

## Palmer, Rachel

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**From:** Paul Lassalle [Paul.Lassalle@cityofhouston.net]  
**Sent:** Thursday, March 10, 2011 7:32 AM  
**To:** Baimbridge, Alison; Egdorf, Don; Horton, Sarah  
**Cc:** Palmer, Rachel  
**Subject:** RE: My trial case from the other day

FACTS: The van is just the "building" that the instrument is located within. We do not notify the district attorneys office when we have difficulty with the A/C or electrical work is being done at the station so why would we notify them if the that type of work is done on the van? The station has maintenance performed on occasion (stripping of floors, painting of walls, building of walls, etc.). We do not notify anyone that this work is being performed so why should we notify the district attorney if we get an oil change, rotate the tires, change out a power steering hose that is recalled or any other maintenance function of the vans? The instrument has an internal temperature monitor that will not allow it to be used in an environment that is too hot for the instrument to function. The instrument is heated to over 90 degrees which means that the instrument would have to be in an environment of over 90 degrees to have difficulties. No police office will work in an environment of over 90 degrees even if the instrument would work in that environment, which it won't. The instrument will not work if it does not have adequate electricity. The instrument will function properly only if everything is right in its environment and resources.

All of these fact considered, the bottom line is if the instrument is working then it is working properly!!! Are any of the emails for that particular van on the date of the breath test? Then where is the relevancy? If we ever had a problem that would keep us from using a van then we would not be able to conduct a test in that van. Furthermore we will not be able to use that van again until the van is functioning properly which is when the test would have been given and that squashes any argument that a former problem caused an issue with a breath test and instead shows that the van was in working order when the test was done.

I can't believe that a judge would not be able to see through this smoke screen and understand that as stated above, if the instrument is working then it is working properly!!!

I hope that this helps some.....

Paul

>>> On 3/9/2011 at 3:19 PM, Sarah Horton wrote:

I think what he was saying to me was that I have a proactive duty to research this stuff since Leslie produced some internal HPD email about these "issues"

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**From:** Baimbridge, Alison  
**Sent:** Wednesday, March 09, 2011 3:12 PM  
**To:** Egdorf, Don; Horton, Sarah  
**Cc:** Paul Lassalle  
**Subject:** RE: My trial case from the other day

I agree – if you/we are not aware of anything, than we cannot divulge anything. I am not aware of anything other than what they presented in court.

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**From:** Egdorf, Don  
**Sent:** Wednesday, March 09, 2011 3:09 PM  
**To:** Horton, Sarah  
**Cc:** Baimbridge, Alison; Paul Lassalle  
**Subject:** Re: My trial case from the other day

I do not believe that there are any Brady issues here. There I nothing that has gone on with any van that could possibly have a direct connection to a valid breath test.

It appears to me that he does not want to pay for the request, or does not want to wait for it to be done.

I am CC'ing Paul Lassalle on this. I am sure he can help out with any van info you need.

Don

Don Egdorf  
713-240-6033

Sent from my iPhone

On Mar 9, 2011, at 15:03, "Horton, Sarah" <[HORTON\\_SARAH@dao.hctx.net](mailto:HORTON_SARAH@dao.hctx.net)> wrote:

Hey Alison,

Dane Johnson came by court today to remind me of my duty of disclosing Brady material to them about the bat van stuff. I said to him that I thought the Judge had made it clear that they were to do an open records request with HPD to get these alleged emails etc. He said "yeah but its still your duty to produce when you have knowledge" which of course...I don't have knowledge of any of these issues....just that they brought up emails at the trial setting and the case was reset to disposition setting. What would you suggest I do to delve into any issues that may or do not exist with Bat Van #5 in particular? Should I subpoena maintenance records or anything in particular?

Thanks, I'm cc-ing Egdorf on this one because he was present with us in court too

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*Sarah Horton*

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