**Exigent Circumstances arising from medical care.**

1.   IV dilutes the BAC and test may be inaccurate as a result.

2.   The defendant is in need of immediate medical care and may suffer harm if the medical care is delayed. Therefore not only do we have the natural body effects of elimination of alcohol but also the exigent circumstances of the health and safety of the defendant. Especially true if he is going into surgery where addition IV’s will be given.

3.   It is also necessary to be drawn and be as accurate as possible to protect the rights of the defendant. In a crash numerous matters can affect the actions of the defendant in regard to Field Tests and the observations of the officer. Since there is a duty to protect the innocent it is important to get the blood as soon as possible so as to determine an accurate level.

Courtesy of:

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