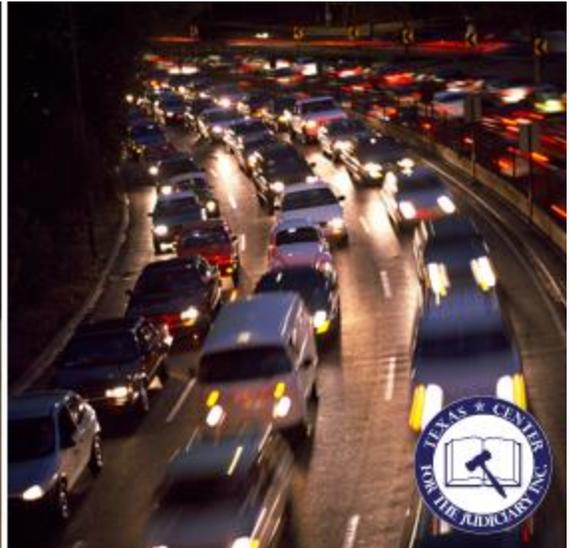


THE DWI NEWSLETTER

brought to you by

THE TEXAS CENTER FOR
THE JUDICIARY *and*
THE TEXAS DEPARTMENT
OF TRANSPORTATION



Winter 2014 Newsletter

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IN THIS ISSUE



Save a Life™
Texas Department of Transportation

In the Winter 2014 Edition of the DWI Newsletter, the "Report from the Texas Traffic Safety Grant Program" lists upcoming impaired driving education available through the Texas Center.

Judge Weiser relays important judicial information in "Impaired Driving Legislative and Case Law Update."

The "Program Partner Spotlight" highlights the Texas Justice Court Training Center's DWI Bond Schematic Program.

Judge Kelly Case reviews the basics in "Gas Chromatography 101."

Details for April's DWI Court Team Training can be found in the "Education Spotlight."

"Judicial Compliance Officer" details Galveston County's latest effort to ensure conditions of bond are properly supervised.

"In the News" provides a link to recent news articles involving impaired driving issues from sources local, statewide, national and international.

We are continuously adding to the [Texas Judges' DWI Resource Website](#) with news articles and upcoming educational opportunities. We hope you find information in this Newsletter interesting and helpful.

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REPORT FROM THE TEXAS TRAFFIC SAFETY GRANT PROGRAM

We have a lot of rich content in this edition of the DWI Newsletter so we'll keep this brief. The Traffic Safety Grant is excited to present impaired driving education at the following conferences in 2014:



Winter Regional Conference A
(for judges in Regions 1, 6, 7, & 9)
January 23-24, 2014
Horseshoe Bay



Winter Regional Conference B
(for judges in Regions 2, 3, 4, 5 & 8)
February 20-21, 2014
Moody Gardens, Galveston

Two one-hour sessions: Female Drunk Drivers: Understanding the Population and The Texas Risk Assessment System (TRAS) and the Implications for Assessing Impaired Drivers

DWI Court Team Training

(for new DWI Court teams and existing DWI Court Team members who have not previously attended this training)

April 7-9, 2014

Embassy Suites San Marcos

More information can be found in the "Education Spotlight" below.



Criminal Justice Conference

(for judges)

May 15-16, 2014

Hilton, Rockwall

Three one-hour sessions: Fundamentals of Gas Chromatography (including working GC machine) and Pre-trial issues on Blood Warrants

DWI Conference

(for all members of DWI Court teams)

July 10-11, 2014

Radisson, Austin

The DWI Conference provides an ideal forum for DWI Court teams and student conduct officers to share information and explore best practices in an effort to reduce the number of impaired driving crashes and fatalities in Texas.

Annual Judicial Education Conference

(for judges)

September 7-10, 2014

Omni, Ft. Worth

The TxDOT Traffic Safety Grant will sponsor three one-hour impaired driving sessions.

Once again we are delighted to partner with the Texas Association of Counties to provide impaired driving education to rural areas with the DWI Summits. The agenda includes blood warrants, pre-trial issues, pro se litigants and occupational licenses.

