prior to the scheduled hearing.

Testimony Met the Frye Standard for Admissibility (6)

IL	First Judicial Circuit Court	Jul 2007
FL	Collier County Court	Nov 2006
FL	20th Judicial Circuit Court	Aug 2006
PA	Lycoming DUI Court	May 2006
GA	Cherokee County State Court	Sep 2005
FL	Circuit Court of Okaloosa County	Sep 2005

Testimony Met the Daubert Standard for Admissibility (26)

MI	Berrien County Circuit Court	Oct 2010
OK	Jackson County District Court	July 2010
WY	Albany County Drug Court	Jan 2010
SD	South Dakota Board of Pardons & Parole	Nov 2009
SD	Circuit Court of the Sixth Judicial Circuit	Nov 2009*
CO	Greeley Combined Court Division #4	Nov 2009
NH	Southern Carroll County Superior Court	May 2009
SD	Circuit Court of the Sixth Judicial Circuit	May 2009
NY	Clinton County Supreme Court	Mar 2009
NY	Clinton County Supreme Court	Mar 2009
OH	Putnam County Court	Jan 2009
OH	Putnam County Court	Jan 2009
IN	Hamilton County Superior Court #5	Dec 2008*
TN	Rutherford County Circuit Court	Nov 2008
TX	114th District Court	Jul 2008
TX	114th District Court	Jul 2008
CO	Westminster Municipal Court	Dec 2007
SD	Circuit Court of the Sixth Judicial Circuit	Oct 2007*
TX	238th District Court	Jul 2007
TN	Criminal Court 18th Judicial District	Jun 2007
TN	General Session 18th Judicial District	Mar 2007
OH	Common Pleas Court	Feb 2007
OK	Payne County District Court	Oct 2006
OH	Cleveland Municipal Court	Oct 2006
LA	16th Judicial District Court	Sep 2006
OH	Fairfield County Common Pleas Court	Sep 2005

Testimony Met the Standard for Admissibility, Based on a Hybrid Standard of Frye, Daubert and FRE 702 (1)

CA	Superior Court of San Fernando County	Oct 2007
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What Is Daubert?

Written by the U.S. Supreme Court in 1993, *Daubert*, or *Daubert v. Merrill Dow Pharmaceuticals*, is a standard for courts to use to determine the admissibility of expert testimony. The intent is to ensure that testimony based on “junk science” not be admitted as evidence, as well as to ensure that new, cutting-edge scientific information, which meets a set of standards established in *Daubert*, is allowed to be considered by a court, even though it may be relatively new.

What Is Frye?

Previous to *Daubert*, the standard for admissibility, *Frye V. United States*, applied the standard that scientific conclusions must be “generally accepted” within the expert community. This limited the admissibility of new scientific conclusions that might not yet be generally accepted. The Frye standard is still used in some jurisdictions, and yet others will use a hybrid standard that blends Frye and *Daubert*.

**State Supreme and Appellate Court rulings.*

93 Evidentiary Hearings Where AMS Provided Expert Testimony

As of May 2013

COURT	COUNTY (CITY)	STATE	RULING	HEARING DATE	CASE #
York County Common Pleas Court	York (York)	PA		Apr 2013	10161256630
Marietta Municipal Court	Marietta	OH		Mar 2013	584885
Municipal Court of Seattle	Seattle	WA		Mar 2013	2011 TRC 6010
Windham District Court	Windham (Brattleboro)	VT		Nov 2012	
New Mexico 11 th Judicial District Court	McKinley (Gallup)	NM		Jun 2012	D-1113-CR-201100085
Hamilton County Superior Court #4	Hamilton (Nobelsville)	IN		Apr 2012	29D04-1008-CM-4171
Hamilton County Superior Court #4	Hamilton (Nobelsville)	IN		Apr 2012	19D04-1103-FD-4073
Schoharie County Court	Schoharie (Schoharie)	NY		Aug 2011	1577
Lake County Superior Court 9	Lake (Crown Point)	IN		Aug 2011	45D09-0706-CM-898
Court of Common Pleas of McKean	McKean (Smethport)	PA		Jul 2011	502-CR-2005
Court of Common Pleas of Lackawanna	Lackawanna (Scranton)	PA		Mar 2011	09CR2583
Berrien County Circuit Court	Berrien (St. Joseph)	MI	Daubert	Oct 2010	719640
Collin County District Court	Collin (McKinney)	TX		Sep 2010	366-82989-06
Jackson County District Court	Jackson (Altus)	OK	Daubert	Jul 2010	CF-2007-26
Hamilton County Superior Court #5	Hamilton (Noblesville)	IN		Jul 2010	29D06-0709-FD-4262
Court of Common Pleas of Lycoming	Lycoming (Williamsport)	PA		Feb 2010	
Albany County Drug Court	Albany (Laramie)	WY	Daubert	Jan 2010	
Chatham County DUI Court	Chatham (Savannah)	GA		Dec 2009	

