

**MUNICIPAL COURT, CITY OF BOULDER,
STATE OF COLORADO**

1777 6th Street, Boulder, CO 80302

**Plaintiff: THE PEOPLE OF THE CITY OF
BOULDER, by and on behalf of,
THE PEOPLE OF THE STATE OF
COLORADO,**

Defendant:

Courtroom.: Municipal Court

ORDER 2003-1

This Court, in People v. Guyton, Docket No. 832331, conducted a hearing pursuant to Frye v. United States, 54 App. D.C. 46, 293 F. Supp. 1013 (D.C. Cir. 1923). Following that hearing, this Court took judicial notice of the scientific principles underlying laser technology as a method to determine vehicular speed. In the order taking judicial notice of laser technology, this Court indicated what foundational elements must be met before the Court would allow introduction of speed readings from "Lidar" speed detection instruments.

The Court now finds that certain of the foundational elements originally required by that Order are not necessary elements for the introduction of such speed measurements. Accordingly, the foundational elements required to introduce Lidar speed readings in this Court include:

1. Proof of annual certification of the oscillator by the Colorado Department of Agriculture, metrology laboratory or, if the law enforcement agency has owned the unit for less than one year, proof of certification of the instrument by the manufacturer upon initial receipt by the law enforcement agency;
2. Proof that the operator of the instrument has been trained and certified in the operation of the instrument and that such training has been provided by an instructor certified to provide such training, all in accordance with the training specified or recommended by the manufacturer;
3. Proof that the instrument was operated in accordance with the manufacturer's specifications on the date in question;
4. Proof that the instrument was in proper working order on the date in question (checked at the beginning and end of the shift in which the instrument was used). This proof shall include, at a minimum:
 - a. Proof of proper sight reticle alignment;
(Proof that the scope was working properly)

- b. Proof that the speed reading was maintained for at least two seconds;
- c. Proof of the distance of the speed reading;
- d. Proof that the Lidar instrument's internal checks indicated that the instrument was in proper working condition; and
- e. Proof that the officer made a visual estimate of the speed of the vehicle in question to corroborate the speed reading indicated by the Lidar instrument.

This Order supercedes all previous orders regarding Lidar instruments.

Dated this 30th day of May, 2003.


LINDA P. COOKE, Presiding Judge