



Seizure in Tennessee, Our Blue Light Special

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In Tennessee our Supreme Court has determined that when the blue lights of a police car have been activated, an officer has clearly initiated a stop and **has seized** the subject of the stop within the meaning of Article 1 Section 7 of the Tennessee Constitution. In State v. Randolph, 74 S.W.3d 330 (Tenn. 2002) this conclusion led to a bizarre reversal.

Late at night in a community where downtown streets are silent after dark an officer responded to a burglary in progress call and came across the adult burglar riding a child's bike a few blocks from the crime scene. The Defendant was "seized" when a police officer made a show of authority by activating the blue lights on his patrol car and instructed defendant to stop, even though the officer did not initially draw a weapon or make physical contact, and defendant fled on his bicycle and did not yield to officer's show of authority. The act of flight appears to be irrelevant to the analysis. Compliance with instructions, inability to comprehend or outright refusal to obey the instruction of the activated lights have apparently become irrelevant.

Our Court rejected the U.S. Supreme Court decision in California v. Hodari D., 499 U.S. 621, 111 S. Ct. 1157 (1991). In that 7-2 decision Justice Scalia set a much different standard: "In order for "seizure" to have occurred, there must either be some application of physical force, even if extremely slight, or a show of authority to which the subject yields; a show of authority, without any application of physical force, to which the subject does not yield is not a "seizure."

No other State has determined that a seizure has occurred at the time the lights are activated. Some find seizure occurs when the driver is asked to get out of the vehicle. (See State v. O'Neill, 62 P.3d 489 Wash., 2003.) Some Courts find the seizure occurs after the driver's license has been returned with no ticket

issued. See People v. Gherna, 784 N.E.2d 799 Ill., 2003. A recent North Dakota decision determined that the act of the police shooting at the suspects car during a chase did not result in a seizure. Colone v. Burge Slip Copy N.D.Ill., 2002. Nov. 21, 2002.

In Tennessee our officers must be instructed concerning this ruling. By eliminating the need in Tennessee for the subject to yield to the police show of authority it appears that those DWI cues established by NHTSA concerning stopping inappropriately in response to an officer and failure to respond to an officer's signals may have also become irrelevant to the seizure discussion.

Don't let officers learn of this strange situation for the first time at a suppression hearing. It may be an impaired driver, a drug dealer or a killer who benefits from our Tennessee blue light special. Educate your officers so that this discussion is not at a meeting with an angry family, who cannot begin to understand our Blue Light Special.

RECENT CASES



“Every community gets the kind of criminal it deserves. What is equally true is that every community gets the kind of law enforcement it insists on.”

The fol-



*Robert F. Kennedy
(1925-1968) U.S.
Attorney General from
the Pursuit of Justice
1964*



HELLO .08. GOODBYE D.W.I.

Effective July the current .10 standard will be replaced by .08. The Driving While Impaired law will be gone. D.W.I. Was never a lesser included of D.U.I. It was an invitation for abuse. D.W.I. was intended to apply to cases with a .08 to .10 blood test. First offense DWI was not available to anyone with a prior offense. Hundreds of DWI convictions were improperly entered. Good riddance DWI

RECENT CASES CONTINUED

● **State v. Richenberger** W2002-01788-CCA-R3-CD Feb. 12, 2003

In an opinion by Judge Wade, the Court clarified that a felony DUI offender is not eligible for community corrections.

STATE v. GREVE

2003 WL 1562085
Tenn.Crim.App. Mar 27, 2003

According to the

Concerned about
Work release issues?
We should be!
Remember:
State v. Branch 2002
WL 1558485 *9
(Tenn.Crim.App.,2002)

“At the sentencing hearing, Antonio Perry,

GOVERNOR’S HIGHWAY SAFETY OFFICE HAS NEW DIRECTOR



TDOT news release:

March 06, 2003

Nicely Appoints Highway Safety Head

Transportation Commissioner Gerald Nicely has appointed Charles C. Taylor, Jr. of Memphis to direct the activities of the Governor’s Highway Safety Office.