DWI Summit Wichita Falls

Friday, April 4, 2014

Courtyard by Marriott, Wichita Falls

DWI Summit Harlingen

Friday, August 4, 2014

Location TBD



The new grant year will be full of exciting challenges and productive activity. As always, we welcome input as to new and different activities and projects, which would assist those handling impaired driving issues.

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IMPAIRED DRIVING LEGISLATIVE AND CASE LAW UPDATE

Judge Laura A. Weiser, TxDOT Judicial Resource Liaison

It's 2014 and the new year is a good time to refresh our knowledge of the latest impaired driving laws and case law (also time to dust off old unfulfilled resolutions and pen new ones).

Legislative Update:



The 83rd legislative session made lots of headlines and passed over 1500 bills but didn't change much in the area of impaired driving laws (join me in a sigh of relief). That doesn't mean there aren't plenty of changes in the criminal justice system that will affect the way you handle all the cases on your criminal docket. I will highlight some of those in this article but you will need more in depth information than what is presented here.

There was a change in the law that will affect blood draws. Texas Transportation Code Chapter 724 was amended by HB 434 to permit licensed or certified EMTs to collect blood samples if they are

authorized to do so by their medical directors and if the blood draws are performed in accordance with an established protocol. It never made sense, to me, to specifically exclude EMTs so this is a welcome change.

The biggest change in criminal procedure comes with the enactment of SB 1611, the Michael Morton Act. These amendments to Article 39.14 of the Code of Criminal Procedure represent a major change in the rules of discovery in criminal cases. These changes were spurred by Michael Morton's case in which he was exonerated of murdering his wife after spending 25 years in a Texas prison. This law is in effect as of January 1, 2014 and applies to any offense committed on or after that date. Art. 39.14(a) was extensively amended and sections c-n were added. These changes will necessitate an in depth reading of the statute as well as the creation of new procedures and forms to memorialize compliance with the statute.

The penalty for leaving the scene of an accident resulting in the death of a person has been increased to a second degree felony. An operator involved in an accident must also immediately determine whether a person is involved in the accident and if so, whether that person requires aid. Transportation Code 550.021 (a) and (c).

There have been several new traffic violations added to the Texas Transportation Code. You may see the following violations used as probable cause for a stop that leads to a DWI arrest:

It is now a Class C misdemeanor for a habitual toll road violator to continue to operate a vehicle on a toll road after receiving notice from a toll road authority. Transportation Code Section 372.110.

Possession of fraudulent vehicle registration stickers is a Class C misdemeanor. Manufacturing or sale of said stickers is a third degree felony. Transportation Code Section 502.4755

It is a Class C misdemeanor to possess a license plate that is deceptively similar to an authentic plate issued by DMV. This penalty can be enhanced to a Class B misdemeanor if there is a prior conviction for this offense. It is a third degree felony to manufacture or sell said deceptively similar plates. Transportation Code 504.946

The legislature added two laws relating to "license plate flippers". These are devices that switch between two or more license plates or hide a license plate from view by flipping the license plate to hide the plate number (just like in the movies!). It is a Class B misdemeanor for a person, with criminal negligence, to purchase or possess a license plate flipper. It is a Class A misdemeanor for a person, with criminal negligence, to manufacture, sell, offer to sell or otherwise distribute a license plate flipper. Transportation Code Section 504.946

It is a Class C misdemeanor if a person, with criminal negligence uses, purchases, possesses, manufactures, sells, offers to sell, or otherwise distributes a license plate flipper. If there is a prior conviction, it is a Class B misdemeanor. Transportation Code Section 504.947. Why the overlap in the offenses? Beats me. SB 1757 added Section 504.946 and HB 2741 added Section 504.947.

"Malorie's Law" was passed amending Section 545.416(b) to require footrests and handholds for use by the passenger on any motorcycle carrying a passenger. Transportation Code 545.416(b) and Transportation Code Section 547.617

The legislature also expanded the existing restrictions on drivers under the age of 18. Those restrictions now apply to those drivers regardless of how long the driver has been licensed.

