

OWI Cases (All cases published, unless stated otherwise, updated, July 2017)

Name	Citation	Summary of the Case
<i>Ann Arbor v Cleary</i>	228 MA 674 (1998)	No right to attorney in deciding whether to submit to Datamaster.
<i>Arizona v Gant</i>	129 S Ct 1710 (2009)	Police may search vehicle search incident to an arrest if it is reasonable the arrestee might access the vehicle or that the vehicle contains evidence of the offense of the arrest. (Reasoning of <i>Gant</i> followed by <i>People v Tavernier</i> , 295 Mich App 582 (2012)).
<i>Hall v Sec of State</i>	60 MA 431 (1975)	Defendant not entitled to counsel before submitting to breath test, but can call one to consult.
<i>Navarette v California</i>	134 S Ct 896 (2014)	Traffic stop valid under 4 th Amendment because based on totality of the circumstances, officer had reasonable suspicion that truck driver was intoxicated.
<i>People v Anstey</i>	476 Mich 436 (2006)	Violation of requirement for independent blood draw does not result in dismissal or suppression, but a special jury instruction.
<i>People v Arndt</i>	MA # 300310 Unpublished 12/27/11	The arresting officer did not know that Defendant was a diabetic; therefore, he had no reason to advise Defendant that the implied consent statute did not apply to him.
<i>People v Bazzi</i>	MA # 228670 Unpublished 4/12/02	Hospital/business record of Defendant's serum BAC for medical treatment blood draw is admissible; foundational requirements for implied consent cases do not apply to medical treatment cases.
<i>People v Berger</i>	217 MA 213 (1996)	Horizontal Gaze Nystagmus testimony is valid to establish the presence of alcohol.
<i>People v Bergman</i>	MA # 320975 Published 9/29/05	In a second-degree murder vehicular homicide conviction of the Defendant, the prior acts were relevant to the malice element for second-degree murder because it was probative of Defendant's knowledge of her inability to drive safely after consuming prescription drugs.
<i>People v Boughner</i>	209 MA 397 (1995)	(Pre- <i>People v Wujkowski</i>) failure to comply with 15-minute observation requires suppression.
<i>People v Burton</i>	252 MA 130 (2002)	"Attempted" OUIL is specific intent crime & drunk Defendant who parked his car was not guilty.
<i>People v Callon</i>	256 MA 312 (2003)	When blood sample taken via search warrant, implied consent statute does not apply.
<i>People v Campbell</i>	236 MA 490 (1999)	BAC test are statutorily deemed to relate back to time of alleged offense; retrograde extrapolation not required; delay does not affect reliability--goes to weight.
<i>People v Clement</i>	254 MA 387 (2002)	Defendant unable to set aside guilty plea in prior OUIL conviction after 6-month limit set out in Michigan Court Rule.
<i>People v Cords</i>	75 MA 415 (1977)	Foundation for hospital blood draw for implied consent law: 1) timely taken 2) particular person 3) nurse or tech, designated by MD 4) sterile instruments 5) sample properly preserved 6) labeled 7) procedures for shipping to lab (But N/A for medical treatment cases. See, <i>People v England</i>).
<i>People v Druzynski</i>	MA # 289521 Unpublished 7/20/10	The prior OWI incidents were highly probative of Defendant's knowledge that similar event might occur if he again drove a vehicle after consuming an intoxicating agent.
<i>People v England</i>	176 MA 334 (1989)	No need for foundational prerequisites in blood-draw-for-medical-purposes cases. Prosecutor not required proving blood taken by physician, nurse, and medical technician. (<i>People v Cords</i> case not applicable).
<i>People v Feezel</i>	486 Mich 184 (2010)	Person operating w/ carboxy (11-COOH-THC), a metabolite of MJ, shall not be prosecuted for operating w/ presence of Schedule substance; Court held that carboxy, a derivative of THC, is not a Schedule I substance. (Overruled <i>People v Derror</i> , 475 Mich 316 (2006).
<i>People v Fosnaugh</i>	248 MA 444 (2001)	2 nd sample not "required" when INVALID SAMPLE occurs, operator "should" start new 15-minute observation but not required; Suppression of test results is required only when deviation from rules calls into question the accuracy of test results.
