

**Steven Bonville**

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**From:** Mitchell E. Ignatoff <mitchell@meignatoff.com>  
**Sent:** Friday, March 20, 2015 4:01 PM  
**To:** Comments Mailbox  
**Subject:** Comment on Mubicipal Court Practice in DWI cases.

My impression is that defense counsel generally get jammed by the 60 day "rule" for trying these cases because of outstanding discovery not provided by the state. My suggestions

1. Our goal is to try all DWI cases within 60 days of defense counsel's entry into the case. Entry into the case can be by letter to the municipal court by mail, email, and/or fax. In order to further that goal,
2. All discovery mentioned in Chun, and all reports made by any officer, dispatcher, caller, or anyone else in the case, the names of all police officers and others involved in the case ( whether they made a report or not) their work address, email addresses, and fax numbers, the fax number of the municipal court, all mvr's ( whether from the arresting officer's car or others), the copies of the dispatcher's log, CAD reports, computer communications (police like to use their in car computers to communicate), surveillance videos, in-station videos (all of which MUST be made available despite claims that none are recorded) and any other police to police communications, copies of 911 calls, copies of all solution change reports and calibration reports, gas chromatographs ( including all the gas chromatographs of the certificates of analysis for each simulator solution used on this alcotest) within one year of 1,above, and any and all expert reports SHALL be provided within 10 days of 1, above;
3. Failure of the State to provide any of the items in 2, above, SHALL result in the barring of the AIR;
4. The State may move within 10 days of 2, above, for an order permitting more time to provide discovery before the Assignment Judge of the Vicinage (not the municipal presiding judge). Such motion SHALL be on the record and the state SHALL be represented by the municipal prosecutor (not the county prosecutor); Failure to so move regarding any missing discovery in 2, above, BARS the admission of the AIR and all testimony regarding same for ANY PURPOSE WHATSOEVER;
5. Defense counsel SHALL make all motions for additional discovery within 10 days of the State's completion of it's discovery obligation in 2, above;
6. Defense counsel, if it chooses to do so, must provide an expert report to the state within 30 days of the decision of it's motion(s) in 5, above;
7. Either party may move to extend the trial date for good cause shown. The State SHALL be granted only 1 such adjournment.
8. The Assignment Judge of the Vicinage may grant relief for failure of the municipal court to grant relief from 7, above, for unusual circumstances.



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