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STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

CRIMINAL JUSTICE STANDARDS
AND TRAINING COMMISSION

*Filed at Hearing
9/12/00*

Petitioner,

vs.

DOAH Case No: 00-1286
15210

LOUIS D. SCARSELLA

Respondent,

//

**THIRD
MOTION TO SUPPRESS**

COMES NOW the Respondent, LOUIS D. SCARSELLA, by and through his undersigned attorney and hereby files this, his Third Motion to Suppress any evidence of the urine tests based on the premise that the laboratory intentionally disposed of the remainder of the sample after they concluded their test which prohibited the Respondent from having an independent test performed.

The law is clear, if there is a remaining sample, then the State has an obligation to preserve same for independent testing by the accused.

In this case, both remaining samples were destroyed after the laboratory completed its tests. This is a violation of the Respondent's due process rights, and therefore any results obtained from said tests by their experts should be suppressed.

WHEREFORE Respondent prays that this Honorable Court grant Respondent's Third Motion to Suppress, and enter an Order suppressing any evidence of the urine tests based on the

premise that the Respondents' due process rights were violated by the State not allowing him to obtain and independent study of same.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been forwarded by U.S. Mail to Gabrielle Taylor, Asst.. General Counsel, Post Office Box 1489, Tallahassee, FL 32302, this 12 day of September, 2000.

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