

◆ FREE DWI training ◆
Prosecuting DWI

Texas District and County Attorneys Association (TDCAA) Statewide DWI Training
 in cooperation with the Texas Department of Transportation

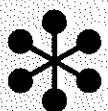
It has been a while since we had jury trials. This course is an introduction to—or a great refresher—on why DWI cases are difficult to prosecute. It is an offense committed by members of our jury panel and the people they know and love. This course will focus on case analysis, jury selection, Standardized Field Sobriety Tests, and suppression issues unique to DWI. The format of this course is highly participatory, and both new and experienced prosecutors are encouraged to bring questions and suggestions.

This free program will provide 4 hours of (free!) CLE. However, there will be no TCOLE credit provided for this course.

Wednesday, June 8 ROCKWALL Liberty Hall in the Rockwall County Courthouse 1111 E. Yellowjacket Ln.	Friday, June 10 NEW BRAUNFELS McKenna Children's Museum 801 N. San Antonio St.	Friday, June 10 TYLER R.B. Hubbard Center ("The Hub") 304 E. Ferguson St.	Friday, June 17 RICHMOND Jury Assembly Room in the Fort Bend Justice Center 1422 Eugene Heimann Cir.	Friday, June 17 LUBBOCK Lubbock County Sheriff's Training Academy 712 Broadway
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8:30 a.m.–9:15 a.m.	Registration
9:15–10:15 a.m.	Why DWI Matters
10:15–10:30 a.m.	Break
10:30–11:30 a.m.	Jury Selection in a DWI
11:30 a.m.–1:00 p.m.	Lunch (on your own)
1:00–2:00 p.m.	SFSTs: Defense & Offense
2:00–2:15 p.m.	Break
2:15–3:15 p.m.	Suppression Issues and Q&A
3:15 p.m.	Adjourn

Registration for this course is available only online at www.tdcaa.com.
Because space may be limited and walk-ins may not be admitted,
 please register online promptly.



In addition to this excellent free training, every attendee will receive two TDCAA publications: *DWI Investigation & Prosecution* and *Traffic Stops*. These books give attendees resources in many areas not covered by this course.

TDCAA's 2022 Prosecuting DWI Learning Objectives

Why DWI Matters

1 hour

DWI is a violent crime that kills over 1000 people in Texas each year. Finding a motivation to try these cases is essential to conveying a earnest and honest passion to juries, so that they in turn will convict. Making filing and plea offers in these cases should also be based on a realistic data driven risk assessment of the offenders.

Learning Objectives

By the end of this session students will be able to:

1. *Identify important reasons to prosecute DWI.*
2. *Identify and analyze pertinent risk factors posed by both DWI offenders and DWI offenses.*

Jury Selection in a DWI

1 hour

Picking the right jury is essential to successful DWI Prosecution. Crafting proper commitment questions will be discussed and modeled. Several tried and true DWI jury selection segments will be presented by video and deconstructed.

Learning Objectives

By the end of this session students will be able to:

1. *Craft a Standefer compliant commitment question relevant to DWI..*
2. *Evaluate 5 recorded jury selection examples in a DWI case.*

SFSTs: Defense & Offense

1 hour

SFSTs seems to be the center of DWI trials. This session will first provide a demonstration of direct to "put the field back in field sobriety tests". Then each standardized clue will be reviewed for how to use it offensively in proving impairment and how dangerous the suspect was on the roadway.

Learning Objectives

By the end of this session students will be able to:

1. *Ask a series of direct examination questions designed to properly and defensively put the SFST performance in real world context.*
2. *Explain and argue the underlying meaning of every standardized SFST clue..*

Suppression Issues and Q&A

1 hour

Defense Counsel will avoid trial if possible, by attempting to suppress every bit of evidence they can. This session will go over common suppression arguments and the law and strategies to oppose them.



Learning Objectives

By the end of this session students will be able to:

1. *Identify key cases helpful in avoiding suppression.*
2. *Evaluate suppression of evidence and fatal or not fatal to prosecution.*

Why DWI Matters

Texas District and County Attorneys Association
(TDCAA) in cooperation with the Texas Department
of Transportation


1

Australian PSA

2

Statistics

- In 2021, there were 25,199 DUI-alcohol related traffic crashes in Texas, resulting in 1,029 fatalities and 2,522 serious injuries.
- One person in Texas dies every eight hours and 31 minutes in a DUI-alcohol related traffic crash.
- In 2021, 22.9% of total traffic fatalities in Texas were DUI/alcohol related.



3

What bad conduct or culpable mental state separates DWI defendants from Intoxication Manslaughter defendants?

I got much better at trying DWI cases after my first Intoxication Manslaughter trial.

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The DWI Cognitive Bias Myth

Young person goes to bar or party, inadvertently drinks too much, with no other plan, drives home impaired and gets arrested for DWI.

But...

- While highest arrests are between 2 and 3 a.m. on Saturday and Sunday Morning, fatalities are not.
- When the bars closed in 2020 and 2021 fatalities did not decrease.
- The last drink experiment: Home was most common answer.

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Case Analysis-Take these factors list them in order of significance.

