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BROWARD COURTS

## Broward judge's ruling in DUI case could affect 1,000 cases

A Broward judge's ruling in a DUI case could affect up to 1,000 pending cases.

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BY TONYA ALANEZ AND LISA J. HURIASH  
SUN SENTINEL

Because a state inspector was fired for interfering with inspections of breath-test machines, a Broward judge ruled Friday that results from one of the devices cannot be used in a drunk-driving case before him.

Defense attorneys said Broward County Judge

Lee Jay Seidman's ruling is a bellwether that will likely be followed in 500 to 1,000 other pending cases in Broward County. That could mean reduced charges, and possible acquittals, in many instances.

A spokesman for the Broward State Attorney's Office said the office would appeal Seidman's ruling.

The breath-machine issue came to light when Florida Department of Law Enforcement fired Sandra Veiga last October.

Local law enforcement agencies perform their own monthly inspections of the devices, and the FDLE does annual inspections to certify their accuracy.

For about two years, Veiga was the FDLE employee in charge of annual inspections for all Broward County breath-testing machines. She also tested machines for Miami-Dade and Monroe counties.

### WORTHLESS

She admitted that she turned off power to machines that looked like they were going to fail inspection. A failure could have indicated a malfunction.

Veiga's actions, defense attorneys say, cast grave doubt on the reliability of the machines -- and mean any reading indicating a driver had consumed too much alcohol -- is worthless as evidence.

At a Tuesday hearing before Seidman, defense attorney Carlos Canet led the charge to throw out breath-alcohol tests performed on drivers in Broward County during Veiga's tenure with FDLE. He acted on behalf of his client, Richard Medina, and 32 other attorneys representing more than 150 clients facing prosecution for drunk driving.

In Seidman's ruling, the judge ruled that the integrity of the machines under Veiga's care and control had been "fatally compromised" and "evidence gathered under such troubling circumstances" could not be presented to a jury.

### ACCURACY ISSUES

Ron Ishoy, spokesman for the Broward State Attorney's Office, said the machines are "extremely accurate," have never been proven to be otherwise, and that the office would file an appeal.

"The ultimate effect could be that numerous impaired drivers may not be held accountable for their actions and end up killing or hurting innocent people," Ishoy said.

He said prosecutors could not say how many cases could be affected, adding that some prosecutions could be pursued with evidence other than breath-testing results, such as testimony from police and video of field-sobriety tests.

FDLE spokeswoman Heather Smith said the agency takes its responsibility to conduct and document inspections of the breath-testing machines "very seriously."

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