Transportation Code Section 545.424.

There were over 300 changes made to the criminal justice laws in Texas this legislative session so this summary is, by no means, a comprehensive review.

Case Law Update:



We are still waiting to see the full effect of the US Supreme Court's ruling in Missouri v. McNeely, 133 S.Ct. 1552 (2013). (see 2013 [fall newsletter](#) article) There have been at least two Texas appellate court rulings since McNeely that uphold Section 724.012 of the Texas Transportation Code. In Douds v. State, 14-12-00642-CR Texas Court of Appeals 14th District, 10-15-13, the issues were: (1) Is Transportation Code §724.012(b)(1)(C), mandating a blood draw when an officer reasonably believes an individual will be transported to a hospital as a result of an intoxication-related accident, unconstitutional as applied in this case because the underlying DWI was a misdemeanor? (2) Was the blood draw without a warrant unconstitutional as per McNeely? The Appellate Court held that nothing in the language of the statute or the holdings of the Supreme Court in Missouri v. McNeely or California v. Schmerber suggests that whether an offense is a misdemeanor or felony affects the 4th Amendment analysis. The Court found that the officer had a reasonable belief that an individual suffered bodily injury that warranted transportation to a hospital or another medical facility for treatment and that at least 57 minutes elapsed from the time the officer arrived on the scene until he and the appellant arrived at the police department and appellant was read the statutory warnings and refused the blood test. The blood sample was drawn thereafter without a warrant. The Court found these facts to parallel Schmerber v. California, 384 U.S. 757 (1966) and that their holding was tied to the specific facts presented in the court's record and thus comported with McNeely. The Court granted appellant's request for en banc reconsideration on 1/17/14.

In Smith v. State, 13-11-00694-CR the 13th Court of Appeals issued a memorandum opinion (unpublished) upholding the mandatory blood draw statute based on the implied consent statute but has since withdrawn that opinion and the case remains pending.

Other pending cases involving this issue include:

State v. Baker 12-12-00092-CR Defendant was charged with Intoxication Assault. The Tyler Court of Appeals affirmed a trial court's suppression of blood test results based on no showing of exigent circumstances and a failure to follow the procedure required in Chapter 724 of the Texas Transportation Code. PDR is pending.

There are at least two other cases in the works on the issue of mandatory blood draws based on the reasonable belief that the defendant has two or more prior convictions as per Texas Transportation Code 724.012(b)(3)(B). They are:

Reeder v. State 06-13-00126 The 6th District Court of Appeals in Texarkana upheld the mandatory blood draw statute based on implied consent. PDR is pending; and

Aviles v. State 04-11-00877-CR The 4th Court of Appeals in San Antonio upheld the mandatory blood draw statute based on implied consent. PDR refused by the Texas Court of Criminal Appeals. On January 13, 2014, Writ of Certiorari granted by the US Supreme Court, judgment vacated and cause

remanded to the Fourth Court of Appeals for further consideration in light of *Missouri v. McNeely*.

Other recent cases in the area of impaired driving include:



In *Owens v. State*, 01-12-00075-CR, 11-7-13 the First Court of Appeals affirmed the trial court's finding that a blood test obtained by hospital staff without the consent of the appellant did not constitute an assault and was not inadmissible under Art. 38.23 of the Texas Code of Criminal Procedure. The Court distinguished this case from *Hailey v. State*, 50 S.W.3rd 636 (Tex. App.-Waco 2001), *rev'd on other grounds*, 87 S.W.3rd 118 (Tex. Crim. App. 2002) because the appellant in this case presented to medical personnel in a condition that justified emergency action and

medical treatment by hospital staff. Because appellant presented for medical treatment and complained of shortness of breath and an asthma attack, the trial court reasonably could have concluded that the hospital staff did not commit an assault by drawing his blood. The Court also found that the State's subpoena of the blood tests did not violate appellant's reasonable expectation of privacy and the Fourth Amendment did not bar the admission of appellant's blood test results.