“This program is all about reducing fatalities, reducing injuries and crashes and reducing economic losses associated with traffic crashes,” said Commissioner Nicely. “The management and interpersonal skills that Chuck has will help us focus the public on the message that we are serious about saving lives on our Tennessee highways,” said Nicely.

Taylor is leaving a post with the city of Memphis where he managed the Faith-Based Initiatives of the Mayor’s Office. Over his 32-year professional career, he held several key positions in human resource administration, project management, finance and sales. Taylor studied Personnel Management at the University of Memphis and served in the U.S. Army.

“I am excited to be part of a program with such an impact on saving lives and encouraging good driving behaviors. I look forward to working with our GHSO staff and the law enforcement community to increase our impact on motorists as we make them aware of the importance of safe and sober driving,” said Taylor.

The programs administered by the Governor’s Highway Safety Office are 100% federal funds set aside for improving safety on highways.

Some of the programs with the most impact on driving behaviors has been “Click It Or Ticket” and “Booze It and Lose It”. The programs use a combination of promotional campaigns, stepped-up enforcement and community partnerships with local law enforcement to increase awareness. Last year, the “Click It or Ticket” campaign increased seat belt usage from 53% to 68%, saving an estimated 120 lives.

GHSO also partners with law enforcement from across the state including the 95 sheriffs and 285 police departments. The program administers a grant program which provided funds for state and local enforcement agencies to increase traffic safety in communities. Taylor begins his new job on March 31.

Fatal Crashes in Tennessee by time of day and day of week 2001. Source: National Center for Statistics and Analysis

| Time | Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Unknown | Total |
|--------------|--------|--------|---------|-----------|----------|--------|----------|---------|-------|
| 12 am.-2:59 | 33 | 12 | 11 | 10 | 6 | 20 | 36 | 0 | 128 |
| 3 am-5:59 | 22 | 11 | 8 | 10 | 8 | 9 | 20 | 0 | 88 |
| 6 am- 8:59 | 17 | 9 | 13 | 10 | 16 | 18 | 15 | 0 | 98 |
| 9am-11:59 | 12 | 21 | 20 | 13 | 16 | 13 | 23 | 0 | 118 |
| Noon-2:59 | 20 | 20 | 19 | 17 | 24 | 20 | 26 | 0 | 146 |
| 3 pm-5:59 | 26 | 27 | 26 | 27 | 21 | 34 | 40 | 0 | 201 |
| 6pm- 8:59 | 26 | 26 | 18 | 17 | 17 | 23 | 26 | 0 | 153 |
| 9pm-11:59 | 23 | 18 | 22 | 18 | 14 | 37 | 34 | 0 | 166 |
| unknown | 7 | 5 | 1 | 2 | 1 | 4 | 5 | 3 | 28 |
| Total | 186 | 149 | 138 | 124 | 123 | 178 | 225 | 3 | 1,126 |

See studies at <http://www-fars.nhtsa.dot.gov/finalreport>

TRAINING OPPORTUNITIES

COPS IN COURT

District Attorneys and Assistants Needed!!!

This seminar is intended to help Officers discover what to expect when they Testify. It is also intended to aid officers in pre-trial preparation with instruction in :

- Report Writing**
- Courtroom presentation**
- Direction exam presentation**
- Defense attack techniques and Responding to cross-examination.**

A panel of 15 District Attorneys and Assistant District Attorneys are needed to Critique officer mock testimony. Fifty officers *per day* will participate. The seminar will last five days and instructors will be needed for the week.

This seminar will be located at the Fairfield Glade Convention Center in Cumberland County, Tennessee from July 21-25.

To join the faculty contact:
Tom Kimball at (615) 253-6734



Conference schedule ends each day at 4:00 p.m. An occasional round of golf may reduce the stress of faculty duties at Fairfield Glade.

