

Curriculum Vitæ

GUY B. OLDAKER III

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EDUCATION

- West Virginia University College of Law; August 1992 to May 1995; J.D. awarded June 1995.
- Virginia Polytechnic Institute and State University (VPI & SU); June 1975 to September 1978; Ph.D., Chemistry awarded in 1979.
- University of Virginia; September 1968 to June 1972; B.A., Chemistry.

EMPLOYMENT

- **EXPERT WITNESS**, 1995 to present.

As a non-testifying witness, advised several law firms on matters involving toxic torts; regulatory issues; second-degree murder; dram-shop actions (including performing pharmacokinetic calculations of alcohol concentrations); and workers compensation.

Did independent (literature) research in areas having to do with the assessment of alcohol and drug impairment; the measurement of impairment, be it by Standardized Field Sobriety Testing, blood alcohol analysis, or breath-alcohol analysis; and the interpretation of such measurement data. Research dealing with chemical analysis also involved the identification of and accounting for sources of interfering conditions and substances.

Qualified as an expert in the following cases:

1. *State v. Christopher Beard*, Forsyth County 06 CR 54321; 29 November 2006; The Honorable Lawrence Fine. [Testimony was on forensic reliability of 0.16 g/210 L alcohol result from breath testing.]
2. *State v. Nancy Hester*, Forsyth County 10 CR 57825. The Honorable Lawrence Fine.
3. *State v. Anna Sweigart*; Forsyth County 10 CR 60019; 3 October 2011; The Honorable Chester Davis.
4. *State v. Jamie Ring*; Forsyth County 10 CRS 53891; The Honorable Lindsey Davis.
5. *In re Timothy M. Armstrong*; DMV Hearing; 27 February 2012.
6. *State v. Cole Hege*; Forsyth County 12 CR 51959; 12 June 2012; The Honorable William Graham; on his own motion, qualified as an expert in retrograde extrapolation.

7. *State v. Meadows*; Forsyth County, 11 CR 55316; The Honorable William Graham; qualified by judicial notice as an expert in chain-of-custody issues.
8. *Division of Motor Vehicles v. Valerie Arthurs*, Mecklenburg County, 12 CVS 9338; The Honorable James Morgan; ignition interlock monitoring system.
9. *State v. Nicolas Thompson*; Forsyth County 12 CR 58311; 30 April 2013; The Honorable Camille Banks-Payne; spectrophotometry and data analysis.
10. *State v. Christopher Teague*; Forsyth County 12 CR 52644; 14 October 2013; the Honorable George Bedsworth; analytical chemistry and interpretation of analytical data.
11. *State v. Jeffery Keith*; Davidson County 12 CR 57941; 17 December 2013; The Honorable Mary Covington; analytical chemistry and interpretation of analytical data.
12. *State v. Mitchell Bowen*; Stokes County 13 CR 52193; 17 March 2014. The Honorable Spencer Key, Jr.; spectrophotometry, analytical chemistry, electrochemical analysis, and interpretation of analytical data.
13. *State v. Tammy E. Kostelnik*; Forsyth County 13 CR 62181; 24 July 2014. The Honorable Laurie Hutchens; chemistry and toxicology.
14. *State v. Jeffrey Lynch*; Davidson County 13 CR 960 & 961; 19 December 2014; The Honorable B. Carlton Terry, Jr.; analytical chemistry, Standardized Field Sobriety Testing ("SFST"), and Quality Assurance.
15. *State v. Henry Tripp*; Forsyth County 13 CR 60839; 13 August 2015; The Honorable Lisa V. Menefee; analytical chemistry, spectrophotometry; electrochemical analysis, and interpretation of analytical data.
16. *State v. Karen Roberts*, Mecklenburg County 14 CR 242298; 4 December 2015; The Honorable Donny Hoover; analytical chemistry, interpretation of analytical data, and SFST.
17. *United States of America v. Gary Wayne Lyles*, United States District Court, Middle District of North Carolina, 1:14CR00377-24; 17 March 2016; The Honorable N. Carlton Tilley, Jr.; chemistry.
18. *State v. Alberto Estrada*; Forsyth County 15 CR 51611; 25 May 2016; The Honorable George Bedsworth, analytical chemistry and interpretation of analytical data.
19. *State v. Cedric McKenith*; Duplin County 13 CRS 51175-9 and 882-3; 6 and 7 June 2016; The Honorable W. Douglas Parsons; retrograde extrapolation, analytical chemistry, and interpretation of analytical data.
20. *State v. Jami Long*; Forsyth County 15 CR 55838; 20 July 2016; The Honorable Laurie Hutchins; SFST, pharmacology, hydrocodone, chemistry.
21. *State v. Craig Wilson*; Transylvania County 14 CRS 51953; 6 December 2016; The Honorable Mark Powell; analytical chemistry and interpretation of analytical data.
22. *State v. Trevor Roberts*; Forsyth County 15 CR 57692; 10 February 2017; The Honorable Laurie Hutchins; analytical chemistry.
23. *State v. Jennifer Bassiouni*; Forsyth County 15 CR 60921; 24 February 2017; The Honorable Lawrence Fine; analytical chemistry.
24. *State v. Craig Wilson*; Transylvania County 14 CRS 51953; 19 April 2017; The Honorable Alan Thornburg; analytical chemistry, interpretation of analytical data, and electrochemical analysis.
25. *State v. Jason Yountz*; Forsyth County 15 CR 56039; 3 May 2017; the Honorable Carrie Vickery; interpretation of analytical data and SFST.
26. *State v. John Bazin*; Forsyth County 16 CR 54896; 10 May 2017; The Honorable Lawrence Fine; interpretation of analytical data.
27. *In re Robbie Wilson*; DMV Hearing; Randolph County; 11 July 2017; Asheboro, NC; ignition interlock.
28. *State v. Timothy Shives*; Forsyth County 15 CR 61613; 27 July 2017; The Honorable Lawrence Fine; interpretation of analytical data (by stipulation).
29. *State v. John White*; Mecklenburg County 15 CR 246099; The Honorable Matthew J. Osman; cannabis and driving impairment.

