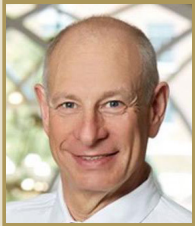




Dean's Message



Andrew Mishlove

Thank you for what is the greatest honor of my professional life, the opportunity to serve this College as Dean for the 2022-2023 term. Thank you to Dean Emeritus Don Ramsell for so many years of service, taking the reins and strengthening our College in so many ways.

Politics and justice are rarely a good combination. In the 1980s drunken driving became a political crime. We witnessed a well-financed, largely successful effort to curtail

basic civil liberties and due process of law, all in the name of highway safety. While we all agree that drunken driving is dangerous and should be deterred, little was done to address the fundamental problem of society's glorification, and simultaneous demonization of alcohol and drug addiction.

We witnessed the erosion of basic standards of justice. The rules of evidence were relaxed to allow junk science in DUI prosecutions. Constitutional protections against unreasonable search and seizure, the right to counsel, and even the presumption of innocence are under attack

In 1994, ten persons met in Chicago and founded the National College for DUI Defense. Those of us who practice in this area of law all owe a debt of gratitude to our founders. They enlisted their colleagues and soon one hundred persons contributed \$1000.00 each (a lot of money) and the NCDD started operations. Today we are one of the premier legal educational institutions in the world. Our curriculum is deep and broad, of value to a new practitioner as well as the most experienced and educated. We offer courses that range from analytic chemistry to social science, from constitutional law to the fine art of trial advocacy. Almost everyone who comes to the NCDD also says that they learn as much networking with colleagues as they do in our sessions.

Many people contributed their time and money to make our College a success. Through their efforts, our motto, Justice Through Knowledge, is realized in courtrooms every day. The NCDD has changed my career and the careers of so many. As my mentor James Shellow once told me, "There is always room at the top." That is where we want every member of our College to be: at the top. There were bumps in the road along the way. Nothing made by human hands is perfect, and we

Continued on Page 2

E.D.'S Corner



Rhea Kirk

Hello College Members! We have had an amazing first half of the year! The NCDD had some great programs and we are now gearing up for the second half of 2023 that covers all you ever wanted to know about DUI Defense!!

2023 started off with a BANG! Winter Session in San Diego was a huge success! We had wonderful weather and a great line up of speakers! Next up was MSE in New Orleans in March which never disappoints and our SFST

Course in Phoenix in April. Our Serious Science Course is SOLD OUT in Arlington, TX in June, but call the NCDD Office if you would like to be placed on the Waiting List!! If you haven't attended this course with Course Director Andrew Mishlove, don't miss the next one! This year our Summer Session will be in Chicago July 20-22. "The Art of Not Guilty!" This is a premiere seminar with a special Improv Event the evening of July 19 sponsored by Scorpion! Next, we have an SFST Student Course in Philadelphia on August 17-19 and an ARIDE Course in Nashville on October 12th & 13th! We end 2023 with another SFST Course with a surprise destination for our 10th Jubilee Class. Look on the NCDD Website for all of the exciting agendas!

Our Task Force Webinars, sponsored by Intoxalock, are in full swing with the next one June 29th put on by our Trial Advocacy Task Force. Ed Fiandach, Andy Alpert and Glen Neely will be the amazing Faculty. We are having a free Webinar for our members each month so make sure to check out the NCDD Listsev or the NCDD Website for more details.

Website Update: Please make sure to watch for emails from individuals that have been charged with DUIs and DUI related matters. They should come to your email inbox and will contain the issue and contact information from the prospective client. Check your Junk or Spam Folders carefully if you aren't seeing them in your Inbox. I hate for you to miss a business opportunity!

Also, please make sure your profile bio and picture are up to date! It helps so much if you have your picture on your bio page! It makes the website look so much more professional! Here's hoping for a safe and healthy summer!! Enjoy your families and we hope to see you soon at one of our upcoming events!