PROTECTING LIVES SAVING FUTURES

This Course will be conducted **May 28-30** at the **General Morgan Inn in Greenville, Tennessee**. It will also be offered **August 19-21** at **Natchez Trace State Park**.

This course was designed by the American Prosecutors Research Institute to create a team building approach between prosecutors and police officers to aid in the detection, apprehension and prosecution of impaired drivers. Prosecutors and police officers will participate in interactive training classes taught by a multi-disciplinary faculty.

- Sessions include:**
- VEHICLE IN MOTION
 - REPORT WRITING
 - PERSONAL CONTACT
 - UNDERSTANDING SFSTS
 - HGN
 - PRE-ARREST SCREENING
 - CHEMICAL TESTING
 - DRUG RECOGNITION
 - PRETRIAL PREPARATION
 - MEETING DEFENSES
 - MOCK TRIAL

Space is available for 10 prosecutors who may bring two officers



General Morgan Inn

TRAIN THE TRAINERS

Our friends in Georgia are offering 5 out of state scholarships to District Attorneys and A.D.A.'s who want to attend their **PROSECUTOR FACULTY DEVELOPMENT COURSE** on September 8-11, 2003 at the Renaissance Pineisle Resort at Lake Lanier Islands.

This Course is designed by the U.S. Department of Transportation , NHTSA and the Transportation Safety Institute. It is intended to help prosecutors become better instructors for fellow prosecutors, officers police academy students and whomever you teach.

This course is required for instructing at the N.A.C.

To apply contact: Charles Smegal by e-mail at csmegal@pac.state.ga.us

Dr. Kenneth Ferslew



Kenneth E. Ferslew received his Bachelor's and Master's degrees from the University of Florida. His Bachelor's degree was in Agriculture and his Master's degree was in Veterinary Toxicology. He continued his education in Toxicology at Louisiana State University Medical Center in Shreveport, Louisiana where he received his Ph.D. degree in Pharmacology and Toxicology. His doctoral dissertation was on the Quantitative Relationships Between Delta-9-Tetrahydrocannabinol and Human Psychomotor and Cardiovascular Performance.

Dr. Ferslew has been on the faculty of the James H. Quillen College of Medicine since 1982. He has risen through the ranks to Professor. He is currently the Director of the Section of Toxicology in the Department of Pharmacology. He practices Forensic Toxicology through East Tennessee State University Physicians and Associates and is part of the Upper East Tennessee Forensic Center. He and his laboratory serve numerous hospitals, clinics and medical examiners in the Upper East Tennessee Region. He is a Diplomate of the American Board of Forensic Toxicology, a Fellow of the Toxicology Section of the American Academy of Forensic Sciences and a member of the Society of Forensic Toxicologists, Society of Toxicology, American Society of Pharmacology and Experimental Therapeutics, American College of Clinical

Thanks to the dedicated Assistant District Attorneys who worked diligently at the Vehicular Homicide Workshop. These Assistants are: Eric Christianson, 3rd District Karen Cook, 30th District Howard Ellis, 8th Jay Fahey, 21st Georgia Felner, 21st Terre Fratesi, 30th Doug Godbee, 3rd Michelle Kimbrell-Parks, 30th Alyse Masserano, 30th Scott McMurty, 20th Dan Runde, 22nd Kristen Shea, 20th Gail Vermass, 30th Mary Katherine White, 21st And student, Wesley Bray, 13th

Vehicular Homicide Conference

At the Vehicular Homicide Conference February 4-7 all participants and faculty received eye opening information from crash reconstruction experts Deputy Mark Kimsey of the Hamilton County Sheriffs Department and Corporal Tommy Sturdivan of the Georgia State Patrol. A video and PowerPoint presentation from their class, "Crash Reconstruction for Prosecutors" is available on loan or

Assistant Attorney General **William Ferland**, of Rhode Island taught at the vehicular homicide conference concerning direct examination. He and his fellow prosecutors under the direction of Attorney General **Patrick Lynch** are now examining the ramifications of the tragic fire at The Station Night-club in which 99 persons lost their lives. Our thoughts and prayers are extended to the victims and their families. We wish our friends, General

Faculty members at the conference were: Jim Camp, William Ferland, Kim Fogarty, Tom Kimball, Mark Kimsey, Rob Montgomery, and Steven Strain.