In *Beard v. State*, 10-12-00169-CR Court of Appeals, 10th District, 11-21-2013, the appellate court followed the rulings of the San Antonio Court of Appeals in two cases, *Boutang v. State*, 402 S.W.3rd 782 (Tex. App.-San Antonio 2013, pet. ref'd) and *Alcaraz v. State*, 401 S.W.3rd 277 (Tex. App.-San Antonio 2013, no pet.) holding that a DPS analyst, who was not the analyst in charge of maintaining the Intoxilyzer at the time the record in question was created, merely interpreted the results from the Intoxilyzer's print out and that Intoxilyzer maintenance records created by a former analyst were not testimonial in nature and did not violate the Confrontation Clause. The Court also found that the evidence of use of the reference sample solution was not testimonial and did not violate appellant's right to confront witnesses.

In *Farmer v. State*, PD-1620-12, Oct. 9, 2013, appellant was convicted of driving while intoxicated. The question presented on appeal was whether there was sufficient evidence adduced at trial to entitle appellant to a jury instruction on voluntariness. The Court of Criminal Appeals found that appellant's action in mistakenly taking an Ambien pill was a voluntary act. Thus the trial court properly denied appellant's request for a defensive instruction on voluntariness.

And finally:

In *State v. Esparza*, PD-1873-11, Oct.30, 2013, the issue was: did the State's failure to establish the scientific reliability of a breath test result under TRE 702 during a pre-trial suppression hearing qualify as a "theory of law applicable to the case" as per the Court's opinion in *Calloway v. State* 743 S.W.2d 645, (Tex. Crim. App. 1988) to justify an otherwise erroneous ruling suppressing that evidence when the defendant never raised that issue in his motion or at the suppression hearing? The Court of Criminal Appeals held because the State—appellant though it may have been in this case—was never confronted with the necessity of meeting its burden to establish the scientific reliability of its breath-test results at the hearing on the appellee's pretrial motion to suppress, and for that reason the record was undeveloped with respect to admissibility as a function of scientific reliability, inadmissibility of that evidence under Rule 702 was not a "theory of law applicable to the case" that is available to justify the trial court's otherwise erroneous ruling on the appellee's motion to suppress. I hope this brief synopsis has been helpful to you.

To print this article in pdf format click [here](#).

PROGRAM PARTNER SPOTLIGHT: TEXAS JUSTICE COURT TRAINING CENTER

Mr. Rob Daniel, Program Attorney, Texas Justice Court Training Center

Texas district courts and county courts-at-law have done a lot of great work recently to reduce the incidence of drunk and drugged driving throughout the state. We think you will be happy to learn that Texas justice courts also take pride in playing an active role in combating DWI. The Texas Justice Court Training Center assists justices of the peace in this effort by providing continuing education and support relating to DWI reduction. Currently, TJCTC programs which address this issue focus largely on setting appropriate bond conditions at the time a DWI offender is released from custody, as well as monitoring those bond conditions following the offender's release.

As you are likely aware, when a Texas peace officer arrests an individual for a Driving While Intoxicated Offense, he or she must present the individual to a criminal magistrate within 24-48 hours. This magistrate is very likely to be a justice of the peace. Statistics from the Office of Court Administration indicate that between September 1, 2012 and August 31, 2013, justices of the peace provided magistrate warnings to 320,589 individuals. The magistrate to whom the officer presents the arrested individual must perform several duties, which include determining whether probable cause to believe the individual committed the offense exists, admonishing the individual of his or her rights, appointing counsel for individuals who are indigent, and notifying the individual's consulate if appropriate. The magistrate's duties also include setting bail and bond conditions. Setting, monitoring, and enforcing effective bond conditions following a DWI arrest can reduce the number of DWIs committed in Texas.