30. *State v. Jimmy Dabney*; Rockingham County 16 CR 52929; 25 October 2017; The Honorable James A. Grogan; analytical chemistry.
31. *State v. Mark Chernek*; Yadkin County 16 CR 51490; 6 December 2017; The Honorable David Byrd; field sobriety testing, drug analysis, and drugged driving.
32. *State v. Amy Vaughn*; Forsyth County 16 CR 51934; 12 February 2018; The Honorable Carrie Vickery; statistical analysis of data, psychological testing, and SFST.
33. *State v. Tess Squires*; Forsyth County 17 CR 58492; 19 July 2018; The Honorable Gordon Miller; analytical chemistry.
34. *Essick v. Brinkley*; Davidson County 17 CVD 1632; 25 July 2018; The Honorable Jimmy Myers; analytical chemistry.
35. *State v. Demarcus Blakeney*; Davidson County 17 CR 54012; 13 August 2018; The Honorable Jimmy Myers; analytical chemistry.
36. *State v. Frank Fragapane*; Iredell County 14 CR 55486; 28 November 2018; The Honorable Charles M. Neaves; analysis of drugs in blood; driving impairment by zolpidem (aka Ambien); pharmacodynamics and pharmacokinetics of zolpidem; and driving impairment by lamotrigine (all by stipulation of parties).
37. *State v. Demarcus Blakeney*; Davidson County 17 CR 54012; 21 December 2018; The Honorable Mary Covington; analytical chemistry.
38. *State v. Katherine Torrance*; Guilford County 18 CR 80558; 23 May 2019; The Honorable Teresa Vincent; analytical chemistry; interpretation of analytical data; statistics; EC/IR-II (general).
39. *State v. Joseph Murdoch*; Rowan County 15 CRS 50257-72, 5 November 2019; The Honorable Richard Gottlieb; chemistry (as related to the hazard of exposure to sulfuric acid).
40. *State v. Dylan Lax*; Davie County 18 CRS 56, 17 December 2019; The Honorable Andy Hanford; pharmacology.

