

From: [Cole, Kevin](#)
To: [Soto, Israel](#)
Subject: Breath Test notation
Date: Friday, September 29, 2023 10:04:17 AM
Attachments: [Image_001.pdf](#)

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Mr. Soto,

In reference to our conversation yesterday afternoon, I have attached the form 38 with the notation as well as a memo regarding what took place during the breath test analysis.

Thank you for your help.

Kevin Cole #6761

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FLORIDA DEPARTMENT OF LAW ENFORCEMENT
ALCOHOL TESTING PROGRAM
BREATH ALCOHOL TEST AFFIDAVIT

Instrument Type: Intoxilyzer 8000
Instrument Registered To: POLK CSO
Instrument Serial Number: 80-001080 Software: 8100.27
Date of Test: 09/28/2023

Date of Last Agency Inspection: 09/12/2023

Observation Period Began: 14:12

Subject's Name: STEPHEN I DRIGGERS

DOB: 02/22/1962 Sex: M

The subject was observed for at least twenty-minutes prior to the administration of the breath test to ensure that the subject did not take anything orally and did not regurgitate.

Results:	Test	g/210L	Time
	Diagnostics Check	OK	14:44
	Air Blank	0.000	14:44
	Control Test	0.080	14:44
	Air Blank	0.000	14:45
	Subject Sample #1	0.291	14:46
	Air Blank	0.000	14:47
	Air Blank	0.000	14:49
	Subject Sample #2	0.294	14:49
	Air Blank	0.000	14:50
	Control Test	0.078	14:50
	Air Blank	0.000	14:51
	Diagnostics Check	OK	14:51

Cylinder Lot: 08223080A2
Exp: 05/05/2025

State of Florida, County of POLK,

Personally appeared before me the undersigned authority, who () is personally known to me or () produced _____ as identification, and who after being placed under oath, states:

I 26 9-28-23 James Clay 8393 hold a valid Breath Test Operator permit issued by the Florida Department of Law Enforcement, I administered the above breath test to the subject named above in accordance with Chapter 11D-8, Florida Administrative Code, and this form is a true and accurate report of that breath test.

Breath Test Operator: 2 8393 Date: 9-28-23
Signature

Sworn to (or affirmed) before me this 20 day of sep, 2023

Off. Taylor M Nason #427 Taylor Nason
Signature of Notary Public-State of Florida Printed Name of Notary Public-State of Florida

Note: Pursuant to section 117.10, Florida Statutes, law enforcement officers, correctional officers, traffic accident investigation officers and traffic infraction enforcement officers are notaries public when engaged in the performance of official duties. In accordance with section 316.1934(5), F.S., this completed form is admissible without further authentication and is presumptive proof of the results herein. To be used in accordance with Section 316.1934(5), F.S., and in administrative proceedings pursuant to 322.2615, F.S.

On September 28, 2023 at approximately 1430 Hours, I Detention Deputy James Clay #8393 was entering data to conduct a breath test analysis on arrestee Stephen Drigger. While entering the data, I entered the subjects name as the test operator instead of my name as the breath test operator. The FDLE drug and alcohol program was contacted and advised me to draw a single line through the subject's name, initial and date the notation and then clearly write my name James Clay into the breath test operator field.