VEHICULAR HOMICIDE CASELAW

David Patterson John Gallo

State v. Gones
W2002-00773-CCA-R3-CD
Feb. 13, 2003

The defendant pled guilty to a Class C vehicular homicide by recklessness and three counts of aggravated assault. He received a four year sentence and complained when he did not receive alternative sentencing after a hearing. Judge Riley affirmed the denial of alternative sentencing. "At sentencing, the prosecutor asked the defendant if he had used drugs at the party. When the defendant admitted to using drugs, defense counsel objected; the trial court sustained the objection on the basis that the defendant's convictions were for reckless conduct. Nevertheless, further testimony by the defendant established he had used drugs and consumed alcohol on this occasion.

The defendant's use of drugs and alcohol just prior to the offenses is relevant to the issue of alternative sentencing, especially given the defendant's history of substance abuse. Such evidence is relevant to the circumstances of the offense, the defendant's history of criminal behavior, and the defendant's potential for rehabilitation."

State v. Weems
2003 WL 1563661
Mar 27, 2003

Alternative sentencing denied for driver who lost three passengers while speeding in excess of 100 m.p.h. and struck three separate trees after leaving the roadway.

Weems had two prior DUI convictions and was on probation with a

revoked license from his last DUI.

A .14 Blood Alcohol sample was not introduced due to loss or destruction prior to charges being filed.

State v. Arroyo 2003
WL 1563209 Mar 27, 2003.

Consecutive sentencing for two counts vehicular homicide by intoxication **remanded.** "If the defendant is found to be a dangerous offender under the statute, the trial court must also determine whether the sentences imposed are reasonably related to the severity of the offenses and necessary to protect the public from further criminal activity by the defendant, the "*Wilkerson* factors." *Id.* Moreover, trial courts must make specific findings regarding these factors before imposing consecutive sentences. *State v. Lane*, 3 S.W.3d 456, 461 (Tenn.1999).

Web Site:

This and the previous issue are available at www.tndagc.com.

STATISTICS

| | |
|-----------------|-----------------------|
| DUI by Males: | DUI by Females |
| 22,379 | 4,608 |
| White Offenders | All other Races |
| 23,536 | 3,451 |
| | Including 430 unknown |

Statistical conclusion:

DUI is a crime that is primarily committed by white males between 18 and 54 years of age. Particularly beware of the 25-44 year bracket.

DUI Arrests 2000.

Source: Crime in Tennessee 2001 from T.B.I.

| | | | | | | | |
|---------------------------------------|-------|-------|-------|-------------------------------|-------|---------|---------|
| DUI by Adults <u>26,670</u> | | | | Juvenile <u>244</u> | | | |
| Under 18 | 18-24 | 25-34 | 35-44 | 45-54 | 55-64 | Over 65 | unknown |
| 244 | 5,853 | 7,530 | 7,716 | 4,121 | 1,132 | 318 | 73 |

Thanks to the people at T.B.I.'s Incident Based Reporting System for this information. Solutions only come after data proves the need.

More States Start Requiring Alcohol Detection Locks

Posted 1/13/03 10:10 a.m. CST

By Patrick Walters

Associated Press

Breath-alcohol detectors installed in the cars of convicted drunk drivers prevented them from driving under the influence more than 10,000 times in the first year of Pennsylvania's Ignition Interlock Law, according to a study.

