STATE OF MINNESOTA | DISTRICT COURT

COUNTY OF HENNEPIN | FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

v.

_____,

Defendant.

Court File Number 27-CR-_____

CONSENT TO BE BOUND BY DECISION OF CONSOLIDATED SOURE CODE HEARING

WHEREAS:

1. Pursuant to Minnesota Supreme Court Order dated January 11, 2010, Judge Jerome Abrams of the First Judicial District has been assigned to "administer, hear and decide such pretrial matter as he deems appropriate" regarding the challenges to the reliability to the Intoxilizer 5000EN, based upon the source code of that instrument, on all Minnesota implied consent cases, on certain criminal DWI cases addressed specifically in the order, and on all other Minnesota criminal cases where both the prosecutor and the defendant consent in writing.
2. Judge Abrams has set a deadline of October 1, 2010 for cases to be consodliated for the source code hearing. The motion of the undersigned defendant requesting access to the source code was outside the October 1st deadline and cannot be formally consolidated.
3. The consolidation is solely for the determination of the source code issue and defendants will retain all of their individual constitutional rights. The parties understand that by consenting to be bound, the Criminal Case Management Order and all amendments thereto issued by Judge Abrams, which are available for review at: http://www.mncourts.gov/?page=3928, shall be binding upon the parties. Once a

determination of the reliability of the Intoxilizer 5000EN Source Code has been made, the parties will be bound by that decision, subject to appellate review, and the case will return to Hennepin County for trial or settlement.

The undersigned hereby **Consent** to be bound by Judge Jerome Abrams' decision, or if one of the parties exercises a notice to remove, Judge Karen Asphaug's decision, for purposes of all pretrial matters concerning challenges to the reliability of the Intoxilyzer 5000EN results based on the Source Code of the instrument, including scheduling, discovery, and an evidentiary hearing, subject to appellate review. The undersigned further consent to be bound by all orders and rulings regarding these pretrial issues, subject to appellate review.

Dated: _____

_____
Defendant

Dated: _____

_____
Defendant's Counsel
Attorney ID: _____
Phone No.: _____