How can bond conditions reduce the incidence of DWI? Bond conditions may include requiring the individual to obtain and use a portable alcohol monitoring device, requiring the defendant to submit to testing for alcohol and/or controlled substances, requiring the defendant to attend counseling sessions, or requiring the individual to install an ignition interlock device. Multiple studies show that use of these countermeasures reduces the DWI recidivism rate. (For example, a 2012 study conducted in Washington State found that requiring first-time DWI offenders to install ignition interlock devices following conviction reduced the recidivism rate by 50 percent.) It's well-known that many individuals who drive with a blood alcohol concentration of 0.15 or greater have alcohol and/or substance abuse problems, and are likely to continue to drive while intoxicated if their behavior is left unchecked. What prevents an individual with a drinking problem or drug problem from committing additional DWI offenses before his or her case is adjudicated? In Texas, the only pre-adjudication administrative action taken to prevent repeat DWI offenses is to suspend the offender's driver's license, but studies show that up to 88 percent of individuals will continue to drive following license suspension. Setting and enforcing a bond condition that requires an individual to install an ignition interlock device, on the other hand, physically prevents the DWI offender from committing new offenses in the interlock-equipped vehicle. It is TJCTC's opinion that when a magistrate neglects to set bond conditions (or neglects to monitor the bond conditions he or she has set), a Texas DWI offender is more likely to re-offend. Because Article 2.10 of the Texas Code of Criminal Procedure provides that "[i]t is the duty of every magistrate to preserve the peace within his jurisdiction by the use of all lawful means [and] to issue all process intended to aid in preventing and suppressing crime...", TJCTC encourages the broad use of bond conditions that protect the safety of local communities.

In order to address the issues described above, the Texas Justice Court Training Center applied for a traffic safety grant from the Texas Department of Transportation. TJCTC is proud to partner with

TxDOT and the other great organizations which participate in the traffic safety program. The TxDOT grant afforded TJCTC the opportunity to create the Texas DWI Bond Schematic Program, which encourages Texas counties to adopt comprehensive policies for setting, monitoring, and enforcing bond conditions in DWI cases. When a county elects to participate in the program, TJCTC works with all criminal magistrates, local prosecutors, and potential monitoring agencies to create forms specific to that county, based on the bond conditions that county officials determine are appropriate when an individual is released from custody following the commission of a DWI offense. If you are interested in having your county participate in the program, you may download an enrollment form at <http://www.tjctc.org/traffic-safety-initiative/forms-manuals.html>. For magistrates whose counties are unable to participate in the program, TJCTC created the Universal DWI Bond Schematic Form, a quick-reference form which allows magistrates to determine which bond conditions are available in a given situation, and also which bond conditions are mandatory under Texas law. The Universal DWI Bond Schematic Form may also be downloaded at the link provided above.

In addition to administering the bond schematic program, TJCTC has also emphasized education relating to setting, monitoring and enforcing bond conditions at its seminars. As a result of TJCTC's efforts, the number of individuals required to install an interlock increased by 28.1 percent in 2013, according to statistics from the Office of Court Administration. OCA statistics also show that the number of other bond conditions set by justices of the peace increased by 28.7 percent in 2013. TJCTC is proud of these numbers, and we think that the additional bond conditions contributed to the reduction in the percentage of fatal crashes involving intoxication in 2013 (according to TxDOT crash statistics). If you are interested in reducing DWI offenses in your county, we hope you will consider participating in the Texas DWI Bond Schematic Program in 2014. If you have any questions regarding the program, please contact Rob Daniel at 512-347-9927 or atrd48@txstate.edu.

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GAS CHROMATOGRAPHY 101

Judge Kelly W. Case, 9th Judicial District Court, Montgomery County



Gas Chromatography is simple to understand. Imagine my wife and I entering a shopping mall at the same time. As we make our way around the stores, certain items attract her attention. She stops to window shop. Different stores attract my attention. Depending on the overall composition of the mall*, one of us will get “stuck” longer and stay in the mall. The other will make their way through the mall, and exit (elute). Strictly speaking, this is a function of time.

A properly calibrated GC machine only measures time. The goal of chromatography is “separation” or more properly, the separation of different molecules over a period of time. How long does it take for a certain molecule to come out of the other end and get burned up? Different molecules go through at different speeds, depending on the type of column used, assuming all else remains constant.