SAVE THE DATES!

SUMMER SESSION

Chicago

The Art of Not Guilty

JULY 19-22, 2023

REGISTER NOW!

WWW.NCDD.COM

27th Annual DWI Means Defend With Ingenuity Seminar

Las Vegas

Planet Hollywood

SEPTEMBER 21-23, 2023

REGISTER NOW!

WWW.NCDD.COM

(Continued from cover - "Dean's Message")

always strive to be better. So, I have set five goals for my term:

First, we will promote diversity in our College. Our profession is more diverse than our College, and we all benefit from interacting with many different people. Our College is committed to advancing diversity in our membership, faculty, staff, and Board.

Second, we will be inclusive. There will be opportunity for every member who wants to be more involved in the College. Our task forces, for example, will provide a vehicle for any interested member to be active in publishing articles and teaching.

Third, our curriculum will continue to evolve and excel. We will offer everything from conferences that survey all aspects of our practice, to intensive courses on analytic chemistry and trial advocacy. I am a firm believer that no matter how expert we become, we must all still practice our basic skills; just as the finest virtuoso musician must still practice basic scales. Our College will always strive to present everything from basic training in drunk driving defense to cutting edge perspectives on the social science of trial advocacy. We will offer technical training ranging from police academy field sobriety testing to forensic laboratory mass spectrometry.

Fourth, we will welcome all practitioners. No one should be turned away from our courses for financial reasons. We are not there yet, and we must get there soon. The fact is that that our scholarship foundation is underfunded, and all of us who are able should dig into our pockets and give. If you can afford to give \$1000.00 to the NCDD Foundation, please do it today. When you pay your dues or sign up for a seminar, please give a little extra to the Foundation! This is a goal that we must meet. I urge you to all to help. And yes, my firm gave \$1000.00 in July. Please help!

Finally, we will embrace the future! We have so many new, young, energetic, talented members. We have rewritten our bylaws to allow for new leadership. We will embrace the idea that not only are we a resource to our newest members, but they are also the most valuable resource to the College.

Our immediate projects included our mainstay courses that continue to thrive. The Winter Session, which we held in San Diego, focused on homicide cases was a great hit. We had seven attorneys, including Mark Richards (State v. Kyle Rittenhouse) to us how they won. Mastering Scientific Evidence in New Orleans, with the "mock" trial was, as always, a revelation about science, juries and human nature. Our fall Las Vegas conference in conjunction with NACDL, was the nation's largest conference in our field, where we may learned about a wide variety of the latest developments. And, of course, our famous Summer Session, which has historically taken place at the Harvard Law School. This Summer, however, once again we return to the grand old Palmer House Hotel in Chicago! It will be our deepest dive yet into the fine art of DUI defense, including some of the greatest trial advocacy teachers alive, an emphasis on small group workshops, and an Improv class for lawyers!

In addition to these four courses, we will continue to produce SFST training, ARIDE training, and my personal project, Serious Science, Blood Analysis and Trial Advocacy, a very intensive course.

One new project is our monthly webinar series, produced by our members. Each month one of our task forces will produce a webinar on their topic, free to membership. And, do not forget our monthly articles, blog pieces, the discussions on our listserv, and our incredible online virtual library!

So, thank you to our Founders, thank you to every Regent and Dean who has nurtured our College and brought it to this very successful position. Thank you to each and every member who supports our College. I am humbled and just a little bit intimidated at the honor and responsibility of the office of Dean. I promise to work my heart out for you all.



Case Law Update By Flem Whited III

BLOOD TESTS

People v. Robe,
2022 WL 1194930 (Mich.App.) unpublished

Insufficient allegations in warrant to support search warrant where when properly considered, it merely states that defendant was in a crash that he claimed was not his fault and he did not take any standard-field-sobriety tests. None of those facts suggest that defendant was intoxicated.

