

STATEMENT OF WITNESS

STATEMENT OF: _____ P89
Name Rank

AGE OF WITNESS (if over 21 enter "over 21"): OVER 21

TO BE COMPLETED
WHEN THE
STATEMENT HAS
BEEN WRITTEN

I declare that this statement consisting of 3 pages, each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence at a preliminary enquiry or at the trial of any person, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated this 27 day of APRIL 1997
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SIGNATURE OF MEMBER by whom statement was recorded or received

SIGNATURE OF WITNESS

I am a Sergeant in the Royal Ulster Constabulary attached to Portadown Royal Ulster Constabulary Station. On Sunday 27 April 1997 at 0300 hours I was on duty at Bridge Street, Portadown assisting other Police with the investigation of an Injury Road Traffic Accident. At approximately 0305 hours A [redacted] of Portadown RUC Station (the Investigating Officer) requested that I convey one of the drivers involved back to the Police Station. She further explained to me that she had arrested this person, namely, [redacted], [redacted] an unemployed fisherman of [redacted] [redacted] under Article 16 (Excess Alcohol). When taking custody of [redacted] I observed that he was unsteady on his feet and his eyes were glazed and there was a strong smell of intoxicating liquor from his breath. I conveyed [redacted] to the Police Station in Edward Street arriving there at 0307 hours. I explained to [redacted] at the Police Station that I was authorising his detention for the purpose of carrying out the drink driving evidential procedure. I then read to [redacted] a notice setting out his rights and provided him with PACE Forms 12/1 and 12/2. An Alcolmeter AE-D3 Evidential Breath Testing Device Serial Number NI0031-0163 was located in the Police Station. The device was approved by the Head of the Department of the Environment

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on 11 January 1991, such approval was published in the Belfast Gazette dated 25 January 1991. I am an Authorised Constable under Article 18(3) of the Road Traffic (Northern Ireland) Order 1995. I read the following statement to Mr [REDACTED] "I am an Authorised Constable under Article 18(3) of the Road Traffic (Northern Ireland) Order 1995. I have reasonable cause to suspect that you have committed an offence contrary to Article 16 of the Road Traffic (Northern Ireland) Order 1995 and I require you to provide two specimens of breath, in the prescribed manner, for analysis by means of an approved device. The specimen with the lower proportion of alcohol in the breath may be used as evidence and the other will be disregarded. I must warn you that failure to provide either of these specimens may render you liable to prosecution. The provision of these specimens shall be at Portadown RUC Station." At 0328 hours I asked him the following question, "Do you agree to provide two specimens of your breath?" He replied, "Yes." I read this further statement to him, "Alcohol in the mouth will increase the reading indicated by the Evidential Breath Testing Device. This may be from a substance possibly containing alcohol as a constituent part being in or around the mouth." I then put the following question to him, "Do you have anything in or around your mouth which may contain such substance?" [REDACTED] replied, "No." I read a further statement to him, "Mouth alcohol may also be present after recent consumption of alcohol." I then put the following question to him, "Have you consumed intoxicating liquor in the last twenty minutes?" [REDACTED] replied, "No." I put the following question to him, "Do you wish to wait twenty minutes to allow mouth alcohol to disperse?" [REDACTED] replied, "No." I then put the following question to him, "If you smoke, have you smoked in the last five minutes?" [REDACTED] replied, "No." Prior to commencing the Breath Testing Procedure I checked the indicator gauge on the Alcolcal D/Gas Cylinder, Serial Number 2253/5-94 date of expiry 23 8 97 which indicated the cylinder contained sufficient gas to conduct the Breath Testing Procedure. I then checked that the battery switch was

