

HIGHWAY SAFETY



March 16, 2016

Office of the Prosecuting Attorneys Training Coordinator

Jan, Feb, March, 2016

DCI Lab news

Jonna Berry, Ph.D. has joined Jim Bleskacek as a forensic science technician with the Breath Alcohol section of the DCI Lab. Ms. Berry replaces Mike Tate, who has transferred to the Firearms section of the Lab.

Ms. Berry earned her B.A. in chemistry from Gustavus Adolphus College, St. Peter, Minnesota, and earned her Ph.D. in analytical chemistry from Iowa State University in 2015.

Ms. Berry was a competitive swimmer for 15 years, and currently competes in triathlons. She also played rugby while earning her undergraduate degree and her doctorate, and with the Des Moines women's rugby club.

She will be involved with the next round of DataMaster recertifications, and will visit many DataMaster locations in the next few months.

Her contact information is:

Jonna Berry, Ph.D. Iowa Division of Criminal Investigation- Crime Laboratory Breath Alcohol 2240 S Ankeny Blvd Ankeny, IA 50023 Phone: 515-979-7149

Email: berry@dps.state.ia.us

<u>Lab can now analyze blood samples</u> <u>for marijuana</u>

The DCI Lab has announced it can now analyze blood samples for the presence of marijuana and marijuana metabolites. The analysis includes the three most common compounds: delta9-tetrahydrocannabinol (THC), 11-hydroxy-delta9-tetrahydrocannabinol (a metabolite of THC), and 11-nor-9-carboxy-delta9-tetrahydrocannabinol (a metabolite of THC).

At present, blood analysis is limited to alcohol and marijuana, but the Lab continues to work to expand its blood toxicology capabilities to include other substances. Information about blood toxicology is posted and updated on the Lab's website

http://www.dps.state.ia.us/DCI/lab/toxicology/alcohol.shtml

If a submitting officer desires testing for drugs other than marijuana, it is still necessary to submit urine samples. In addition, if an officer requests testing a urine sample for both drugs and alcohol (or for alcohol only) the Lab still requires that urine samples be submitted in a gray stoppered tube which contains 100 mg of sodium fluoride, and 20 mg of potassium oxalate or other equivalent preservative.

Details and instructions for submission of samples are available on the Lab's website.

Questions may be sent to the DCI Laboratory Administrator Bruce Reeve at reeve@dps.state.ia.us or by calling 515-725-1500.



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Enforcement reminder – proof of insurance

The folks who create the Compendium have asked that we remind officers that drivers may now show proof of insurance by cell phone. Iowa Code section 321.20B(1)(a), updated in 2013, now provides:

321.20B Proof of security against liability — driving without liability coverage.

1. a. Notwithstanding chapter 321A, which requires certain persons to maintain proof of financial responsibility, a person shall not drive a motor vehicle on the highways of this state unless financial liability coverage, as defined in section 321.1, subsection 24B, is in effect for the motor vehicle and unless the driver has in the motor vehicle the proof of financial liability coverage card issued for the motor vehicle, or if the vehicle is registered in another state, other evidence that financial liability coverage is in effect for the motor vehicle. A proof of financial liability coverage card may be produced in paper or electronic format. Acceptable electronic formats include electronic images displayed on a cellular telephone or any other portable electronic device that has a display screen with touch input or a miniature keyboard. (emphasis added.)

Marijuana and driving—a quick reference

Attached to this issue of the Highway Safety Law Update is a reference/"cheat sheet" on the effect of marijuana on driving skills.

The attachment was created by Ken Stecker, Traffic Safety Resource Prosecutor from Michigan.

Cases of Interest from the Iowa Supreme Court

Consent search of pedestrian upheld

State v. Prusha, ____ N.W.2d ____ (Iowa, 2/12/16)

Pedestrian not seized. Officer who saw a person walking on a road early in the morning and who spoke to him and ultimately asked for consent to search for weapons or drugs did not "seize" the person by approaching and asking a few questions; officer activated rear facing amber lights but did not activate emergency lights or otherwise assert authority.