Commonwealth v. Jones-Williams,
279 A.3d 508 (Pa. 2022)

Insufficient exigency circumstances to support the taking by law enforcement of blood already drawn by the hospital for medical purposes.

State v. Portulano,
514 P.3d 93 (Or.App. 2022)

Warrantless blood draw upheld notwithstanding the States failure to utilize electronic warrant procedure; Strong dissenting opinion.

People v. Noujaim,
2022 WL 2154873 (Cal.App.) (unpublished)

The People failed to carry their burden to show exigent circumstances to justify warrantless blood draw.

State v. Blancos,
515 P.3d 719 (Idaho 2022)

Warrantless blood draw was not justified by exigent circumstances; Police officer had obtained one valid breath test showing that defendant's blood alcohol content (BAC) was nearly three times the legal limit, and officer only attempted to reach single on-call magistrate three times.

State v. Wenzel,
2022 WL 17481343 (Iowa App.)

Court holds there is no requirement under the Fourth Amendment to obtain another warrant to run a second test for controlled substances on an already validly obtained sample.

State v. Gilliam,
2021 WL 79181 (N.J. Super.)

Police-created exigency did not excuse the officers' obligation to obtain a warrant before drawing defendant's blood; nothing about the crash or officer's obligations relating to the crash created any urgency.

Wheeler v. State,
616 S.W.3d 858 (Tex.Crim.App. 2021)

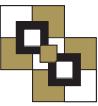
Good Faith exception does not apply where the officer executed a warrant that he knew was not supported by a sworn probable cause affidavit.

BREATH TESTS

State v. Farrell,
172 N.E.3d 488 (Ohio App. 2021)

Court says dry gas standards traceable to National Metrology Institute Traceable Standards is not substantially similar to being traced to NIST standards.

Continued...



CAUSATION

State v. Paulson,
501 P.3d 873 (Idaho 2022)

Defendant had the right to have the jury properly instructed on “causation”; Jury should have been allowed to consider pedestrian’s unlawful and potentially intervening, superseding conduct.

CHILD NEGLECT

Commonwealth v. Vela-Garrett,
251 A.3d 811 (Pa.Super. 2021)

Driving under the influence of drugs insufficient without more to sustain conviction for Endangering Welfare of Children.

CONFLICT OF INTEREST

State v. Blevins,
500 P.3d 571 (Table) Unpublished Disposition (Kan. App.)

Defendant in fatal car crash gets new trial based on his attorney’s conflicts of interest; Attorney was paid by passenger whom the Defendant alleged was driving; Based on this relationship the attorney failed to “fully” and “effectively” impeach her trial testimony; failed to hire his own DNA and blood experts.

CONSENT TO BT AND FST

State v. Ortiz,
873 S.E.2d 217 (Ga.App. 2022)

Record supports Trial Court’s finding that Spanish speaking defendant did not give actual consent to breath or field sobriety tests.

CONTINUED DETENTION

State v. Zeimer,
510 P.3d 100 (Mont. 2022)

Absent new or reasonable particularized suspicion that may arise during an otherwise valid traffic stop, a law enforcement officer’s questioning or checking into matters unrelated to justification for underlying stop exceeds the lawful scope and duration of stop at the point that the questioning or checking substantially prolongs stop beyond that reasonably necessary to diligently dispel or exhaust original particularized suspicion that justified stop is a violation.

State v. Watkins,
170 N.E.3d 549 (Ohio.App. 2021)

Odor of alcoholic beverages, glassy, bloodshot eyes, and her admission to drinking one alcoholic beverage seven hours earlier did not supply officer with reasonable, articulable suspicion to detain.

State v. VanBeek,
960 N.W.2d 32 (Wis. 2021)

Wisconsin Supreme Court holds that taking license back to patrol car is not a seizure based on the totality of the circumstances in this case; but is converted into a seizure when the police officer returned to vehicle, retained defendant’s driver’s license, and continued to pose repetitive questions to her and other occupant for nearly eight minutes in order to prevent them from leaving before K9 unit arrived; the officer did not have a reasonable suspicion of criminal activity to support the seizure.

