

WHY THE INTOXILYZER 8000 COMMONLY PRODUCES BAD SAMPLES

Defense attorneys throughout Florida continue fighting the Intoxilyzer 8000, the state's only approved breath test for evidentiary use. This is the test you face at the police station after you have been arrested for DUI in Palm Beach County. Several states rely on the I-8000 to produce accurate breath test results that can be used as evidence against a DUI suspect, yet around the country attorneys continue to struggle with the machine's many flaws that produce a significant amount of scientifically inaccurate results.

There is an extensive list of issues surrounding the Intoxilyzer 8000, including an abundance of potential error messages, technical issues, operational issues, and legal issues that have created obstacles for individuals accused of driving under the influence and their respective attorneys. The following issues are the most commonly responsible for leading to skewed and outrageous results that provide for the machine's pernicious reputation.

Incorrect Lung Capacity

In one Florida county, machines were found to produce results based on humanly impossible breath samples. Results were based on drivers blowing 10 or more liters of breath into the machine, yet the average person has a maximum capacity of about 5 liters! Following this discovery, 231 machines were tested by inspectors who found that 40% of them were incorrectly measuring the flow of breath. Apparently, the breath flow sensors had not been tested since prior to 2008, just after the machines were initially launched. Potentially thousands of DUI suspects were wrongly accused or convicted.

Slope Detection

Another common problem with the Intoxilyzer 8000 lies in its slope detector. The I-8000 uses infrared spectroscopy to measure a person's breath alcohol concentration, or BrAC. The breath alcohol concentration measured is supposed to be the equivalent of one's blood alcohol concentration, which is measured during a blood test and is considered to be the most accurate reading of one's level of intoxication. This is why the machine is required to test the air that comes from deep within your lungs, or alveoli sacs.

When taking a breath test, alcohol is often present in the mouth and airways in a higher concentration than what is found in deep lung air. Mouth alcohol is frequently present in DUI breath samples, and is the most common reason that the Intoxilyzer produces inaccurate results.

To provide a breath sample, a test subject blows at least 1.1 liters of breath into the Intoxilyzer. The start of a long exhale cannot be relied upon as an accurate sample. Only when the breath wanes and the sharp rise in the BrAC levels off does the slope detector start reading deep lung air. The difference in the BrAC from the beginning of the sample to the end is called the slope. The slope detector exists to detect the difference between mouth alcohol and breath alcohol from deep lung air; however, in many cases where mouth alcohol is present, the slope detector does not function as intended.

If you have been charged with DUI in West Palm Beach, you need a tough defense attorney on your side. Attorney Brian Gabriel has practiced DUI law in the State of Florida for over 25 years, and has worked tirelessly to unveil the issues surrounding the test that can have a significant impact on your case's outcome. Call The Law Office of Gabriel & Gabriel at 561-622-5575 for a free legal consultation.

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