No need under U.S. Constitution to advise person of a right to refuse a consent search. Officer who saw a person walking on a road early in the morning, who did not "seize" the person but spoke to him and ultimately asked for consent to search for weapons or drugs (but did not tell the person he had a right to refuse the request), and found methamphetamine as a result of that search was not required under the *U.S. Constitution* to advise the person that he need not consent to the search; court declines (on issue preservation/waiver grounds) to consider whether such advice is required under the *Iowa Constitution*.

Totality of circumstances show consent to search was voluntary. Pedestrian's consent to search was voluntary under the federal constitutional standard of totality of the circumstances; the pedestrian was not seized by the officer, the officer did not assert a claim of authority or engage in deception, the only persons present were the officer and the pedestrian, the encounter occurred in a public place, and the pedestrian's "contemporaneous reaction was to facilitate the search."

No 804.20 violation where attorney did not object to monitored room

State v. Lamoreux, N.W.2d (Iowa, 2/19/16)

No 804.20 violation where attorney did not ask for consultation in a room without video or audio recording. Attorney meeting with client at a jail knew of audio and video recording devices in the room and knew how to turn them off, but did not turn the devices off or ask for them to be turned off; the 804.20 guarantee of a private consultation without audio or video recording is triggered by a request, and neither the defendant nor the attorney made such a request in this case; "(n)othing in the record indicates that (the defendant's) attorney was not 'permitted' to consult confidentially and in private with his client; rather, the attorney made a decision to go ahead and consult with his client without privacy"; the court of appeals decision which found an 804.20 violation vacated, and trial court ruling which found no 804.20 violation (and the resulting conviction) affirmed.

RECENT UNPUBLISHED DECISIONS INVOLVING ALCOHOL AND TRAFFIC SAFETY

Citation of unpublished cases is governed by I.R.App.Pro. 6.904(2)(c), which provides that unpublished opinions do not constitute binding authority and requires that when citing an unpublished opinion, a party include an electronic citation where the opinion can be readily accessed on-line. (Note: all opinions may be accessed online in the Archives section of Opinions of the Iowa Court of Appeals or Supreme Court, http://www.iowacourts.gov/).

> Peter J. Grady Pete.Grady@iowa.gov

Office of the Prosecuting Attorneys Training Coordinator

2nd Floor, Hoover Bldg. Des Moines, Iowa 50319

Phone: (515) 281-5428

Recent Unpublished Decisions of the Iowa Court of Appeals Arranged by County

Benton County State v. Raul Salazar, No. 14-1927 (Iowa Court of Appeals, filed February 10, 2016.) **Convictions for vehicular homicide affirmed; speedy trial claim waived.** Defendant's three convictions for vehicular homicide (and three consecutive 25 year sentences) affirmed; defendant filed a written waiver of his right to be tried within one year so speedy trial objection was waived.

Black Hawk County State v. Bradley Allspach, No. 15-0552 (Iowa Court of Appeals, filed March 9, 2016.) **Reasonable ground to stop, OWI conviction affirmed.** Officer justified in stopping vehicle that was weaving in "a series of incidents within a short period of time" where the vehicle's tires touched "the fog line or the dash line at least five times in less than one and a half minutes", observations "corroborated by a video recording of the encounter" taken from the squad car.

Buchanan County Elmer Paul Scheckel v. State, No. 14-1873 (lowa Court of Appeals, filed February 10, 2016.) Citations properly issued, court had jurisdiction, and no speedy trial violation. Defendant's claims that 1) issuing officers had not properly sworn various traffic citations, 2) that this failure deprived the trial court of jurisdiction, and 3) that his speedy trial rights had been violated all rejected on appeal; the trial court had reviewed and found that all citations had been properly issued, and no speedy trial violation had occurred; the citations were not indictable offenses and therefore, the speedy indictment rule did not apply, the defendant waived argument on the issue for failure to raise it before the conclusion of his trial, and the court found no federal constitutional speedy trial claim under Barker v. Wingo, 407 U.S. 514 (1972).