- **ATTORNEY AT LAW**, Winston-Salem, North Carolina; 1996 to present. (At present, no active files and no clients.)
- **WINSTON-SALEM/FORSYTH COUNTY SCHOOLS. *Substitute Teacher***, 2013 to March 2019.
- **WINSTON-SALEM/FORSYTH COUNTY SCHOOLS. *Long-term Substitute Teacher***, Paisley Magnet School; 2015.
- **SURRY COMMUNITY COLLEGE. *Adjunct Chemistry Instructor***, Surry Community College; 2011 to 2012.
- **ENVIRONMENTAL CONSULTANT**; 1993 to 1995.
- **R.J. REYNOLDS TOBACCO COMPANY**, Research and Development Department; Biochemical/Biobehavioral Group. ***Senior Staff R&D Chemist***; 1985 to 1992.

- **CENTER FOR INDOOR AIR RESEARCH, *Executive Director*.** 1987 to 1988: [Concurrent with R.J. Reynolds position.]
- **ENTROPY ENVIRONMENTALISTS, INC. *Environmental Chemist/Senior Project Manager*.** 1978 to 1985:
- **VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY.** Blacksburg, Virginia. ***Instructor*.** 1977 to 1978.

Awarded Certificate of Teaching Excellence, 1977.

- **VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY,** Blacksburg, Virginia. ***Graduate Teaching Assistant*.** 1975 to 1977.
- **ALBEMARLE COUNTY PUBLIC SCHOOLS, Albemarle High School,** Charlottesville, VA. ***Chemistry Teacher*,** 1972 to 1975.

REPORTED CASES

1. *State v. Cornett*, 629 S.E.2d 857, 177 N.C.App. 452, discretionary review denied & cert. denied, 640 S.E.2d 56, 361 N.C. 172.
2. *State v. Jackson*, 503 S.E.2d 101, 348 N.C. 644.

PATENT

- McConnell, B.C.; Oldaker, G.B. III; Walsh, R.F. "Air Sampling Device," United States Patent, Patent No. 4,786,472, November 22, 1988.

PUBLICATIONS

[Peer-reviewed publications in bold.]

1. **Oldaker, G.B. III; Perfetti, T.A.; and Ogliaruso, M.A. "Reactions of Polyarylated Carbinols. 6. Kinetics of the (1,5) Sigmatropic Phenyl and Para-Substituted-Phenyl Rearrangements in 3,4-Bis (p-substituted-phenyl)-1,2,5-**

- triphenyl-1,3-cyclopentadien-1-ols and 1-(p-substituted phenyl)-2,3,4,5-tetraphenyl-2,4-cyclopentadien-1-ols," *J. Org. Chem.*, 45, 3910 (1980).**
2. Oldaker, G.B. III; Rosenquest, J.M.; and Purcell, R.Y. "Quality Assurance Evaluation of Transmissometers" in *Proceedings: Continuous Emission Monitoring: Design, Operation and Experience*. Specialty Conference, Rocky Mountain States Section, Air Pollution Control Association, November 1981, pp. 285-292.
 3. Oldaker, G.B. III *An Update and Discussion of the Critical Aspects of Proposed EPA Reference Method 6B*, July 1982, U.S. EPA CEM Report Series Number: 5-411-7/82.
 4. Oldaker, G.B. III; and Peeler, J.W. *Monitor Performance Tests for Pollutant and Diluent Gas Monitors: Reporting Requirements, Report Format, and Review Procedures*, EPA 340/1-83-013, January 1983.
 5. Margeson, J.H.; Knoll, J.E.; Midgett, M.R.; Oldaker, G.B. III; Loder, K.R.; Grohse, P.M.; and Gutknecht, W.F. "Integrated Method for Determining NO_x Emissions at Nitric Acid Plants," *Anal. Chem.*, 56, 2607-2610 (1984).
 6. Margeson, J.H.; Knoll, J.E.; Midgett, M.R.; Oldaker, G.B. III; and Reynolds, W.E. "Determinations of Sulfur Dioxide, Nitrogen Oxides, and Carbon Dioxide in Emissions from Electric Utility Plants by Alkaline Permanganate Sampling and Ion Chromatography," *Anal. Chem.*, 57, 1586-1590 (1985).
 7. DeWees, W.G.; Segall, R.R.; and Oldaker, G.B. III "Method 7A-Determination of Nitrogen Oxide Emissions from Stationary Sources (Grab Sampling-Ion Chromatographic Method)," Section 3.14 in *Quality Assurance Handbook for Air Pollution Measurement Systems, Vol. III, Stationary Source Specific Methods*. EPA-600/4-77-027b, August 1977. [Document published in 1986.]
 8. Estes, E.D.; Hardison, D.L.; Oldaker, G.B. III; Butler, F.E.; Knoll, J.E.; and Midgett, M.R. "Evaluation of Reference Methods for Measurement of Carbon Monoxide Emissions at Refineries," *Anal. Chem.*, 58, 945-950 (1986).
 9. Oldaker, G.B. III; and Conrad, F.W., Jr. "Estimation of Effect of Environmental Tobacco Smoke on Air Quality within Passenger Cabins of Commercial Aircraft," *Environ. Sci. Technol.*, 21, 994-999 (1987).
 10. Oldaker, G.B. III "Comment on 'Evaluation of the Effect of Environmental Tobacco Smoke in Airliner Cabin Air Quality'," *Environ. Sci. Technol.*, 22, 1238-1240 (1988).
 11. Oldaker, G.B. III; Crouse, W.E.; and DePinto, R.M. "On the Use of Environmental Tobacco Smoke Component Ratios," pp. 287-290 in *Present and*