COURT	COUNTY (CITY)	STATE	RULING	HEARING DATE	CASE #
Chatham County DUI Court	Chatham (Savannah)	GA		Dec 2009	R08060024
Chatham County DUI Court	Chatham (Savannah)	GA		Dec 2009	R0704D309
Las Vegas Township Justice Court	Clark (Las Vegas)	NV		Nov 2009	08M08660X
South Dakota Board of Pardons & Parole	Minnehaha (Sioux Falls)	SD	Daubert	Nov 2009	40196
Circuit Court of the Sixth Judicial Circuit	Tripp (Winner)	SD	Daubert **	Nov 2009	61C0900003A0
Greeley Combined Court Division #4	Weld (Greeley)	CO	Daubert **	Nov 2009	D0622008CR001060
Jasper County Circuit Court	Jasper (Rensselaer)	IN		Oct 2009	37CO10805FD269
Walton County Court	Walton (De Funiak Springs)	FL		Sept 2009	09CF177
City of Richmond Circuit Court	Richmond	VA		Sept 2009	010101
Elkhart Superior Court	Elkhart (Elkhart)	IN		Aug 2009	20D05-0806-CM-301
Red Hook Community Court	Kings (Brooklyn)	NY	**	Jun 2009	2008CK003181
Isabella County Circuit Court	Isabella (Mt. Pleasant)	MI		May 2009	
Southern Carroll County Superior Court	Southern Carroll (Ossipee)	NH	Daubert	May 2009	2004-S-436
Circuit Court of the Sixth Judicial Circuit	Tripp (Winner)	SD	Daubert	Apr 2009	61CO7000174
Clinton County Supreme Court	Clinton (Plattsburgh)	NY	Daubert **	Mar 2009	NN-00086/00087-08108B
Clinton County Supreme Court	Clinton (Plattsburgh)	NY	Daubert **	Mar 2009	NN-01743101744-07/08B,C&D
Putnam County Court	Putnam (Ottawa)	OH	Daubert	Jan 2009	2008 TRC 01351
Putnam County Court	Putnam (Ottawa)	OH	Daubert	Jan 2009	2008 TRC 01323
Waseca County District Court	Waseca (Waseca)	MN		Jan 2009	81-CR-08-1178

COURT	COUNTY (CITY)	STATE	RULING	HEARING DATE	CASE #
Hamilton County Superior Court #5	Hamilton (Noblesville)	IN	Daubert **	Dec 2008	29D05-0610-CM6683
Rutherford County Circuit Court	Rutherford (Murfreesboro)	TN	Daubert	Nov 2008	F54820
Court of Common Pleas of Schuylkill	Schuylkill (Pottsville)	PA		Oct 2008	05 TR 4879
16 th Judicial Circuit Court	Kane (St. Charles)	IL		Aug 2008	05 TR 4879
114 th District Court	Smith (Tyler)	TX	Daubert *	Jul 2008	114-0101-08
114 th District Court	Smith (Tyler)	TX	Daubert *	Jul 2008	114-0101-08
Westminster Municipal Court	Adams (Westminster)	CO	Daubert **	Dec 2007	06-018213-DV
Circuit Court of the Sixth Judicial Circuit	Hughes (Pierre)	SD	Daubert **	Nov 2007	32C05000605A0
18 th Judicial District, Division A	Arapahoe (Littleton)	CO		Oct 2007	
Superior Court of Los Angeles	Los Angeles	CA	Hybrid *	Oct 2007	PA051212
Lycoming DUI Court	Lycoming (Williamsport)	PA		Sep 2007	07400
18 th Judicial District Division A	Arapahoe (Littleton)	CO		Aug 2007	07T612
238 th District Court	Midland	TX	Daubert *	Jul 2007	CR30683
1 st Judicial Circuit Court	Jackson (Murphysboro)	IL	Frye **	Jul 2007	06-DT-212
Criminal Court 18 th Judicial District	Sumner (Gallatin)	TN	Daubert	Jun 2007	441-06
Muskegon County Circuit Court	Muskegon	MI		Apr 2007	04-50315-FH
Kern County Family Court	Kern (Bakersfield)	CA		Apr 2007	S-1501-FL-567951
412 th District Court	Brazoria (Angleton)	TX		Apr 2007	52030
General Session 18 th Judicial District	Sumner (Gallatin)	TN	Daubert *	Mar 2007	18909-06