<i>People v Green</i>	310 MA 249 (2015)	The trial court lacks the authority to compel a state agency such as the MSP Laboratory to perform services it does not offer, i.e., chemical testing services for private individuals.
<i>People v Greenfield</i>	MA # 264879 Unpublished 6/29/06	Court can't suppress Datamaster if booking video not produced; Michigan Court Rule 6.201 deals with felonies & does not include booking videos, & does not apply to misdemeanor cases, per Admin Order 1999-03.
<i>People v Greig</i>	MA #212294	Technical violations of Administrative Rules do not require suppression where there is

	Unpublished 8/18/00	nothing to indicate the results were inaccurate; because Defendant did not allege that he placed anything in mouth or regurgitated, tech violation didn't require suppression.
<i>People v Hagadorn</i>	MA #269825 Unpublished 8/21/07	Datamaster logs are business records under MRE 803; 120-day manufacturing representative's absence from trial does not violate Confrontation Clause/Crawford.
<i>People v Hamilton</i>	465 Mich 526 (2002)	Officer acting outside jurisdiction, in violation of MCL, did not require suppression of arrest; statutory violations do not require exclusion of evidence (Principle affirmed by Michigan Supreme Court in <i>People v Antsey</i>).
<i>People v Haynes</i>	256 MA 341 (2003)	Using prior Minor BAC to enhance subsequent OWI case is not violation of due process or ex post facto provisions; & no right to counsel since no jail imposed.
<i>People v Hrlic</i>	277 MA 260 (2007)	The operator of a motor vehicle is required to use his/her turn signal to change lanes pursuant to the Michigan Vehicle Code.
<i>People v Hyde</i>	285 MA 428 (2009)	The taking of a blood sample under the implied consent law was improper to the Defendant's diabetes. The Defendant's blood was unconstitutionally seized in violation of the 4 th Amendment, and the test results were suppressed.
<i>People v Jagotka</i>	461 Mich 274 (1999)	Not error to destroy blood sample contrary to MCL requiring Office to preserve evidence.
<i>People v Jelneck</i>	148 MA 456 (1986)	Questioning during OUIL stop does not require Miranda warnings (<i>People v Kulpinski</i> case supports).
<i>People v Koon</i>	494 Mich 1	Medical marijuana patient must be under the influence of THC, not just in their system.
<i>People v Krulikowski</i>	60 MA 28 (1975)	People must introduce evidence that Datamaster calibrated & maintained.
<i>People v Kulpinski</i>	243 MA 8 (2000)	BAC results for medical test at hospital admissible in OUIL if in response to work order from E.R. doctor; MCL 257.625a(6)(e) also states that results for medical treatment are admissible.
<i>People v Lechleitner</i>	291 MA 56 (2010)	A person, who places a motor vehicle in motion or in a position posing a significant risk of causing a collision, remains responsible for that motor vehicle until such time as that vehicle is put into some position where it poses no risk to other drivers.
<i>People v Lounsberry</i>	246 MA 500 (2001)	Providing results 2 days before trial does not require suppression if Defendant knew result.
<i>People v Lyon</i>	MA # 319242 Published 5/19/15	A scooter qualified as a motor vehicle under the Motor Vehicle Code, and therefore, the Defendant properly charged with OWI.
<i>People v Markos</i>	MA # 249780 Unpublished 3/29/05	Technical violation of Administrative Rules (15-minute violation where Defendant took a drink of water) did not require suppression of Datamaster results.
<i>People v. Perkins</i>	280 MA 244 (2008)	Heidi's law does not violate ex post facto clause; can use priors > 10 years to enhance to felony.
<i>People v Rea</i>	MA# 324728 Published 4/19/16	The portion of a person's driveway immediately next to his or her private residence is not a place "open to the general public" or a "place generally accessible to motor vehicles" for purposes of the Michigan Vehicle Code.
<i>People v Reichenbach</i>	459 Mich 109 (1998)	In challenging prior OUIL convictions, no right to counsel if jail not imposed.