- Future of Indoor Air Quality, Proceedings of the Brussels Conference*, 14-16 February 1989, Excerpta Medica International Congress Series, Amsterdam, C. J. Bieva, Y. Courtois, and M. Govaerts, Eds., 1989.
12. Ogden, M.W.; Nystrom, C.W.; Oldaker, G.B. III; and Conrad, F.W., Jr. "Evaluation of Personal Passive Sampling Device for Determining Exposure to Nicotine in Environmental Tobacco Smoke," *Proceedings of the Environmental Protection Agency/Air and Waste Management Association International Symposium on Measurement of Toxic and Related Air Pollutants*, 1989, pp. 552-558.
 13. Oldaker, G.B. III; and Conrad, F.W., Jr. "Results from Measurements of Nicotine in a Tavern," *Proceedings of the Environmental Protection Agency/Air and Waste Management Association International Symposium on Measurement of Toxic and Related Air Pollutants*, 1989, pp. 577-582.
 14. Oldaker, G.B. III "Environmental Tobacco Smoke in Passenger Cabins of Commercial Aircraft," *Journal of the National Cancer Institute*, **81** (18), 1424-1425 (1989).
 15. Oldaker, G.B. III; Perfetti, P.F.; Conrad, F.W., Jr.; Conner, J.M.; and McBride, R.L. "Results from Surveys of Environmental Tobacco Smoke in Offices and Restaurants," *Indoor Air Quality (International Archives of Occupational and Environmental Health Supplement)*, H. Kasuga, Ed., Springer-Verlag, Berlin, pp. 99-104, 1990.
 16. Oldaker, G.B. III; Stancill, M.W.; Conrad, F.W., Jr.; Collie, B.B.; Fenner, R.A.; Lephardt, J.O.; Baker, P.G.; Lyons-Hart, J.; and Parrish, M.E. "Estimation of Effect of Environmental Tobacco Smoke on Air Quality within Passenger Cabins of Commercial Aircraft. II," pp. 447-454 in *Indoor Air Quality and Ventilation*, F. Lunau and G.C. Reynolds, Eds., Selver, London, 1990.
 17. Conner, J.M.; Oldaker, G.B. III; and Murphy, J.J. "Method for Assessing the Contribution of Environmental Tobacco Smoke to Respirable Suspended Particles in Indoor Environments," *Environ. Technol.*, **11** 189-196 (1990).
 18. Crouse, W.E.; Ireland, M.S.; Johnson, J.M.; Striegel, R.M., Jr.; Williard, C.S.; DePinto, R.M.; Oldaker, G.B. III; and McBride, R.L. "Results from a Survey of Environmental Tobacco Smoke (ETS) in Restaurants," pp. 214-222 in *Transactions: Combustion Processes and the Quality of the Indoor Environment*, J.P. Harper, Ed., Air and Waste Management Association, Pittsburgh, PA, 1990.
 19. Crouse, W.E.; and Oldaker, G.B. III "Comparison of Area and Personal Sampling Methods for Determining Nicotine in Environmental Tobacco Smoke," *Proceedings of the 1990 EPA/A&WMA International Symposium on the Measurement of Toxic and Related Air Pollutants*, pp. 562-566, 1990.

