

COMMONWEALTH OF MASSACHUSETTS

ESSEX, s.s.

Lynn District Court

Docket No. 1313CR4459

COMMONWEALTH

v.

GORDON HI

FINDINGS OF FACT & RULINGS ON DEFENDANT'S MOTION TO SUPPRESS

It is the Commonwealth who bears the burden in demonstrating the admissibility of breath test results. See Commonwealth v. Pierre, 72 Mass. App. Ct. 230, 232 (2008). In this case, based upon the specific facts and circumstances, the Commonwealth cannot meet that burden.

For all of the foregoing reasons, the defendant's Motion to Suppress is ALLOWED in part and DENIED in part. The breath test result is suppressed.

D.

So ordered.



Associate Justice of the District Court

Date: May 22, 2014