Buena Vista County State v. Brent Michael Ulrich, No. 15-0205 (lowa Court of Appeals, filed March 9, 2016.) Defendant's vomiting and statements to friend admissible to show intoxication. Admissions defendant made to a friend on a telephone call, statements made to officers, and testimony about—and a video of—the defendant vomiting were all properly admitted to show the defendant's intoxication; although the defendant secured suppression of the breath test result (suppressed because the officer administered the DataMaster 13 minutes after the defendant vomited, rather than waiting 15 minutes) that suppression did not also require suppression of the defendant's unsolicited statement to his friend about the defendant's "failure" of an independent blood test, as such admission "breaks any causal connection which may have existed between the tainted breath test results and the subsequent independent blood test result"; this evidentiary ruling was not an abuse of discretion; conviction affirmed.

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Buena Vista County State v. Brent Michael Ulrich, No. 15-0205 (Iowa Court of Appeals, filed March 9, 2016.) **Substantial evidence of intoxication.** Testimony that the defendant "had watery, bloodshot eyes, and he smelled strongly of an alcoholic beverage,' his 'speech was slurred and mumbled,' 'there was a strong odor of an alcoholic substance emitting from his person," and that the defendant acted nervous, in addition to the defendant's failure of the horizontal gaze nystagmus test, his admission to a friend on the phone that he was not yet sober, and vomiting while at the sheriff's office are substantial evidence of intoxication both for OWI and for possession of a firearm while intoxicated, in violation of Iowa Code section 724.4C.

Buena Vista County State v. Brent Michael Ulrich, No. 15-0205 (lowa Court of Appeals, filed March 9, 2016.) **Denial of deferred judgment not an abuse of discretion.** Trial court's refusal to grant the defendant a deferred judgment in an OWI/carrying a weapon while intoxicated case not an abuse of discretion; although the defendant had no prior criminal record, "one of the crimes certainly involved a gun. . .an unsafe situation regardless of what the Defendant's intent was. . ."; this sentencing statement does not reveal an abuse of discretion or consideration of inappropriate factors in denving the request for a deferred judgment.

Des Moines County State v. James Phillip Morgan, No. 14-1284 (Iowa Court of Appeals, filed February 10, 2016.) Alcohol has an odor that can be detected; trial counsel not ineffective. Defense counsel's failure to object to testimony that alcohol has "an odor" is not the basis of ineffective assistance of counsel; in a lengthy analysis of the authorities, the court determined that alcohol does have a distinctive odor, and that "(b)ecause alcohol can be smelled on one's breath, because detection of such is an indicium of intoxication, and because an officer can testify about his personal observations regarding a person's insobriety, (the defendant's) trial counsel had no duty to object to the smell or odor testimony, and (the defendant) has failed to establish his trial counsel was ineffective in this respect."

Des Moines County State v. James Phillip Morgan, No. 14-1284 (Iowa Court of Appeals, filed February 10, 2016.) **Deputy's testimony supported in the video.** Defendant's complaint that the deputy was not truthful in testimony that the he, the deputy, had to support the defendant's weight rejected on appeal; the court viewed the video and "we believe it depicts the deputy supporting the defendant's weight. . ."

Des Moines County State v. James Phillip Morgan, No. 14-1284 (Iowa Court of Appeals, filed February 10, 2016.) **Prosecutor did not inject a personal opinion in closing argument.** The prosecutor's statement to the jury that it was "to do justice in this case' and that it was to determine if the State proved (the defendant) was guilty of OWI" were not misconduct, and even if such "misconduct" had occurred, the defendant did not establish that he had not received a fair trial; OWI 3rd conviction affirmed.

Dubuque County State v. Christopher Anthony Smith, No. 15-1133 (Iowa Court of Appeals, filed February 10, 2016.) **Sentencing court referenced improper factors; OWI sentence vacated and remanded for re-sentencing.** Judge mentioned a dismissed public intoxication charge and a dismissed failure to maintain control charge in fashioning the sentence; case remanded for re-sentencing.

