



MIDDLESEX COUNTY PROSECUTOR'S OFFICE

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DWI CASE NO. 2

Dear [REDACTED]

You are being provided this notice according to State v. Eileen Cassidy, No. 078390, A-58-16 (N.J. Nov. 13, 2018), so please read this letter carefully as you may be entitled to file a motion for post-conviction relief pursuant to *N.J. Court Rule 7:10-2*. Court records indicate that you may have been arrested and/or convicted of Driving While Intoxicated ("DWI") between 2008 and 2016. If you were convicted of DWI and gave a breath test sample on an affected Alcotest instrument, you may be entitled to post-conviction relief.

A letter was previously mailed to you advising that legal proceedings were underway in State v. Eileen Cassidy, regarding a New Jersey State Police sergeant who calibrated several Alcotest instruments and who failed to follow the proper protocol. The legal proceedings are completed. The Court found that the sergeant's failure to follow the established protocol adversely affected the scientific reliability of breath tests taken on Alcotest instruments calibrated by him and ruled that the results from those instruments are inadmissible in court. **Therefore, if you gave a breath sample on an Alcotest instrument calibrated by this sergeant, the results of those breath tests cannot be used as evidence in your DWI case, and you might be entitled to post-conviction relief.** The Administrative Director of the Courts will be setting up procedures for those potentially affected individuals to seek post-conviction relief. Until such time that these procedures are established, you may contact the municipal court where your case was handled if you believe that you might be entitled to relief. You may consult with a private attorney or municipal public defender, if available, to determine whether you are entitled to relief and/or what action if any you should take.

The Middlesex County Prosecutor's Office cannot provide any legal advice about this matter. Any further updates will be posted on our website:

<http://www.middlesexcountynj.gov/Government/Departments/PSH/Prosecutor/Pages/main.aspx>

Very truly yours,

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