Drivers must pass a breath test before the system will allow them to start their vehicles, and they must periodically test themselves throughout their drives. Their blood-alcohol level must be below 0.025 percent — less than a quarter of the legal limit — to keep the car running. After three lockouts, the driver must pay to have the car taken to a certified service center in order to have the system reset.

Under Pennsylvania's law, drivers whose licenses have been suspended for two years may get the licenses back after one year if they agree to have the interlock device installed in their vehicle. From Oct. 1, 2001, to Sept. 30, 2002, 1,855 of the 18,600 eligible DUI offenders chose that option, according to the report by the Pennsylvania DUI Association, which was contracted to evaluate the system. The interlocks' internal logs showed the devices kept those drivers from driving drunk 10,142 times, the report stated.

Pennsylvania is one of the first states to complete a comprehensive evaluation of its ignition interlock program, and other states may soon look to Pennsylvania as an example. Jason King, a spokesman for the American Association of Motor Vehicle Administrators, said he wasn't aware of other figures demonstrating the effectiveness of the devices. Pennsylvania started its program in 2000, and participants started using the devices in October 2001, said Dave Holt, assistant manager of the Pennsylvania Department of Transportation's alcohol highway safety administration. Holt said he hopes the program will be made mandatory after a one-year suspension.

Now other states are following suit by adopting similar legislation for drunk drivers. Mothers Against Drunk Drivers report that forty other states and the District of Columbia have some form of ignition interlock law as well.

New Mexico's ignition interlock law went into effect Jan. 1, so transportation officials there said they are just starting to work out their system — and they're keeping an eye on what Pennsylvania is doing. "We're going back to change the law to have some fixes," said Virginia Jaramillo, chief of the traffic safety bureau of the New Mexico State Highway and Transportation. "I'll probably be calling them to see how it worked for them."



www.jus.state.nc.us/



www.maddurham.com



www.carrsq.qut.edu.au/

Information about interlocks are available at the above sites and many more. This office does not endorse any interlock company.

PUBLICATION RESOURCE

To obtain or view the web version of Horizontal Gaze Nystagmus The Science and the Law go to: ndaa-apri.org/apri/programs/traffic/hgn.html

The HGN is the most reliable field sobriety test available. Officers continue to use the test to determine probable cause. Prosecutors seeking expert witnesses currently needed to use the test in court should review this document before calling an expert to testify. There is a wealth of Information to show the HGN meets accepted scientific standards including endorsement by the American Optometric Association.

Man With Fourth DUI Gets 12 Years In Prison

posted March 31, 2003 from Chattanooga.com by John Wilson

A man with four DUIs, including crashes in the last two, was given a 12-year prison term on Monday.

Criminal Court Judge Rebecca Stern said Julius Everett Smith "has had so many chances. But he has not done one thing about it (his drinking problem)." The judge said, "He keeps committing these offenses."

Among those applauding the decision were four young girls who were in the last car hit by Smith in a wreck Sept. 19, 2001. Priscilla Baxter carried a large cardboard box into the courtroom, saying it contained medical records for her and her sister. She said due to an ankle injury she suffered, "I'll never be able to be a police officer." She said of the wreck, "I think about it every single day." She said she hoped he got "the maximum sentence allowable by law."

Smith could have gotten up to four years each on each of the four DUIs. Judge Stern said his sentence at 3 years each, but she ran all the cases consecutively.

The driving and drinking record of the Soddy-Daisy man goes back to 1986 when he said he rounded a curve and went off the road, hitting a pile of rocks and a flower bed in front of a house. He had a second DUI, then on Feb. 28, 2001, he had an accident involving another vehicle.

Smith was out on bond on that case when he ran into the four girls. He tested at .23 - more than double drunk in that incident. He was taken into custody last September and has remained in jail. He said he now realizes he needs help with a drinking problem and would like counseling. He said he had been down about his mother and brother dying. Smith said in the last wreck "an air bag was the only thing that saved me and God." He said he was knocked out for 10-15 seconds, then he went over to check on the young girls.