Dubuque County State v. Brian Thomas Woods, No. 15-0358 (Iowa Court of Appeals, filed March 9, 2016.) **OWI/driving while revoked/carrying weapons convictions affirmed.** Defendant's convictions for OWI, driving while revoked, and carrying weapons affirmed; defendant's complaints that trial counsel had not subpoenaed a witness and that trial counsel should have objected to the defendant having to wear a "shock belt" (a device which, if activated by law enforcement, would have administered an electric shock to the defendant's body) preserved for possible post-conviction relief.

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2nd Floor, Hoover Bldg. Des Moines, Iowa <u>50319</u>

Phone: (515) 281-5428

Hardin County State v. Allen Daniel Smuck, No. 15-0241 (lowa Court of Appeals, filed January 27, 2016.) Two year prison sentence for OWI 2nd affirmed. Trial court did not abuse its discretion in sentencing the defendant to prison; trial court provided adequate reasons for its sentence, including stating that "your prior criminal history, including the fact that this is your sixth lifetime offense and including the fact that you were on probation for your fifth lifetime offense when you committed this crime" supported the prison sentence.

Jefferson County Bruce Patrick Samsara v. Sergeant Dale Squires and Sergeant Mark Kukuzke, No. 15-0179 (Iowa Court of Appeals, filed February 10, 2016.) Officers properly granted partial summary judgment on false arrest and excessive force claims. Officers who used force to restrain and arrest plaintiff had qualified immunity against false arrest and excessive force claims in incident in which officers scuffled with citizen; officers had probable cause to believe the citizen had assaulted an officer and interfered with the officer, and the officers had no reason to believe their use (and level of) force was unlawful; trial court grant of partial summary justice affirmed, but its dismissal of the petition was reversed, as no final adjudication had occurred on the validity of the initial stop which led to the incident.

Linn County State v. Cheryl Lynn Balster, No. 15-0333 (lowa Court of Appeals, filed March 9, 2016.) Sufficient evidence to support OWI conviction. Officer's testimony that the defendant crossed the center line twice, had a delayed start after a stop light turned green, and failed to stop at a stop sign; that when told of the stop sign violation, the defendant giggled and said "oopsie"; that there was a 'strong odor of an alcoholic beverage emanating from within the vehicle'; that the defendant failed all three field sobriety tests, and that she refused an evidentiary test provided sufficient evidence to support the defendant's OWI 3rd conviction; the jury was free to reject the defendant's alternate explanations for her behavior and find her guilty on the basis of the officer's testimony.

Linn County State v. Cheryl Lynn Balster, No. 15-0333 (lowa Court of Appeals, filed March 9, 2016.) Speedy trial complaint preserved for possible post-conviction relief. Defendant's claim that her trial counsel was ineffective for failing to file a motion to dismiss on speedy trial grounds (defendant was arrested in September, 2013 and her trial occurred in October, 2014) preserved for possible post-conviction relief; the record was deemed inadequate to address the claim, "and counsel should have an opportunity to respond to the charge of ineffective assistance of counsel."

Polk County Kari A. Atzen and Charles L. Smith v. Matthew Covey, Timothy Sittig, and the City of Pleasant Hill, Iowa, No. 14-1958 (Iowa Court of Appeals, filed January 13, 2016.) **Summary judgment for officer in false arrest suit affirmed.** Officer received a complaint from a citizen/victim and, on that basis, presented the complaint to a magistrate who found probable cause to proceed; officer not liable for a civil rights violation or for false arrest of the defendant, and the trial court properly granted summary judgment to the officer, his chief of police, and the city; a police officer generally is "entitled to rely on the veracity of the information supplied by the victim of a crime." (citation omitted.)

Polk County State v. Troy Richard Brooks, No. 15-0101 (lowa Court of Appeals, filed February 10, 2016.) **Exclusionary rule does not apply to probation revocations.** Trial court's revocation of probation affirmed and, citing Kain v. State, 378 N.W.2d 900 (lowa 1985), the court rejected the defendant's complaint that his privacy rights under the lowa Constitution had been violated.