The column is a hollow wire, about the diameter of a human hair. It sits on a rack, coiled around and around in the center of the GC. The column is coated on the inside with different substances that have a fondness (affinity) for certain molecules. When measuring for ethanol, it is common to use 2 different columns in the same GC, in order to double-check the ethanol reading. These 2 columns have slightly different coatings that change the order that molecule elute and hence change the amount of time it takes for ethanol to elute.



The GC machine heats up the column to a constant specific temperature, and must maintain that temperature throughout the entire run of tests. When running tests for ethanol, it is common to run almost 100 tests, one after another, depending on the number of samples that can be loaded into the auto-sampler tray. The auto sampler tray is numbered sequentially and the test subject's lab number is noted on the log so that the results can be accurately noted for that specific subject. (This is one reason why it takes so long to set up one run for a batch of tests. Imagine trying to pipette one hundred vials of blood samples, volatile samples, calibration samples of various ethanol levels.) The entire system is "closed" and the temperature and gas pressure must remain constant in order to produce a valid, accurate result. An inert gas is used to push the molecules along through the column and out to the flame ionization detector (FID).

At the end of the column is the flame ionization detector (FID). This is a flame that burns up the molecules as they exit the column and a plate that measures the number of molecules. This is then recorded on the computer and a graph is generated for a measurement.

Changing any of the settings on the GC such as temperature, gas pressure, length of the column, or any other variable, will require the entire system to be recalibrated. The machine can only read what it has been taught (calibrated) to read. Hence, the need for recalibration with any changes to the testing parameters, since the machine can only measure time. Changing the parameters could lead to a change in the amount of time it takes a molecule to exit (elute) the column. This could have the effect of a molecule being misidentified because again, any change could mean that it takes less, or more time for the molecule to elute.

Since "time" determines the types of molecule emitted, changing the time it takes for ethanol to elute, will change the identification of the molecule itself. Which means that you could have a high ethanol reading but in fact, there was no ethanol in the sample. The machine is calling a molecule ethanol because that molecule elutes at the time that ethanol previously eluted, based on the old calibration and old parameters originally set.

In my example, changing the composition of the mall, means that my wife may actually beat me out of the mall. Since the stores in the mall are now different, not just in a different order, we may actually be able to go to dinner on time!

"Gas Chromatography 101" is the first in a series of science articles to be included in the DWI Newsletter.

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EDUCATION SPOTLIGHT: DWI COURT TEAM TRAINING

The Texas Center for the Judiciary's Traffic Safety Grant Program provides training and technical assistance to assist Texas Courts in the design and implementation of an Adult DWI Court. The training program is modeled on the [10 Guiding Principles of DWI Courts](#) and is designed to take the Court team through the various stages involved in planning and designing a DWI Court, with particular attention to implementation and institutionalization issues.

The training program incorporates interactive exercises, plenary speakers, team discussions and a trip to observe an operational DWI Court. Each DWI Court planning team should consist of eight members, including a judge, a coordinator, prosecutor, public defender/defense attorney, a drug treatment provider, probation officer, law enforcement representative and an evaluator. For the Court to fully benefit from the training it is recommended every team member commits to participate for the complete training program.

Additionally, if you currently have a DWI Court and you, or members of your team, have not yet attended this training please consider attending this informative training.

[Register today](#)

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JUDICIAL COMPLIANCE OFFICER

Bonita M. Quiroga, Director, Justice Administration, Galveston County

In July 2013, Galveston County Commissioner's took the unusual step of creating a new full-time position mid-budget year. With their top priority being public safety, the commissioner's court created the position of Judicial Compliance Officer four months short of the new budget year. The position is full-time and requires peace officer's certification.

While Galveston County Justice Administration has always supervised the conditions of bond requiring the interlock device, the department did not have a staff member dedicated solely to the supervision of the conditions of bond. At one point In 2013 D.W.I. bond supervision cases climbed to nearly 500 individuals. The new officer spends one-hundred percent of his time supervising conditions of bond.