State v. Kochendarfer,
2021 WL 3674160 (Az.App.) unpublished

Some questioning after driver received written warning was consensual but when trooper asked Defendant if he could search his truck consensual encounter ended and must be justified by reasonable suspicion.

Commonwealth v. Claybourn,
635 S.W.3d 818 (Ky. 2021)

Prior drug charges on driver’s record insufficient to support 10-minute delay for K-9 dog to arrive for sniff search; Officer abandoned writing ticket for driving on suspended license when K-9 arrived.

State v. Flanagan,
967 N.W.2d 376 (Iowa App. 2021)

Insufficient evidence to support continued detention of driver past the time required to write the passenger a seat belt violation citation; The Court found the trooper “less than expeditious” asking “off-topic” questions regarding where he had been, what medications he was taking, why his glasses were broken.

CUSTODY / MIRANDA

State v. Tiwana,
2023 WL 1806779 (N.J. Super) unpublished

Defendant was “in-custody” when three officers were questioning her while in the hospital after a crash; her Miranda rights were violated where when she appeared at the prosecutor’s office the next day they continued to question her after she invoked her right to remain silent.

State v. Ofte,
974 N.W.2d 899 (Wis.App.) unpublished

Defendant was in custody for Fifth Amendment purposes when, after a traffic accident, police stopped him near the scene, frisked him, and placed him in a police van for 10-15 minutes without handcuffs.

State v. Cochran,
274 A.3d 808 (R.I. 2022)

Driver of vehicle in crash was in custody once moved to another location and questioned regarding intoxication by armed officer; anybody in their right mind would understand they do not have the right to leave.

DRE

People v. Bowden,
2022 WL 16859166 (Mich.App.)

The prosecution failed to meet its burden to establish the reliability, and thus the admissibility, of the proposed expert testimony of the officer as a DRE expert that the defendant was under the influence of marijuana.

Bragaw v. State,
482 P.3d 1023 (Alaska App. 2021)

DRE protocol is scientific evidence subject to the Daubert/Coon standard; The trial court erred in admitting this evidence without first determining its scientific validity.

DRUGS / PER SE

State v. Frazier,
509 P.3d 282 (Wash. 2022)

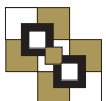
Washington Supreme Court upholds statute prohibiting per se driving under influence (DUI) with concentration of 5.00 nanograms or higher of tetrahydrocannabinol (THC) per milliliter (ng/mL) of blood within two hours after driving.

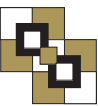
DRUGS

State v. Trout,
2022 WL 17957342 (Minn.App.) unpublished

Conviction reversed where the State failed to establish a temporal link between Trott’s driving and the presence of methamphetamine.

Continued...





People v. Ellenwood,
2022 WL 17878846 (Mich.App.) unpublished

8 ng/ml THC without more is insufficient to prove Defendant was under the influence of marijuana; Speeding across a frozen lake, hitting a structure that was not visible during an ice fishing event is evidence of recklessness not impairment; Court holds that is insufficient evidence probable cause to proceed with prosecution.

Awbrey v. State,
191 N.E.3d 925 (Ind.App. 2022)

General testimony from a toxicologist about levels of impairment by methamphetamine consistent with those in Defendant's blood does not support the inference that he was impaired.

Commonwealth v. Caldwell,
2022 WL 1221057 (Pa.Super.) unpublished

Insufficient evidence to support convictions for "DUI – Drugs" where no expert testimony as to a timeline based on metabolite levels or when he took the drugs to determine he was impaired at time alleged.

Commonwealth v. Dabney,
274 A.3d 1283 (Pa.Super.)