Polk County State v. Robert Frank Peck, No. 15-0189 (Iowa Court of Appeals, filed February 24, 2016.) **Trial court abused its discretion in OWI 2nd sentencing; case remanded for resentencing.** Trial court's sentencing order had no reasons listed for selecting the sentence imposed and, as the defendant had waived a reported hearing,

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there was no transcript to review; a subsequently entered order which listed protection of the public, the defendant's prior criminal history, and his history of OWIs as reasons for the sentence imposed was not sufficient to meet the specificity requirements of rule 2.23(3); sentence vacated and case remanded for resentencing.

Polk County State v. Simon Lual Onak, No. 15-0775 (lowa Court of Appeals, filed March 9, 2016.) **No abuse of discretion in OWI 3rd prison sentence.** Trial court did not abuse its discretion in sentencing OWI 3rd defendant to prison; defendant was on probation for OWI 2nd when arrested for this offense and although, at time of sentencing, the defendant professed commitment to substance abuse treatment, the trial court "fulfilled its sentencing role" by considering the defendant's need for rehabilitation and the need to protect the community and "it was not an abuse of discretion for the district court to place greater weight on the need to protect the public. .."

Polk County State v. Eduardo Becerra Santanna, No. 15-1396 (Iowa Court of Appeals, filed March 9, 2016.) Misstatement of record was not prejudicial; prison sentence for operating without owner's consent affirmed. Defense counsel and the prosecutor mistakenly represented to the court at time of sentencing that the defendant was already on probation for another offense, (a statement which the defendant himself corrected on the record); however, the defendant did not show that, but for the misstatement, the court would have entered a different sentence; the trial court reviewed the defendant's past failed attempts at probation and concluded "(t)here really is no alternative at this point except to sentence you to prison based upon your record and your consistent failure to comply with the terms of probation"; conviction and sentence affirmed.

Scott County State v. Jeremy Lee Vansickle, No. 14-1991 (lowa Court of Appeals, filed February 10, 2016.) **Eluding conviction affirmed; defendant failed to preserve error.** Defendant's motions at the conclusion of the State's case and at the end of the trial were general and did not notify the trial court that he was challenging the sufficiency of evidence proving his identity; given the general language of the defendant's motions, "(t)he district court would have had no way of knowing that (the defendant's) identity was the key issue"; error was not preserved and conviction affirmed.

Scott County State v. Mitchell Scott Gahagan, No. 15-0704 (Iowa Court of Appeals, filed February 24, 2016.) Sufficient evidence to support eluding conviction. Video of an eluding incident in which a marked police car with lights and sirens chases and captures the defendant, and which shows two officers in full uniform approaching the defendant and placing him under arrest was sufficient evidence to support conviction (video was made by an unmarked car which clocked the defendant's speed, but there was no evidence of the speed attained when the defendant was being chased by marked vehicles, so the conviction was for serious misdemeanor eluding rather than aggravated misdemeanor; the latter requires a showing of speeding in excess of 25 mph of the speed limit when being chased by uniformed officers in marked cars.)

Wapello County State v. Richard Cooper Wemer Jr., No. 15-0094 (lowa Court of Appeals, filed February 24, 2016.) Interrupted / 'hang up' 911 call and odor of marijuana justified entry under the emergency aid exception. An officer responded to an interrupted / 'hang up' 911 call (where the dispatcher called back and got a busy signal) and upon arrival at the residence, detected the strong odor of marijuana; "the aborted 911 call coupled with the strong smell of marijuana outside the home would have led a reasonable person to believe an emergency existed" and to the extent the officer "broke the plane" of the interior door while announcing himself, that entry was justified by the emergency aid exception and the officer's community caretaking function; the subsequent discovery of marijuana was through a consensual walk through, and a search warrant based upon that discovery was supported by probable cause.