Parke Masterson, DUI prosecutor in Hamilton County, handled the case.

Liberty means responsibility. That is why most men dread it.



George Bernard Shaw
(1856 - 1950)

If you wish success in life, make perseverance your bosom friend, experience your wise counselor, caution your elder brother and hope your guardian genius.



Joseph Addison 1672-1719

Success comes from knowing that you did your best to become the best that you are capable of becoming.

Coach John Wooden



Administrative License Revocation Bill Filed

SENATE BILL 1757
By McNally

HOUSE BILL 1820
By Newton

An act to amend Tennessee Code Annotated, Title 55, Chapter 50, relative to providing for the immediate seizure of the driver license of a person driving under the influence of an intoxicant and for the administrative review and revocation of such license.

Go to <http://www.legislature.state.tn.us/> to see the eleven page text of this bill.

Search under Legislation and type in the bill number. The intent of the bill is to immediately cancel an impaired driver's license with an administrative hearing in a short time. Would such a bill have spared the four girls in the article above from injury?

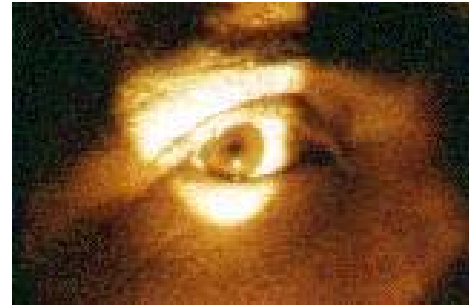
Should DUI drivers be permitted to drive pending their trial date? Should the DUI driver benefit from Court delays? This discussion is overdue.

Narcotic Analgesic Eyes



These pictures show eyes effected by narcotic analgesics or narcotic pain killers:

Opium, Morphine, Codeine, Heroin, Dihydromorphinone, Dihydrocodeinone and Oxycodone



Opium Poppy, Crude Opium, Codeine, Heroin, and Morphine



Note photos with a nightshot camera. See more at www.tennre.homestead.com Thanks to officer Rob Conley, Metro-Nashville Police Department for maintaining this informative website. Tennessee does not have a drug recognition expert law or program. Tennessee prosecutors can not use the horizontal gaze nystagmus field sobriety test without an expert witness. [State v. Murphy](#),

This category of narcotic analgesics includes the opiates, such as morphine, codeine, percodan, heroin, meperidine, methadone, fentanyl, and numerous others. These drugs relieve pain, but they also produce sedation. The specific effects include constricted pupils, depressed vital signs, slow and deliberate movements, and forgetfulness. These drugs do not produce horizontal gaze nystagmus.

Although these drugs are frequently injected, more users, because of concern over the spread of infectious disease through the sharing of hypodermic needles, are insufflating (intranasal administration) and inhaling drugs such as heroin. These drugs are known for their physically addictive qualities, as well as for the extremely unpleasant, though not life-threatening, withdrawal syndrome.



Heroin

ALCOHOL IMPAIRS THE BRAIN

Flat tire leads to arrest for drunken driving

A man changing a flat tire in the parking lot of Daniel Boone High School at 7:15 a.m.

Sunday was arrested on several charges after he attracted the attention of deputies.

Deputy Edwin M. Graybeal III of the Washington County Sheriff’s Department checked on the motorist. He noticed that the man’s Ford Bronco had mud on it and was dragging a fence post with barbed wire on it.

When he spoke with the driver, he said the man had a strong odor of alcohol. The driver was identified as David Lee Bowser, 43, 277 West Ridge Road, Jonesborough.

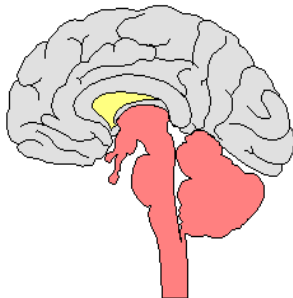
Graybeal said he asked Bowser if he had been drinking. He said Bowser answered “no.” He noticed in checking his driver’s license that Bowser had a handgun permit. Graybeal asked him if he was armed. He said Bowser answered “no.”

