

Prepared by the Court

SUPREME COURT OF NEW JERSEY
M-244/245/246 September Term 2016
078390

STATE OF NEW JERSEY,

Plaintiff-Movant

v.

EILEEN CASSIDY,

Defendant-Respondent.

Order Supplementing Order Granting Stay of Proceedings in Other
Courts that Raise Issues Potentially Affected by the Supreme
Court's Determination in this Case

This matter being opened on the court's own initiative and being entered, after notice to all parties, as a supplement to the November 2, 2017 order of this court staying certain proceedings in other courts, for the purpose of effectively identifying cases in which breath samples were provided on an Alcotest device calibrated by New Jersey State Police coordinator Marc Dennis, to which the November 2, 2017 stay order applies,

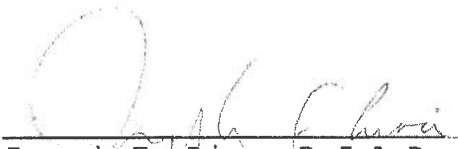
It is on this 28th day of November, 2017, ORDERED AS
FOLLOWS:

1. In any proceeding in any court involving a prosecution, conviction or sentence for a DWI offense for which the offense date was between January 1, 2008 and September 30, 2016, it shall be the affirmative obligation of the prosecutor in that

proceeding to determine whether or not the defendant provided a breath sample on an Alcotest device that had been calibrated by coordinator Marc Dennis, and to produce documentary evidence of that determination to the defendant and the court;

2. In any proceeding in any court involving a prosecution for an offense in which a prior DWI conviction constitutes a predicate offense to enhance the gradation or applicable punishment in that subsequent prosecution for another charge, or involving a sentence emanating from such a case that has been adjudicated, it shall be the affirmative obligation of the prosecutor in that proceeding to determine whether or not the defendant provided a breath sample on an Alcotest device that had been calibrated by coordinator Marc Dennis in that prior DWI case, and to produce documentary evidence of that determination to the defendant and the court.

IT IS FURTHER ORDERED that the Attorney General shall forthwith provide a copy of this order to all county and municipal prosecutors.


Joseph F. Lisa, P.J.A.D.
(retired and t/a on recall)

Dated: November 28, 2017