

## INDEX ON CASE LAW IN DUI NEWS

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| Issue 29: | State v Hanning<br>State v Nash<br>State v Baker<br>State v Baker<br>State v Lowe<br>State v Brown<br>State v Wright<br>State v Meador<br>State v Gesselbracht  | Anonymous call supports stop<br>Testimony by Judicial Commissioner<br>SFST's admissible without expert<br>Counting prior convictions<br>SFST's admissible<br>Consent to search<br>.03 BAC and drugs<br>Inadmissible evidence of suppressed BAC result<br>Independent blood test after breath result  |
| Issue 30: | State v Ferrell<br>State v Orr<br>State v Collins<br>State v Chisholm<br>State v Cooper<br>State v Scott<br>State v McConaughy<br>State v Lockhart<br>State v Burkhart<br>State v DeLaRosa<br>State v Gibson<br>State v Aloyo           | No mens rea for driving revoked<br>Anonymous call supports stop<br>SFST's<br>Bond and danger<br>Sentencing for bonded reoffender<br>Vehicular assault sentencing<br>Consent to search<br>Stop based on knowledge of another officer<br>City officer jurisdiction<br>Illegal immigration status supports sentence enhancement<br>Drugged vehicular homicide<br>Sobriety checkpoint                                    |

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| Issue 32: | <p>State v Brotherton<br/> State v West<br/> State v Hunt<br/> State v Wilson<br/> State v Thompson<br/> State v Daqqaq<br/> State v Adkins<br/> State v Berry<br/> State v Eatherly<br/> State v Teaster<br/> State v Pitts<br/> State v Chisholm<br/> State v Mrozowski<br/> State v Pinkins<br/> State v Patterson<br/> State v Craft<br/> State v England<br/> State v Jackson</p> | <p>Supreme Court busted taillight<br/> Prescription drugs, therapeutic and impairment<br/> Reasonable suspicion lane cross 55-8-123<br/> 3<sup>rd</sup> offense refusals<br/> Statute of Limitations<br/> Alternative driver theory<br/> Prior convictions<br/> Sentencing 3<sup>rd</sup> offense<br/> Vehicular assault sentencing<br/> Drugged vehicular homicide<br/> Passenger vehicular assault<br/> Vehicular Assault and 8<sup>th</sup> offense<br/> Vehicular Homicide Sentence<br/> Medical seizure reckless homicide<br/> Citizen Informant<br/> 60 year sentence Vehicular Homicide<br/> 48 years for 2 passenger deaths<br/> 52 year sentence</p> |
| Issue 33: | <p>State v Hale<br/> State v Self<br/> State v Woods<br/> State v Whited<br/> State v McFarland<br/> State v Moffitt<br/> State v Hewitt<br/> State v Robinson<br/> State v Billman<br/> State v Prater</p>  | <p>BREATH TEST OPERATOR<br/> PRESCRIPTION DRUG IMPAIRMENT<br/> Prosecutorial misconduct claimed<br/> Shooter kills, leaves, drives DUI fourth<br/> Citizen Informant<br/> Citizen Informant<br/> Limitations of video<br/> DUI 7<sup>th</sup> Sentence<br/> Jury views suppressed statement requiring reversal<br/> Implied Consent is civil violation</p>  |
| Issue 34: | <p>State v Cooper<br/> State v Ralph<br/> State v Sweeton<br/> State v Blair<br/> State v Mooneyham<br/> State v Hill<br/> State v Hubbard<br/> State v McKnight<br/> State v Frierson<br/> State v Borger<br/> State v Bizzoco</p>  | <p>Supreme Court Bans Treatment Furlough<br/> Consecutive Sentence DUI, HTO, Evading<br/> Discovery<br/> No NHTSA manual cross<br/> Sentencing DUI felon and evading<br/> Bond violation DUI Agg Assaults<br/> 100% means no additional penalties<br/> Habitual sentencing<br/> Requesting passenger identification<br/> Seventh offender sentencing<br/> DUI must merge with V.H. by intoxication</p>  |

Issue 35

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State v Schoenthal, 2011 Tenn Crim App Lexis 294  
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State v Baucum, 2011 Tenn Crim App Lexis 301.  
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State v Wilhoite, 2011 Tenn Crim App Lexis 289  
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State v Polk, 2011 Tenn Crim App Lexis 279  
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State v Bright, 2011 Tenn Crim App Lexis 377  
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