In addition to maintaining the bond condition case management database, the officer is responsible to insuring all offenders requiring the interlock are installed by the deadline; research and locate all motor vehicle assets of the offender; random surveillance of those offenders who claim they do not have a motor vehicle available to them; receive and review all monthly interlock reports; supervise those offenders ordered to be outfitted with an alcohol monitoring ankle device; refer violators to the Criminal District Attorney; provide monthly reports of violations/non-compliance to each criminal court; enter the bond condition in the local law enforcement system so participating law enforcement agencies know immediately that the interlock is required for this driver; review daily jail reports so that repeat offenders are referred immediately for bond revocation on all pending cases, and; meet with local criminal judges with recommendations/proposals for improving the supervision of D.W.I. offenders. Upon the recommendation of Justice Administration, Galveston County criminal court judges entered a standing order requiring all offenders required to install the interlock device must install a camera-equipped interlock. This eliminates the most common defense of "it wasn't me" for offenders who tested positive for alcohol violations on the interlock. By eliminating such excuses and providing the criminal district attorney with irrefutable evidence, the courts are able to act swiftly. Several felony offenders have found themselves back in jail within 48 hours of the violation report.

Prior to the creation of the position of Judicial Compliance Officer, interlock compliance was in the range of 35%-40%. Only five months later, compliance has reached over 64% with over 300 repeat offenders now subject to the new intense supervision of the compliance officer.

No person has ever been killed by a drunk driver already in the supervision program in Galveston County and the swift action by Galveston County Commissioners aims to insure that record goes unbroken.

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IN THE NEWS



Felony DWI conviction of Mesquite man upheld by Texas Court

of Criminal Appeals (*inForney.com, 01/16/2014*)

On January 15, 2014, the Texas Court of Criminal Appeals in Austin upheld the conviction and 80-year prison sentence received by a Mesquite man for felony DWI in May of 2012.

Drivers could pay own DWI tests in Harris County

(*San Francisco Chronicle, 01/13/2014*)

HOUSTON (AP) — People convicted of driving under the influence of drugs or alcohol in Harris County could be required to pay for their blood tests as lab officials seek to recoup costs and hire more toxicologists.

Length of fatal drunk-driving sentences in N.Y? It depends

(*Elmira Star-Gazette, 12/28/2013*)

Patricia Crowe of Binghamton drank a pint of bourbon, four beers and a shot of whiskey on June 5, 2011, before getting behind the wheel of a car. She struck a pedestrian on the Clinton Street bridge, leaving the 21-year old woman with devastating injuries.

Holiday rush at Mexico City's hangover prison

(*The Washington Post, 12/26/2013*)

MEXICO CITY — On the way home from a pre-Christmas fiesta, Mauricio Rodriguez, after “two tequilas,” felt clear-headed and focused, “not dizzy or anything.”

So when the IT help desk employee failed one of Mexico City's feared alcoholímetros — those pervasive breath tests at holiday checkpoints — he knew he would be saying goodbye for a while. No ticket. No warning. “Come get my wife,” he told his father by phone before being whisked off in a squad car. “They're taking me away.”

Minnesota Supreme Court Says A Legally Required Alcohol Test Is Voluntary

(*Forbes, 10/30/2013*)

Last April, in *Missouri v. McNeely*, the U.S. Supreme Court ruled that drawing blood from someone suspected of driving under the influence without his consent requires a warrant unless there are “exigent circumstances.”

Harris County's Sober Court Tackles Not Just DWI But Alcoholism-- NPR radio story

For more news stories please visit the [DWI Resource Website News page here.](#)

Additional items of interest:

National Judicial College 2014 Traffic Webcasts

Drugged Driving Essentials Update

Thursday, February 20, 2014

More information can be found [here](#).

Adult Drug Court Discretionary Grant Program FY 2014 Competitive Grant Announcement

Applications due March 18, 2014.

For full solicitation click [here](#).

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CONTACT US

This newsletter has been provided by the Texas Center for the Judiciary pursuant to a grant from TxDOT. If you have suggestions for items to be included in this Newsletter or wish to be removed from the Newsletter mailing list, please contact:

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The DWI Listserv is now open to all judges handling DWI cases. If you would like to be added to the Listserv please send an email to hollyd@yourhonor.com

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