Prior to conducting a field sobriety check, Graybeal said he would have to do a pat search of Bowser. He said Bowser at that point admitted he had a .25-caliber pistol in his pocket. Graybeal said he also found a loaded magazine for the pistol, and a 9 mm pistol. Graybeal said he found the accident scene where the fence post had been dislodged. It was approximately a half mile east on Tenn. Highway 75.

Bowser was charged with DUI, possession of a handgun while intoxicated, and leaving the scene of an accident with property damage.

Reprinted with permission from the Johnson City Press March 3, 2003 edition.

NOTE: Smith was convicted of vehicular assault as well as DUI.



It is common to hear people talk of the stimulant effects of alcohol. They are referring to increased talkativeness, decreased social inhibitions, increased confidence or dangerous risks that someone might take after consuming alcohol. Alcohol is **always** a central nervous system depressant. These reactions are a result of a **depression** of the inhibitory mechanisms.

Ethanol Effects:

Judgment

- Perception of reality
- Assessment of risk

Informational processing

Divided attention capability

Reaction time

- Simple
- Complex

Concentration capabilities

Information processing and the ability to perform divided attention tasks have been shown to be impaired at very low alcohol levels, 0.015% and 0.020% respectively. Reaction time is slowed. Both simple reaction time (0.04%) and complex reaction time functions (0.03%) are affected with impairment being evident in more complex tasks first.

The time to decide what to do is first affected, with the physical implementation being more resistant to impairment. One’s ability to pay attention and concentrate are impaired by ethanol.



**Tennessee District Attorneys
General Conference**

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***Sobriety
roadblock is a
reasonable
seizure
under State
Constitution
When
established &
operated in
accordance
with
predetermined
Operational
Guidelines and
supervisory
authority.
State v. Downey
945 SW2d 102
(1997)***

SOBRIETY CHECKPOINTS

The Booze It and Lose It campaign includes sobriety checkpoints throughout the State on weekends known to have an abundance of impaired drivers on the road. With the success of the campaign expect Defense attacks on the method.

States that permit sobriety checkpoints with State constitution providing greater liberty than Federal:

- Colorado: State v. Rister, 830 P2d 483
- Connecticut: State v. Boisvert, 671 A2d 834
- Florida: Harbaugh v. State, 718 So 2d 1234
- New Mexico: State v. Madalena 908 P.2d 756
- Pennsylvania: Com. v. Tarbert, 535 A.2d 1035
- South Dakota: State v. Claussen 522 N.W. 2d 196

The minority position, States that **do not** permit sobriety checkpoints:

- Idaho
- Louisiana
- Michigan
- Minnesota
- New Hampshire
- Rhode Island
- Washington state and D.C.

States that permit and mirror Federal Constitution

- Alabama: Haygood 638 So. 1057
- Arizona: Tykwinski 824 P. 2d 761
- Arkansas: Mullinax 938 S.W. 2d 801
- California: Roelfsema 48 Cal Rep 2d 817
- Georgia: LaFontaine v. State 497 S.E.2d 367
- Hawaii: Fedak 825 P. 2d 1068
- Illinois: Taylor 630 N.E. 1331
- Indiana: State v. Gerschoffer 763 N.E.2d 960
- Iowa: Lloyd 530 N.W. 2d 708
- Kansas: Barker 850 P. 2d 885
- Louisiana: State v. Jackson 764 So.2d 64
- North Carolina: State v. Grooms 483 S.E.2d 445

More States permit sobriety checkpoints

- Kentucky,
- Maryland,
- Massachusetts,
- Nebraska,
- New York,
- North Dakota,
- Ohio,
- Utah,
- Virginia,
- West Virginia,
- Texas,
- Missouri,
- Maine,
- New Jersey,
- Delaware,
- New Mexico and Oregon