Medical marijuana was a Schedule I controlled substance for purposes of driving under influence of controlled substance (DUI) statute; Medical Marijuana Act (MMA) did not remove marijuana from list of Schedule I controlled substances, there is no conflict existed between MMA and DUI statute in regards to driving under influence of marijuana, and DUI statute and Controlled Substances Act (CSA) rendered it illegal to drive with any amount of Schedule I controlled substance in one's blood.

State v. Fensler,
165 N.E.3d 401 (Ohio App. 2020)

Officer's testimony that Benadryl is a "drug of abuse" defined as any controlled substance or over-the-counter medication that, when taken in quantities exceeding the recommended dosage, can result in impairment of judgment or reflexes is insufficient to sustain conviction.

Commonwealth v. Given,
244 A.3d 508 (Pa.Super. 2020)

Defendant cannot be convicted of two counts of DUI of controlled substances where one count was for the active substance itself and the other was the metabolite of the same substance.

State v. Dacey,
491 P.3d 1205 (Idaho 2021)

Conviction reversed where trial court allowed lay police officer witness testify that Defendant was "on the downside" of meth high; on all future cases DRE witnesses must be listed as expert witnesses.

DUE PROCESS

State v. Stegall,
477 P.3d 972 (Idaho 2020)

Defendant's right to due process was violated where officers refused to allow him to use a phone to contact an attorney until the morning after his arrest.

IGNITION INTERLOCK

State v. Stowe,
520 P.3d 1193 (Ariz.App. 2022)

Probationer who did not own or operate vehicle during her probation was not required to equip a vehicle with an ignition interlock device for 12 months in order for the trial court to reduce her jail time.

IMPLIED CONSENT

Vazquez-Santiago v. Dep't of Trans.,
268 A.3d 16 (Pa.Cmlwth. 2022)

Driver's lack of understanding of English language justified his claim that he did not willfully refuse chemical test.

Ramirez v. California, Dept of Transportation,
88 Cal.App.5th 1313 (Cal.App. 2023)

California appellate court upholds Circuit Court Order reinstating driver's license after finding that the driver was prejudiced by DMV allowing the officer to testify by phone.

California DUI Lawyers Assn. v. California DMV,
77 Cal.App.5th 517 (Cal.App. 2022)

Administrative per se system, used by Department of Motor Vehicles (DMV) when suspending a driver's license following an elevated blood alcohol test, which combined the roles of advocate and adjudicator in a single person employed by the DMV violates due process under the Fourteenth Amendment and the California constitution.

People v. Peterson,
2022 WL 17261758 (Ill.App.) unpublished

Officer initially correctly provided the information contained in the Implied Consent Statute but later gave the driver incorrect information regarding her obligations; thus, as the latter warning was legally incorrect, it was confusing, misleading and rendered the former warning inadequate.

MIRANDA / WARNINGS

People v. Moeeno,
2022 WL 5434209 (Cal.App.) unpublished

Defendant being informed that if he could not afford an attorney, one would be "called for [him] free of charge before the interrogation." Insufficient; Use of the word "call" did not convey the full meaning of the advisement.

PRIOR CONVICTION

State v. Forrett,
974 N.W.2d 422 (Wis. 2022)

Wisconsin's OWI graduated-penalty scheme is unconstitutional to the extent it counts prior revocations for refusing to submit to a warrantless blood draw as offenses for the purpose of increasing the criminal penalty.

State v. Dean,
2021 WL 1826222 (Kan.App.) unpublished

Prior DUI convictions from Kentucky and South Dakota should not be counted to enhance current Kansas conviction; both states gave broader definition of "vehicle" than Kansas at the time of the convictions; what the Defendant was actually doing at the time of the convictions was not discussed.

State v. Santos-Ramirez,
493 P.3d 522 (Or.App. 2022) en banc

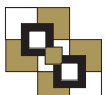
En banc Oregon Court of Appeals holds that Washington conviction for negligent driving is not an offense that "require proof that a person or the person's driving was impaired by the use of intoxicant" thus, does not qualify as a prior offense.