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Wapello County State v. Richard Cooper Wemer Jr., No. 15-0094 (lowa Court of Appeals, filed February 24, 2016.) Loss of metadata by transferring a recording from one format to another does not defeat admission of the recording. The process of transferring a recording from a car recording device to a server resulted in the loss of metadata; however, there was no evidence that the admitted recording was altered, the testimony of an officer as to "how, when, and where the recording was made" established the recording as a copy of the original, and there was "scant, if any evidence challenging the authenticity of the original recording." See rules 5.1003 and 5.1004.

Warren County State v. Joe Michael Ripperger, No. 14-2108, (Iowa Court of Appeals, filed January 13, 2016.) No grounds to stop car; OWI conviction reversed. Officer's testimony that defendant, in an oncoming vehicle, crossed the center line of a gravel road, causing the officer to slow down and pull to the right was not corroborated by patrol car video; "neither the video nor the officer's testimony provides sufficient weight to support a violation of Iowa Code section 321.297"; no probable cause or reasonable articulable suspicion existed to justify the stop; conviction reversed.

Warren County State v. Christy Elizabeth Pennington, No. 15-0657 (Iowa Court of Appeals, filed February 10, 2016.) Defendant properly detained for OWI investigation; conviction affirmed. Officer who stopped defendant for speeding properly extended the detention after the stop; the officer observed the smell of perfume and alcoholic beverages and noted that although the officer asked for license, registration and current proof of insurance, the defendant handed the officer an expired proof of insurance card and "had difficulty doing so"; the officer's decision to detain for sobriety testing was supported by the totality of the circumstances.

Warren County State v. Robert Allan Hannusch, No. 15-0017 (Iowa Court of Appeals, filed February 24, 2016.) OWI and eluding convictions affirmed; court does not determine whether implied consent had been properly invoked. Defendant who "was observed driving erratically—driving the wrong way on a divided highway, weaving between lanes, leaving the roadway, speeding up and slowing down, refusing to pull over despite three patrol cars following him with their emergency lights and sirens activated, and only stopping when other officers ahead deployed stop sticks" and who was "lethargic, nonresponsive, and unbalanced", was "unable to control his emotions; his speech was slurred; he was talking loudly, incoherently, and nonsensically; and he admitted to drinking twenty glasses of wine" was operating a motor vehicle while under the influence; the evidence was so overwhelming that the court did not consider whether officers had properly invoked implied consent, and did not consider whether a .359 blood test should have been suppressed.

Winneshiek County State v. Kerry Jerome Owens, Jr., No. 14-2089, (Iowa Court of Appeals, filed January 13, 2016.) Right to counsel in prior public intoxication convictions preserved for post conviction relief. Defendant's complaint that prior public intoxication offenses were uncounseled (and therefore, could not be used as predicate offenses for third offense public intoxication, see State v. Young, 863 N.W.2d 249 (Iowa, 4/3/14)) was not preserved at the trial court level; guilty plea and sentence affirmed, and issue preserved for possible post conviction relief.

Winneshiek County State v. Rachel Lee Sorenson, No. 14-1101 (lowa Court of Appeals, filed February 24, 2016.) OWI stop supported by reasonable articulable suspicion. Officer had grounds to stop defendant on suspicion of impaired driving where officer observed the car make a wide turn on a corner, cross the center line "on occasion"; weave over the fog line, and, "after crossing a rumble strip" leave the travel portion and drive on the shoulder until reaching a stop sign; motion to suppress was properly denied; conviction affirmed.

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http://www.iowacourts.gov/).

Woodbury County State v. Nathan James Ericson, No. 14-1746 (lowa Court of Appeals, filed February 24, 2016.) Search not justified by 'plain feel', but drugs would have been found through inevitable discovery. Officer conducting a traffic stop learned of an apparently active arrest warrant for a passenger; the officer placed the passenger in cuffs and conducted a pat down, finding methamphetamine, and then received confirmation of the warrant and arrested the passenger; the officer's seizure of methamphetamine was not justified under the "plain feel" doctrine, as its identity was not "immediately apparent" to the officer; however, as there was an active warrant for the passenger and he was arrested, the officer would have inevitably discovered the drugs via a search incident to that arrest (an alternative ground found by the district court to deny the motion to suppress). Conviction affirmed.



