

# ***Law Offices of JOHN MENZEL, J.D.***

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## ***DRUNK DRIVING CASE EXAMPLES***

**John Menzel, J.D.**, defends people charged with criminal, traffic, drunk driving, and related offenses in New Jersey since 1987.

### ***Cases Defended by John Menzel, J.D.***

- ❑ *State v. Chun, LoCastro, et al.*, now pending in the New Jersey Supreme Court, concerning admissibility of the Drager Alcotest Model 7110 MK III C (firmware version 3.11) breath testing device.
- ❑ *State v. Kean*, 185 N.J. 29 (2005), vacating DWI and breath test refusal convictions for a new trial in light of *State v. Cummings*.
- ❑ *State v. Cummings*, 184 N.J. 84 (2005), increasing the burden of proof required to convict a person of breath test refusal from preponderance of the evidence to proof beyond a reasonable doubt.
- ❑ *State v. Boggio*, 176 N.J. 430, *appeal dismissed* 178 N.J. 371 (2003), concerning a defendant's right to a jury trial and sentencing for breath test refusal.
- ❑ *State v. Foley, Cartegena, et al.*, 370 N.J.Super. 341 (Law Div. 2003), in Superior Court, Law Division, Camden County, concerning admissibility of the Drager Alcotest Model 7110 MK III C (firmware version 3.8) breath testing device.
- ❑ *State v. Farrell*, 320 N.J.Super. 435 (App.Div. 1999), the leading case involving the rights to speedy trial and fundamental fairness for those charged with drunk driving in New Jersey.
- ❑ *State v. Lutz*, 309 N.J.Super. 317 (App.Div. 1998), involving the interplay between careless driving and drunk driving convictions.
- ❑ *State v. Garthe*, 145 N.J. 1 (1996), concerning the admissibility of Breathalyzer results in light of the secrecy surrounding Breathalyzer inspection procedures.

### ***Cases Defended by Francis X. Moore, P.A.***

- ❑ *State v. Moskal*, 246 N.J.Super. 12 (App.Div. 1991)
- ❑ *State v. Hamm*, 121 N.J. 109 (1990)
- ❑ *State v. Smullen*, 118 N.J. 408 (1990)
- ❑ *State v. Downie*, 117 N.J. 450 (1990)
- ❑ *State v. Carey*, 232 N.J.Super. 553 (App.Div. 1990)
- ❑ *State v. Sameral*, 231 N.J.Super. 134 (App.Div. 1989)
- ❑ *State v. Carey*, 230 N.J.Super. 402 (App.Div. 1989)
- ❑ *State v. Downie*, 229 N.J.Super. 207 (App.Div. 1988)
- ❑ *State v. Wilhalme*, 206 N.J.Super. 359 (App.Div. 1985)
- ❑ *State v. Linnehan*, 197 N.J.Super. 41 (App.Div. 1984)
- ❑ *State v. Grant*, 196 N.J.Super. 470 (App.Div. 1984)
- ❑ *State v. Zoppi*, 196 N.J.Super. 596, (App.Div. 1984)
- ❑ *Romano v. Kimmelman*, 96 N.J. 66 (1984)
- ❑ *Romano v. Kimmelman*, 190 N.J.Super. 554 (1983)