<i>People v Rexford</i>	228 MA 371 (1997)	Violation of Administrative Rules/Datamaster logs with 1 missing week does not require suppression; calendar week is 7-day period from Sunday thru Saturday.
<i>People v Rizzo</i>	243 MA 151 (2000)	Strong odor of intoxicants, acting alone, is sufficient to provide police w/ reasonable, articulable, & particular suspicion that liquor may have affected Defendant's ability to operate a motor vehicle; don't need bad driving to request Defendant to perform FSTs.
<i>People v Roseberry</i>	465 Mich 713 (2002)	Collateral attack on prior OUIL conviction can't be made after guilty plea.
<i>People v Rutledge</i>	250 MA 1 (2002)	MIP case: minor who drinks in Canada & returns to Michigan is not guilty.
<i>People v Schaefer</i>	473 Mich 418 (2006)	Causation in OWI-death case is factual and proximate. Overruled <i>People v Lardie</i> , 452 Mich 231 (1996).
<i>People v Schut</i>	265 MA 446 (2005)	Causation required for DWLS causing death; but see <i>People v Schaefer</i> .
<i>People v Schwab</i>	173 MA 101 (1988)	Overruled (& outdated by MCL 257.625a6b and <i>People v Wager</i>) test 2 hours, 15 min was too long.
<i>People v. Sobczak-Obetts</i>	463 Mich 687 (2001)	Suppression of evidence is not appropriate remedy for statutory violation (780.655 re: SWs) where MSP destroyed blood prior to request by Defendant (Principle affirmed by Michigan Supreme Court in <i>People v Antsey</i>).

<i>People v Solmonson</i>	261 MA 657 (2004)	Unconscious driver parked outside fog line w/ keys off & engine warm is sufficient circumstantial evidence that Defendant drove to the location (i.e. operated motor vehicle).
<i>People v Stukkie</i>	MA # 253823 Unpublished 4/16/05	Citing <i>Fosnaugh</i> , suppression of test not required for violation of administrative rule.
<i>People v Tipolt</i>	198 MA 44 (1993)	Violation of administrative rules re: 120-day inspection does not necessarily require suppression, especially if unit verified for accuracy before & after Defendant's test.
<i>People v VanTubbergen</i>	249 MA 354 (2002)	Officer from religious college acting outside jurisdiction didn't violate Constitution.
<i>People v Wager</i>	460 Mich 118 (1999)	"Reasonable time" element between driving & test expressly overruled.
<i>People v Walters</i>	160 MA 396 (1997)	Normal driving is not necessarily inconsistent with impairment.
<i>People v Wood</i>	450 Mich 399 (1995)	Operation includes leaving vehicle in position of significant risk of causing collision.
<i>People v Wujkowski</i>	230 MA 181 (1998)	6-second violation of 15-minute rule did not require suppression of test; need to look at the degree of violation.
<i>People v Yamat</i>	475 Mich 49 (2006)	When the Defendant passenger grabbed the steering wheel from the driver at the time the vehicle was moving down the highway, the Defendant operated the vehicle because he exercise "actual physical control" over the vehicle.
<i>Platte v Thomas Township</i>	504 F Supp 2d 227 (ED Mich, 2007)	Officer must get a search warrant if minor does not consent to a PBT. (Reasoning of <i>Platte</i> followed by <i>People v Chowdhury</i> , 285 Mich App 509 (2009)).
<i>Riley v California</i>	134 S Ct 2473 (2014)	A police officer may not search digital information on a cell phone pursuant to an arrest without a search warrant.
<i>Rodriguez v US</i>	135 S Ct 1609 (2015)	Absent reasonable suspicion, police extension of a traffic stop in order to conduct a dog sniff violates the US Constitution's shield against unreasonable seizures.
<i>United States v Ellison</i>	462 F3d 557 (CA 6, 2006)	No reasonable expectation of privacy to run license plate through LEIN.
<i>Westland v Okopski</i>	208 MA 66 (1995)	PBT results admissible to impeach Defendant's testimony that he was not intoxicated; evidence inadmissible for one purpose may be admissible for another.