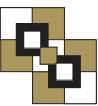
REASONABLE SUSPICION

State v. Hardin,
2022 WL 16635303 (Tex.Crim.App.)

Statute composed of one subsection requiring drivers to drive as nearly as practical entirely within a single lane and a second

Continued...





subsection stating that drivers may not move from the lane unless that movement can be made safely creates only one offense, rather than two different offenses; Incidental movement outside a single lane will not run afoul of the statute delineating offense of failure to maintain a single lane, but unsafe movement will.

***State v. Gardner,*
501 P.3d 925 (Mont. 2022)**

Defendant was not “using” his high beams when he flashed them at oncoming police vehicle to warn deputies that they had their high beams on, and; Deputy’s mistaken belief that driver violated statute prohibiting use of high beams within 1000 feet of oncoming vehicle was unreasonable

***State v. Smith,*
513 P.3d 629 (Utah 2022)**

Community caretaker exception to 4th Amendment protections cannot justify seizure of Defendant sleeping in his car in McDonald’s parking lot.

***State v. Murphy,*
978 N.W.2d 104 (Iowa 2022)**

Single crossing of the fog line does NOT amount to reasonable suspicion to stop a vehicle.

***Keizur v. State,*
2021 WL 1016877 (Alaska App.) unpublished**

Defendant leaving store that sold alcohol with cooler strapped to back of ATV and holding a can that couldn’t be identified as alcohol insufficient to support stop.

***Commonwealth v. Yount,*
2021 WL 5121283 (Pa.Super.) unpublished**

Nothing about operation of vehicle as observed on dash cam would support reasonable suspicion to stop regardless of officer’s in-court testimony that he suspected a DUI driver.

***State v. Lelyukh,*
2021 WL 5872306 (Minn. App.) unpublished**

Officer’s violation of Minnesota Governmental Data Practices Act to identify and locate Defendant results in suppression of all evidence. Vol 40, #23.

***Daniel v. State,*
641 S.W.3d 486 (Tex.App.-Austin 2021)**

Officer’s observation of the Defendant crossing the dotted line separating outer from inner turn lane and then cross the dotted line two more times without interfering with any traffic insufficient to support stop; Court says Officer’s mistake of law was not reasonable as the law is clear in his jurisdiction.

REFUSAL

***People v. Montoya,*
516 P.3d 970 (Colo.App. 2022) cert. granted *People v. Montoya,*
2023 WL 2372561 (Colo.)**

If the district court makes a pretrial finding of refusal for evidentiary purposes, the ruling must be based on the law of refusal that has developed in the context of administrative proceedings revoking an individual’s driver’s license due to refusal to take a chemical test; If the prosecutor seeks to use as evidence a defendant’s written or recorded statement refusing a chemical test, but the defendant disputes refusal, the entire circumstances surrounding the defendant’s test-taking must be submitted for the jury’s consideration.

***Commonwealth v. McCarthy,*
628 S.W.3d 18 (Ky. 2021)**

Kentucky Supreme Court says cannot admit or use refusal to submit to warrantless blood test enhance penalty for current DUI conviction.

***State v. Forrett,*
974 N.W.2d 422 (Wis. 2022)**

Wisconsin’s OWI graduated-penalty scheme is unconstitutional to the extent it counts prior revocations for refusing to submit to a warrantless blood draw as offenses for the purpose of increasing the criminal penalty.

RETROGRADE EXTRAPOLATION

***State v. Eighth Judicial Circuit Court (Armstrong),*
127 Nev. 927, 267 P.3d 777 (2011)**

Prejudicial value of retrograde extrapolation off single sample taken over two hours from incident substantially outweighed probative value.

***Martin v. State,*
487 P.3d 833 (Nev.App. 2021) unpublished**

Personal factors normally required to admit retrograde extrapolation evidence not necessary because the number of blood samples taken from Martin (three) and the length of time between the draws were sufficient to establish his known alcohol elimination rate; retrograde extrapolation allowed into evidence.

