



Essen and Essen Lawyer Challenges States Breath Test Machine Maintenance Practices

Thousands Of DUI Cases May Be Overturned

([PRWEB](#)) January 15, 2005 -- Criminal defense attorneys and lawmakers nationwide watch as prosecutors and officials in South Florida scramble to correct improper breath analysis equipment maintenance practices.

Essen, Essen, Susaneck, Canet & Cohen, P.A.'s, Carlos Canet, lead defense attorney for cases in Broward County, Florida, has raised an important question regarding the effects of unapproved and incorrect monthly maintenance procedures for breath analysis equipment that may have jeopardized the state of Florida's credibility in thousands of DUI cases tried in Broward County since 2001, when the Florida Department of Law Enforcement (FDLE) implemented the testing standards now in question. Although strict guidelines and calibration policies are outlined by the FDLE for the monthly maintenance of highly sensitive equipment that law enforcement agencies use in prosecuting DUI, the firm documented that these rules were not being followed during a routine deposition while questioning a breathalyzer machine's operator (Case #04-014921MM10A).

"Thousands of people in this county go to jail and lose their licenses based on what these machines say. The police made up these rules and they should be following them," according to Canet. Canet also said, "Defendants could use the issue of whether or not breath test machines have been maintained in accordance with the states approved rules to appeal convictions or withdraw pleas. It could also be a viable argument in cases that are not yet resolved." Mr. Canet's concerns could have nationwide repercussions should it be found that other law enforcement agencies are also not following their own rules.

Carlos Canet is a partner at the law firm of Essen, Essen, Susaneck, Canet & Cohen, P.A. The firm can be reached at info@richardessen.com or by phone at 305.935.6680.

Essen, Essen, Susaneck, Canet & Cohen, P.A., is a Miami, Florida based criminal defense law firm headed by Richard Essen. The firm practice is limited to the defense of drunk driving cases.

Contact: Richard Essen
National Toll Free Phone: 1.888.30.ESEN
Email: info@richardessen.com
Web Site: www.richardessen.com

###

**Contact Information****Richard Essen**

Essen, Essen, Susaneck, Canet & Cohen, P.A.

<http://www.richardessen.com>

1 888 303-7736

Online Web 2.0 VersionYou can read the online version of this press release [here](#).