

ADDITIONAL TESTING, INC.™ MONTHLY NEWSLETTER

Volume I, Issue 10

December 2003

24 HOUR DISPATCHER 612-333-3226



4 Key Points to Retesting State's Evidence in a Drug Case

- * Defense rights to retesting
- * State's duty to preserve evidence
- * Cooperation in transporting controlled substances
- * Retesting paraphernalia evidence

State Patrol on the road!

It was announced on the news that the State Patrol clamp down on DUI's will start on December 19th and run through January 5th.



We are all geared up and ready to take those midnight

In DUI, we are the 2nd test, its your

When your client thinks they've been "slipped a mickey"

- * Timing is everything
- * Shortened detection window for many



For all your drug testing needs.

MUSHROOMS MUSHROOMS MUSHROOMS – what today's teens are using now?

Are they on your local high school's menu? In the past 2 months, the sudden rise in requests to test teenagers for the presence of these psychedelic hallucinogens has us concerned. There is a test for the presence of these fungi.



We offer fast answers to tough ques-

In this issue:

- Retesting States Evidence
- Pricing Update
- The history of holidays
- Holiday Hours
- Coverage area update
- 2nd Annual ATI Golf Tournament Information
- How to Register for Do Not Call List— Links
- Return of Point of Law

Where the results matter most™

Our Products & Services:

Our New program:

THE PARENTAL EDGE™

Additional Testing Inc. is referred by many local high schools, both public and private.

All information is held strictly confidential with the parents unless it may be a situation warrants the information being shared.

Home Testing kits available-call now.

Do Not Call List Links:

For more information on the impact for a business, click or copy this link:

<https://www.donotcall.gov/FAQ/FAQBusiness.aspx>

To Register your number (s) click or copy this link:

<https://www.donotcall.gov/default.aspx>

I found this information extremely useful and registered my numbers. I got into the registry's page on the first attempt having tried previously when the page first came out.

**Products, Services
and Results faster
than ever before**

Mark your calendars now for our

2nd ANNUAL ADDITIONAL TESTING, INC. GOLF TOURNAMENT

Saturday, August 7th, 2004

Mississippi National Golf Club,

Red Wing, MN

Point Of Law

DWI VEHICLE FORFEITURE FOUND CONSTITUTIONAL

By Michael J. McNamara

On October 16, 2003 the Minnesota Supreme Court unanimously ruled that vehicle forfeiture following a second gross misdemeanor conviction for driving while impaired (DWI) was constitutional against a challenge of "excessive punishment" under either the Minnesota Constitution or the United States Constitution where the second offense was based upon two "aggravating factors". **Debra Jane Miller v. One 2001 Pontiac Aztek, #GHS-186, VIN: 3G7DA03E41S500032, 669 N.W.2d 893 (Minn. 2003).** By its ruling, the Supreme Court affirmed the validity of **Minn. Stat. §169A.25, subd. 1 (2000).**

The "aggravating factors" in the **Miller** case were a second DWI conviction within a 10-year period, and a blood alcohol concentration ("BAC") greater than 0.20. Because the second DWI conviction had at least two aggravating factors, the conviction was a "first-degree" conviction under **Minn. Stat. §169A.25, subd. 1**, which in turn resulted in the offense being a "designated offense" under **Minn. Stat. §169A.63, subd. (1)d(1) (2000)**, subjecting the vehicle to forfeiture under **Minn. Stat. §169A.63, subd. 2 (2000)**.

By upholding the constitutionality of the vehicle forfeiture statute, the Minnesota Supreme Court also implicitly rejected the defense (and a trial court finding) that extreme financial hardship converts vehicle forfeiture into an unconstitutional "excessive fine" under the Excessive Fines Clauses of either the United States Constitution or the Minnesota Constitution. Specifically, the Court stated "without specifically deciding the extent that harshness can be measured by a defendant's unique financial situation, we conclude on the record before us that the district court abused its discretion in finding that a forfeiture of more than \$1,000 was a violation of the United States or Minnesota Constitutions." The Court then went on to apply the "gross disproportionality" standard from **Solem v. Helm, 463 U.S. 277 (1983)** and **United States v. Bajakjian, 524 U.S. 321 (1998)**, and the three-part test enunciated in **Solem**, and the "sufficient nexus" test enunciated in **Riley v. 1987 Station Wagon, 650 N.W.2d 441(Minn. 2002)**, concluding that the forfeiture was constitutional.

Conclusion: When a defendant who has been unemployed for almost one and one-half years, who has no current employment, and who persuaded a trial court judge that loss of anything more than \$1,000.00 would constitute an unconstitutional penalty still loses her vehicle under the forfeiture statute, there is no hope for any future DWI defendant faced with vehicle forfeiture.



