

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

_____,
Petitioner,

Court File Number 27-CV-_____

v.

Commissioner of Public Safety,
Respondent.

**CONSENT TO BE BOUND BY
DECISION OF CONSOLIDATED
SOURCE CODE HEARING**

WHEREAS:

1. Pursuant to Minnesota Supreme Court Order dated January 11, 2010, Judge Jerome Abrams of the First Judicial District has been assigned to “administer, hear and decide such pretrial matter as he deems appropriate” regarding the challenges to the reliability to the Intoxilizer 5000EN, based upon the source code of that instrument, on all Minnesota implied consent cases, on certain criminal DWI cases addressed specifically in the order, and on all other Minnesota criminal cases where both the prosecutor and the defendant consent in writing.
2. Judge Abrams has set a deadline of October 1, 2010 for cases to be consolidated for the source code hearing. The motion of the undersigned petitioner requesting access to the source code cannot be heard by the October 1st deadline; and therefore, the case cannot be formally consolidated.
3. The consolidation is solely for the determination of the source code issue and petitioners will retain all of their individual rights. The parties understand that by consenting to be bound, the Implied Consent Case Management Order and all amendments thereto issued by Judge Abrams, which are available for review at:

<http://www.mncourts.gov/?page=3928>, shall be binding upon the parties. Once a

determination of the reliability of the Intoxilizer 5000EN Source Code has been made, the parties will be bound by that decision, subject to appellate review, and the case will eventually be scheduled for an implied consent hearing. Any objection by the Commissioner to the petitioner's Qualified Minnesota Litigant motion can be heard at that time.

The undersigned hereby **Consent** to be bound by Judge Jerome Abrams' decision, or if one of the parties exercises a notice to remove, Judge Karen Asphaug's decision, for purposes of all pretrial matters concerning challenges to the reliability of the Intoxilyzer 5000EN results based on the Source Code of the instrument, including scheduling, discovery, and an evidentiary hearing, subject to appellate review. The undersigned further consent to be bound by all orders and rulings regarding these pretrial issues, subject to appellate review.

Dated: _____

Dated: _____

Petitioner

Petitioner's Counsel
Attorney ID: _____
Phone No.: _____