Citation from previous issue of the Highway Safety Law Update

In Re: Property Seized from Pardee, 872 N.W.2d 384 (Iowa, 12/11/15)

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Prepared by the

Prosecuting Attorneys Training Coordinator (PATC)

Under a project approved by the Governor's Traffic Safety Bureau (GTSB), in cooperation with the National Highway Traffic Safety Administration (NHTSA). The opinions, findings, and conclusions expressed in this publication are those of the author and not necessarily those of the PATC, GTSB, NHTSA, or the lowa Department of Justice. As of today, it is still theoretically possible that three lowa teams—the University of lowa from the South Region, the University of Northern lowa from the West Region, and lowa State University from the Midwest Region—will be in the Final Four. And that, my friends, is an excellent example of how theory is often far removed from reality.

Submissions and/or comments may be sent to:

Peter Grady, PATC lowa Department of Justice 2nd Floor, Hoover State Office Building Des Moines, IA 50319

Phone: 515-281-5428 ~ Fax: 515-281-6771 (Attn: PATC)

E-mail: pete.grady@iowa.gov

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Marijuana and Driving



- Marijuana significantly impairs judgment, motor coordination, and reaction time, and studies have found a direct relationship between blood THC concentration and impaired driving ability.¹
- A study conducted at the University of Iowa's National Advanced Driving Simulator has found drivers who use alcohol and marijuana together weave more on a virtual roadway than drivers who use either substance independently.²

• Marijuana is the illicit drug most frequently found in the blood of drivers who have been involved in a crash, including fatal ones (although it is important to

note that marijuana can remain detectable in body fluids for days or even weeks after acute intoxication).³

 A meta-analysis of multiple studies found that the risk of being involved



¹ Lenné M, Dietze P, Triggs T, Walmsley S, Murphy B, Redman J. The effects of cannabis and alcohol on simulated arterial driving: influences of driving experience and task demand. *Accid Anal Prev*. 2010;42:859-866. Hartman RL, Huestis MA. *Cannabis effects on driving skills. Clin Chem.* 2013;59:478-492.

² Marilyn Heutis, et al., Cannabis Effects on Driving lateral Control with and Without Alcohol, 2015.

³ Brady JE, Li G. Trends in alcohol and other drugs detected in fatally injured drivers in the United States, 1999-2010. *Am J Epidemiol*. 2014;179(6):692-699.

in a crash roughly doubles after marijuana use.4

• Crash-involved drivers with THC in their blood, particularly higher levels, *are three to seven times more likely to be responsible for the crash* than drivers who had not used drugs or alcohol. The risk associated with marijuana in combination with alcohol appears to be greater than that for either drug by itself.⁵



- National Highway Traffic Safety Administration (NHTSA) 2013-2014 National Roadside Survey of Alcohol and Drug Use by Drivers showed that approximately 12.6 percent of drivers had evidence of marijuana use in their systems, up from 8.6 percent in 2007.⁶
- NHTSA 2013-2014 National Roadside Survey of Alcohol and Drug Use by Drivers showed marijuana users were about 25 percent more likely to be involved in a crash than drivers with no evidence of marijuana use.⁷
- Recent use of THC the risk of being killed in a fatal crash is similar to a driver with a BAC of up to approximately 0.151.



All above photos were labeled as acceptable for reuse.

⁴ Ramaekers JG, Berghaus G, van Laar M, Drummer OH. Dose related risk of motor vehicle crashes after cannabis use. *Drug Alcohol Depend*. 2004;73:109-119.

⁵ Hartman RL, Huestis MA. Cannabis effects on driving skills. *Clin Chem.* 2013;59:478-492.

⁶ www.nhtsa.gov

⁷ Id

⁸ VicRoads. (n.d.) Cannabis & road safety.