20. Nelson, P.R.; Heavner, D.L.; and Oldaker, G.B. III "Problems with the Use of Nicotine as a Predictive Environmental Tobacco Smoke Marker," *Proceedings of the 1990 EPA/A&WMA International Symposium on the Measurement of Toxic and Related Air Pollutants*, pp. 550-555, 1990.
21. Oldaker, G.B. III; Ogden, M.W.; Maiolo, K.C.; Conner, J.M.; Conrad, F.W., Jr.; Stancill, M.W.; and DeLuca, P.O. "Results from Surveys of Environmental Tobacco Smoke in Restaurants in Winston-Salem, North Carolina," Vol. 2, pp. 281-285 in *Proceedings of the 5th International Conference on Indoor Air Quality and Climate*, Canada Mortgage and Housing Corporation, Ottawa, Canada, 1990.
22. Ogden, M.W.; Maiolo, K.C.; Oldaker, G.B. III; Conrad, F.W., Jr.; Stancill, M.W.; Conner, J.M.; and DeLuca, T.C. "Evaluation of Methods for Estimating the Contribution of ETS to Levels of Respirable Suspended Particles," Vol. 2, pp. 415-420 in *Proceedings of the 5th International Conference on Indoor Air Quality and Climate*, Canada Mortgage and Housing Corporation, Ottawa, Canada, 1990.
23. Nelson, P.R.; deBethizy, J.D.; Davis, R.A.; and Oldaker, G.B. III "Where There's Smoke . . . ? Biases in the Use of Nicotine and Cotinine as Environmental Tobacco Smoke Biomarkers," pp. 449-454 in *Proceedings of the 1991 U.S. EPA/A&WMA International Symposium Measurement of Toxic and Related Air Pollutants*, Vol. 1, Air and Waste Management Association, Pittsburgh, PA, VIP-21; EPA/600/9-91/018. 1991.
24. Oldaker, G.B. III; Taylor, W.D.; and Parrish, K.B. "Investigations of Indoor Air Quality at Four Large Office Buildings," pp. 177-87 in *Proceedings of First Annual IAQ Conference & Exposition*, National Coalition on Indoor Air Quality, 1992.
25. Nelson, P.R.; Hege, R.B.; Conner, J.M.; and Oldaker, G.B. III "Effects of Ventilation on Smoking Lounge Air Quality," pp. 89-94 in *Proceedings of the 1992 U.S. EPA/A&WMA International Symposium: Measurement of Toxic and Related Air Pollutants*, Air & Waste Management Association, Pittsburgh, PA, VIP-25; EPA/600/R-92/131, 1992.
26. Taylor, W.D.; Parrish, K.B.; and Oldaker, G.B. III "Indoor Air Quality Investigations at Four Large Office Buildings," pp. 155-161 in *Proceedings of the 5th International Jacques Cartier Conference. Indoor Air Quality, Ventilation and Energy Conservation*, Haghighat, F., Ed.; Center for Building Studies, Concordia University, Montreal, Canada, 1992.
27. Oldaker, G.B. III; Taylor, W.D.; and Parrish, K.B. "Investigations of Ventilation, Smoking Activity, and Indoor Air Quality at Four Large Office Buildings," pp.

- 248-257 in *IAQ 92. Environments for People*, American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc., Atlanta, 1993.
28. Oldaker, G.B. III; Taylor, W.D.; and Parrish, K.B. "Investigations of Ventilation Rate, Smoking Activity, and Indoor Air Quality at Four Large Office Buildings," *Environ. Technol.*, **16**, 173-180 (1995).
 29. Oldaker, G.B. III, "A Scientist Looks at DWI Regulations: 'Verify Instrument Accuracy,'" *Trial Briefs*, January 2017, pp. 26-29.