For a complete listing, including photographs of our products & services, please point your browser to the following address: <http://www.additionaltesting.com/serv.html>



An American Christmas (from the internet) <http://www.chestnutsquare.org/Christmases.html>

“The Christmas tree tradition was spread across America by German immigrants beginning in the early 1800s.

By the last quarter of the nineteenth century, America eagerly decorated trees, caroled, baked, and shopped for the Christmas season.

By 1870, rigid puritanical attitudes towards Christmas had softened, and the vast majority of the American people embraced the holiday as a permanent cultural tradition in this country. On June 26, 1870, for the first time in its history, the United States Congress declared Christmas a federal holiday.

The history of Chanukah (from the internet) <http://www.chanuka.com/history.shtml>

The Talmud tells us that beginning with the 25th of Kislev, eight days of Chanukah are observed, during which no eulogies are delivered, nor is fasting permitted. For when the Greeks entered the Sanctuary, they defiled all the oils, and when the Hasmoneans (the Maccabees) defeated them, they searched and found only one remaining jar of oil with the seal of the Kohen Gadol (the High Priest). Although it contained only enough oil to burn for one day, a miracle occurred, and the oil burned eight days. A year later the Rabbis designated these days as Yomim Tovim (Holidays) on which praise and thanksgiving were to be said. (Tractate Shabbat 21)

The history of Kwanzaa (from the internet) <http://www.historychannel.com/exhibits/holidays/kwanzaa/hist.html>

Kwanzaa is a non-religious African American holiday which celebrates family, community, and culture. It is celebrated for seven days: December 26 - January 1.

The name Kwanzaa is derived from the phrase "matunda ya kwanza" which means "first fruits" in Swahili. Each family celebrates Kwanzaa in its own way, but celebrations often include songs and dances, African drums, storytelling, poetry reading, and a large traditional meal. On each of the seven nights, the family gathers and a child lights one of the candles on the Kinara (candleholder), then one of the seven principles is discussed. The principles, called the Nguzo Saba (seven principles in Swahili) are values of African culture which contribute to building and reinforcing community among African-Americans.

Our wish for you during this Holiday Season:

May you all be blessed with good health and the wealth of family and friends for now and into the New Year.

Commonly asked Questions & Answers

Q: What type of testing should I use?

A: That decision should be made by first determining what you want to detect and why. Urine should be used if you want to detect drugs of abuse recently used. Hair tests could be used if you want to broaden the detection period. Detection periods vary by drug. All of our tests can be ordered by individuals, companies, or even by the court.

Q: What is adulteration or adulterants?

A: Adulteration is the tampering of a specimen in an attempt to pass a drug test. There are several adulteration products that are either ingested or added to the specimen. We offer test strips that detect several different parameters of adulteration.

Q: Do you offer Random Drug Testing?

A: YES! We are excited to announce that we offer random drug testing with all our products and services. Whether the case is court ordered, random for the workplace or in a family situation, random testing can ease your mind.



Gearing up to serve you better.

NOW AVAILABLE

**Instant Drug Testing
with results in just 7
minutes!**

Additional Testing, Inc.™
Monthly Newsletter

Contact information:
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 Roseville, MN 55113



Please give us your email address: _____
 Please update your information:
 Name: _____
 Phone: _____ Fax: _____
 Address: _____

Fax this form to: 651-486-8942

ATI has DUI coverage in the following MN counties: 40!

Aitkin	Anoka	Beltrami	Benton	Blue Earth
Brown	Carver	Chisago	Crow Wing	Dakota
Dodge	Faribault	Freeborn	Goodhue	Hennepin
Isanti	Kanabec	Kandiyohi	Le Sueur	McLeod
Meeker	Mille Lacs	Morrison	Mower	Nicollet
Olmsted	Ramsey	Renville	Rice	Scott
Sherburne	Sibley	Stearns	Steele	Wabasha
Waseca	Washington	Watsonwan	Winona	Wright

ATI expects to cover the following counties in late 2003/2004:
St. Louis, Ottertail, Polk, Becker, Douglas, Pine & Carlton.



DUI Alcohol Test	\$300.00
Chemical Health Assessments	\$140.00
Retesting States Evidence-Initial Retainer (new pricing)	\$200.00
Digital Alcohol Detector	\$100.00

Collection Site Office
 Hours:

Holiday Hours:

Our Collection Site of-
 fices will be closed on:
 December 25
 December 26
 January 1
 January 2

We are pleased to announce the hiring of a collector in DULUTH!! Jill started last month and is ready to take calls for DUI clients.

We plan to send this newsletter by email instead of by fax. For many of you, we do not have your email address. Please complete this information and either fax this page or email Roslyn directly with that information. Roslyn's email is RoslynRN@aol.com . Thank you.

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