

KITSAP COUNTY DISTRICT COURT
STATE OF WASHINGTON

STATE OF WASHINGTON <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> AUSTIN RIVER KELLER, <p style="text-align: center;">Defendant.</p>	No. 23707601 ORDER SUPPRESSING DRÄGER GENERATED BREATH TEST RESULTS
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BASIS

THIS MATTER having come before the Court on the motion of the Defendant, Austin River Keller (hereafter “Keller”), pursuant to CrRLJ 3.6 for an order suppressing Dräger generated breath test results; the Court having considered the records and files herein, multiple pleadings submitted by the parties in support of their positions, 18 exhibits admitted into evidence, and the argument of the parties; and being fully advised in the premises; now, therefore it is hereby –

ORDER

ORDERED, ADJUDGED AND DECREED that for the reasons discussed in today’s Findings Of Fact And Conclusions Of Law Regarding Defense Motion To Suppress Dräger Generated Breath Test Results, Keller’s motion to suppress is granted. It is further

ORDERED, ADJUDGED AND DECREED that Keller’s Dräger generated breath test printout is suppressed because the printout is not admissible under the rules of evidence. It is further

ORDERED, ADJUDGED AND DECREED that as of today’s date, Dräger generated breath test printouts are suppressed in all Kitsap County District Court cases because the State is unable to produce prima facie evidence of admissibility as required by RCW 46.61.506.

DATED – JUNE 13, 2022

/s/ Signed Electronically

JEFFREY J. JAHNS

JUDGE

/s/ Signed Electronically

CLAIRE A. BRADLEY

Presiding Judge

/s/ Signed Electronically

KEVIN P. KELLY

Assistant Presiding Judge

/s/ Signed Electronically

MARILYN G. PAJA

Judge

[Note – Use of an electronic signature is an acceptable means for any Washington judicial officer or clerk to sign any document requiring a judicial or clerk signature.]