COURT	COUNTY (CITY)	STATE	RULING	HEARING DATE	CASE #
Court of Common Pleas of Tuscarawas	Tuscarawas (New Philadelphia)	OH	Daubert **	Feb 2007	2003CR050130
Tarrant County Criminal District Court One	Tarrant (Ft. Worth)	TX		Dec 2006	0501965CT
Collier County Court	Collier (Naples)	FL	Frye	Nov 2006	0501965CT
Cleveland Municipal Court	Cuyahoga (Cleveland)	OH	Daubert **	Oct 2006	2006 TRC 003272
Payne County District Court	Payne (Stillwater)	OK	Daubert *	Oct 2006	PCDC 05-1034
16 th Judicial District Court	New Iberia	LA	Daubert *	Sep 2006	
Wayne County Municipal Court	Wayne (Wooster)	OH	**	Sep 2006	TRC06021454
20 th Judicial Circuit Court	Collier (Naples)	FL	Frye *	Aug 2006	05-001317CT-(ECT)
4 th Judicial District Court	Hennepin (Minneapolis)	MN		Aug 2006	02064356
Superior Court #3	Hendricks (Danville)	IN		Aug 2006	32D03-0506-CM-290
Fairfield Co. Common Pleas Court	Fairfield (Lancaster)	OH	Daubert **	Jul 2006	2005CR00252
Dallas County #283 District Court	Dallas	TX		Jun 2006	F9823306-FT
Lycoming DUI Court	Lycoming	PA	Frye	May 2006	05891
Greeley Municipal Court	Weld	CO		Apr 2006	M191882
Denver County Court	Denver	CO	**	Feb 2006	05M00543
22 nd District Court	Washtenaw	MI		Nov 2005	O41875FH
County Court at Law Number 11	Bexar	TX		Nov 2005	CC 850837
Escambia County Court – Div II	Escambia (Pensacola)	FL	*	Oct 2005	04-20282-MMA

COURT	COUNTY (CITY)	STATE	RULING	HEARING DATE	CASE #
Cherokee County State Court	Cherokee (Canton)	GA	Frye *	Sep 2005	04T3536
Circuit Court of Okaloosa County	Okaloosa (Ft. Walton Beach)	FL	Frye *	Sep 2005	04-224CFA & 04-225 CFA
48 th District Court	Oakland	MI	*	Sep 2005	0420922
West Juvenile Drug Court	Volusia	FL		Jul 2005	0404379
Maricopa County Superior Court	Maricopa	AZ		May 2005	CR 2003-021561-001
Maricopa County Superior Court	Maricopa	AZ		Mar 2005	CR 2003-035106-001
382 nd District Court	Rockwall	TX		Feb 2005	02-00-28
22 nd District Court	Washtenaw	MI		Dec 2004	CRW-04691-FH
52-1 District Court	Oakland	MI	*	Dec 2004	04-003877-FY
Maricopa County Superior Court	Maricopa	AZ		Dec 2004	CR2003-027284
Maricopa County Superior Court	Maricopa	AZ		Dec 2004	CR2002-020361
3 rd Judicial District Court	Salt Lake	UT	*	Dec 2004	055100007
Anchorage Superior Court	Anchorage Borough	AK		Oct 2004	3AN-S04-4652
Cobb County Drug Court	Cobb (Marietta)	GA		Jul 2004	04-9-0975
Kotzebue Municipal Court	NW Arctic Borough	AK		Apr 2004	2KB-04-147CR
29 th District Court of Common Pleas	Lycoming	PA		Aug 2004	0211303
47 th District Court	Oakland (Farmington Hills)	MI		Apr 2004	03C412666
58 th District Court	Ottawa (Holland)	MI	*	Feb 2004	03-16029-SD
22 nd Circuit Court	Washtenaw	MI	*	May 2003	01-1909-FH

*Indicates transcript is available

**Indicates written order is available from AMS