

IN THE COUNTY COURT OF THE TWELFTH JUDICIAL CIRCUIT  
IN AND FOR SARASOTA COUNTY, STATE OF FLORIDA

STATE OF FLORIDA,  
Plaintiff,

vs.

CASE NO. 04 CT 14406 SC

CAROLE BJORKLAND, et al.,  
Defendant.

STATE'S SECOND SUPPLEMENTAL FILING REGARDING SOURCE CODE

COMES NOW the State of Florida, represented by Earl Moreland, State Attorney for the Twelfth Judicial Circuit, and files this Second Supplemental Filing, and states:

1. In Defendants' recent filing, Defendant's Response to State's Supplemental Authority, is unfairly prejudicial and incomplete. For instance, Defendants reference particular portions of a letter from CMI to FDLE dated April 29, 2004. However, this letter is not the complete message.

2. State attaches to this filing the April 29 letter (Exhibit A) along with a February 10, 2005 letter (Exhibit B) which clarifies the position on the issue. Under the Rule of Completeness, F.S. 90.108, along with overall fairness, the February 10 letter should be considered.

Respectfully submitted,  
EARL MORELAND, STATE ATTORNEY

BY:



JASON M. MILLER, ASA, 624551  
Office of the State Attorney  
2071 Ringling Blvd., Suite 400  
Sarasota, Florida 34237-700

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by hand to: Robert Harrison, Esquire, 825 S. Tamiami Trail, Ste. 2, Venice FL 34285 this 2 day of Nov, 2005.

BY:



JASON M. MILLER

FILED FOR RECORD  
2005 NOV -2 PM 2:57  
CLERK OF CIRCUIT COURT  
SARASOTA COUNTY, FL.





316 E. 9th St.  
Owensboro, KY 42303  
1-800-835-0690  
Fax: 270-685-6678  
www.alcoholtest.com

Laura Barfield  
PO Box 1489  
Tallahassee, FL 32302

April 29, 2004

Dear Laura,

I have addressed the changes to the Florida Intoxilyzer 5000 that we discussed.

1. Pressure switch - The pressure switch in the 66 series instrument has not been changed since 1988 which is when I started working for CMI. To the best of my knowledge, this switch has always been an adjustable switch that is normally set at 2 inches of water. I believe the Florida rules allow the switch to be set at 2, 4, or 6 inches of water. I have noticed that the recent switches are a different color than they were at one time but they are purchased from the same vendor and have the same specifications.
2. As far as I know the battery has never changed. The battery is used for the real time clock. It has absolutely no affect on analytical operation of the instrument.
3. The fan motor used in older instruments has been discontinued. It has been replaced with another fan that has the same airflow characteristics. This fan is used to cool the air inside of the instrument. This is not a substantial change and it has no effect on the analytical operation of the instrument.
4. Different color resistors - When choosing electronic components, whenever possible, more than one manufacturer is selected. These devices, although manufactured by different companies have the same specifications. This is not a substantial change and does not affect the analytical operation of the instrument.
5. R 100 and the three additional potentiometers on the processor board are part of the internal standard option that is not used by Florida. This was an option at one time but the hardware was added to all instruments several years ago. The option is not turned on in the Florida software and these devices are not used.
6. The 7-80 microprocessor has changed. Over the years, as with computers, the processors have gotten faster. This device is capable of operating at higher

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**EXHIBIT A**



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speeds, but we use it at the same speed that it has always been used. This is not a substantial change and it has no effect on the analytical operation of the instrument.

7. The additional EPROM for Software version 900.10 was necessary when the new style printer went into use. The printer driver code required more space and an additional EPROM was needed for program storage. The printer change has no affect on the analytical operation of the instrument.
8. The power supply that was used in early instruments went obsolete in 1995 and was changed to a supply manufactured by Digital Power Corp. This supply meets the specifications of the prior supply.

I would not consider any of the above changes substantial and the component substitutions were made with components that have the same specifications. None of these affect the way the instrument makes a measurement, nor do they have any affect on the accuracy of the instrument

Sincerely,

William S. Schofield  
Manager of Engineering

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APR 30 2004

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February 10, 2005

Laura Barfield  
PO Box 1489  
Tallahassee, FL 32302


Dear Laura,

I am writing to correct an error in item #7 of my letter dated April 29, 2004. In that letter, I stated the following:

7. The additional EPROM for Software version 900.10 was necessary when the new style printer went into use. The printer driver code required more space and an additional EPROM was needed for program storage. The printer change has no effect on the analytical operation of the instrument.

This is incorrect. After reviewing software version 900.10, I found that it will fit into two EPROMS. If three EPROMS are used for this version of software, the EPROM labeled C will be blank. If the blank EPROM is installed, it will not be addressed by the processor and will have no effect on the instrument. I apologize for this oversight and hope this will not cause you any problems.

Sincerely,

  
William S. Schofield  
Manager of Engineering

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FEB 11 2005

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**EXHIBIT B**