SEARCH / SEIZURE

***State v. Schubert,*
2022 WL 17836574 (Ohio)**

In a 4 to 3 decision, the Ohio Supreme Court rules the good-faith exception to the exclusionary rule does not apply to the execution of a constitutionally deficient search warrant authorizing the search of cell phones found at the scene of a car crash, when nothing in the affidavit supporting the warrant connected the phones to the crash other than the police officer’s averment that evidence of how the accident occurred “may” be found on the phones.

***State v. Jones,*
2022 WL 1669150 (Tex.App.-Corpus Christi-Edinburg) unpublished**

The Fourth Amendment does not extend protection to the entry of a gated community; Officer’s entry onto Defendant’s driveway and search for his vehicle was an unconstitutional search of his curtilage; Officer’s conduct was not protected by “knock and talk” doctrine because that is not what they did; “It cannot be said that a “knock-and-talk” occurred where officers unlawfully searched the curtilage, continued to trespass, then knocked at the front door, and proceeded to treat the interaction and entry as if Fourth Amendment protections did not exist.”

SENTENCING

***State v. Graham,*
513 P.3d 1046 (Alaska 2022)**

It was an abuse of discretion to allow the testimony of two police officers as victim impact evidence and; To admit victim tribute videos without first reviewing them for relevance and unfair prejudice

***State v. Hensley,*
206 N.E.3d 77 (OhioApp. 2023)**

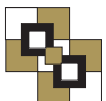
Insurance company is not a “victim” as that term is used in “Marsy’s Law”; Order for Defendant to pay amount insurance paid to the injured party reversed.

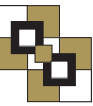
TRIAL ISSUES

***State v. Banks,*
507 P.3d 787 (Or.App. 2022)**

Trial Court erred when it prohibited the Defendant’s wife and child to testify that he had experienced syncopal episodes—a medical condition characterized by a loss of muscle control and consciousness at his trial for DUI.

Continued...





***Commonwealth v. Dow,*
2022 WL 2812797 (Mass.App.) unpublished**

Improper to allow police officers to testify the defendant was “intoxicated” and “clearly drunk” where coupled with testimony regarding the officer’s training; it was improper for the prosecutor to frame the questioning in such a way that jurors might have “misunderstood [the answer] ... as testimony based on scientific, technical, or other specialized knowledge.”

***State v. Wambugu,*
2021 WL 863716 (Wash.App.) unpublished**

Sufficient evidence was presented to support a “safely off the road” jury instruction.

***State v. Johnson,*
2021 WL 861803 (Wash.App.) unpublished**

Officer’s testimony that SFST was “scientifically validated to be able to detect impairment” was improper and inadmissible.

URINE TEST

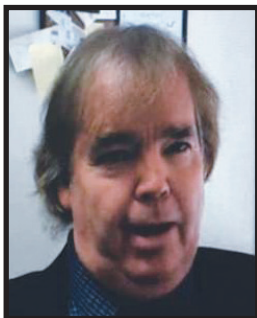
***Neely v. Department of Fire,*
332 So.3d 194 (La.App. 2021)**

City of New Orleans appeal of Civil Service Commission’s reinstatement of firefighter affirmed where they failed to show his actions of failing to provide urine sample violated Federal Workplace Drug Testing Program and DOT Guidelines.

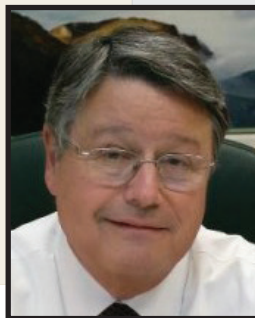
LEGENDARY PASSINGS

In Memoriam

The past year has been a sad one for the NCDD family. We lost no less than three lions of the DUI/DWI defense bar from coast to coast. May their commitment and dedication to the law and helping others be a motivating memory we never forget.



DONALD BARTELL



RICHARD HUTTON



SCOTT JOYE