- Driving Behavior
- Personal Contact Observations
- Defendant's Statements
- Performance on SFSTs
- Refusals
- BAC
- Prior DWI Arrests and Convictions

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Risk Assessment

- Men v. Women
- Younger v. Older
- Priors v. No Priors
- Crash v. No Crash
- .08 v. .16 v. .24
- Valid DL v. No DL
- Refusal v. Voluntary
- Alcohol Abuse Assessment v. No Alcohol Abuse Assessment

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Jury Selection in DWI



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- Do Not Spend Time on Issues You Do Not Have
- DO protect jurors on defense Issues



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35.16 CCP Challenges for Cause

- 1. Not qualified, except voter registration
- 2. Convicted of Misdemeanor Theft or a Felony
- 3. Or under indictment for same
- 4. Insane
- 5. Disability makes unfit, blindness requires finding
- 6. Witness in Case
- 7. Grand Juror on Case
- 8. Previous Juror on Case

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35.16 CCP Challenges for Cause

- Number 9
 - Bias in favor or against defendant
- Number 10
 - Bias due to prior knowledge of case
- Number 11
 - Can't read or write
- By the Prosecution/Defense
 - Related by 3rd degree to defendant/victim or prosecutor
 - Bias or prejudice against law (wait for Standefer)

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Understanding *Standefer*

- Standefer v. State 59 S.W. 3d 177 (Tex. Crim. App. 2001).
- This is the most important case you will need to know for voir dire. READ IT (and the cases that cite to it) OFTEN!

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Understanding *Standefer*

“Commitment questions” are those that commit a prospective juror to resolve, or to refrain from resolving, an issue a certain way after learning a particular fact; often, such questions ask for a “yes” or “no” answer, in which one or both of the possible answers commits the jury to resolving an issue a certain way.

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Understanding *Standefer*

The inquiry for improper voir dire commitment questions has two steps: (1) is the question a commitment question, and (2) does the question include facts, and only those facts, that lead to a valid challenge for cause; if the answer to (1) is “yes” and the answer to (2) is “no,” then the question is an improper commitment question, and the trial court should not allow the question.

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Understanding *Standefer*

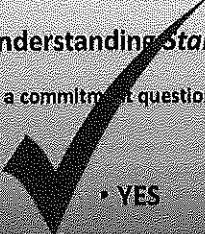
1. Is the question a commitment question?



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Understanding *Standefer*

1. Is the question a commitment question?



• YES

2. Does the question include facts, and only those facts, that lead to a valid challenge for cause?

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One Witness Rule - Improper

- **State:** Would you require me to bring you more than one witness to find the defendant guilty beyond a reasonable doubt?
- This violates *Standefer* because it commits the venireperson and does not go to a challenge for cause.

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One Witness Rule - Proper

- If we call only one witness
- And that witness testifies to and satisfies all the elements
- And you believe that witness beyond a reasonable doubt
- You must convict the defendant
- Who would require more than that one witness to convict in that situation?

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Three Main Points:

- 1. Object when opposing counsel asks improper commitment questions.
- 2. Craft your questions to go to a challenge for cause.
- 3. Use the "Standefer Get-Around" for your own questions that don't go to a cause challenge.

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The Standefer Get-Around

- 1. Don't ask the ultimate commitment question, but do place all of those facts in front of the venire.

"Courts have held that juries can consider the fact that a person has scales, baggies, and drug ledgers when deciding whether there is an intent to deliver narcotics. Does everyone understand that? Any questions about that issue? Does anyone have a problem doing that?"

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Defense Against Objection

- Questions about a prospective juror's general philosophy are permissible.

Davis v. State, 349 S.W3d 517 (Tex. Crim. App., 2011)

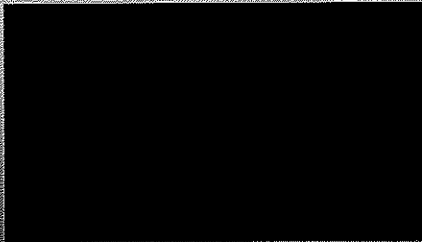
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Why a jury should care about DWI.



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SFST Defense



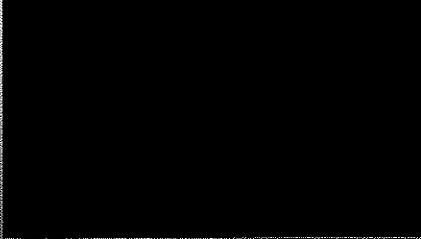
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SFST Defense



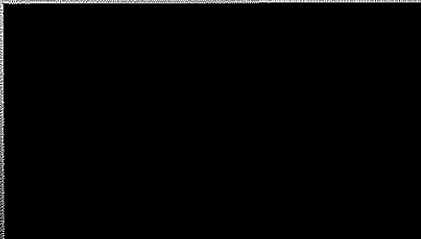
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What if your Defendant looks Good on Video



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Lowering the bar on Intoxication

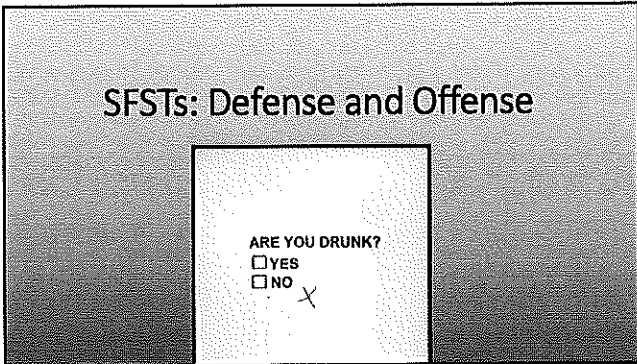


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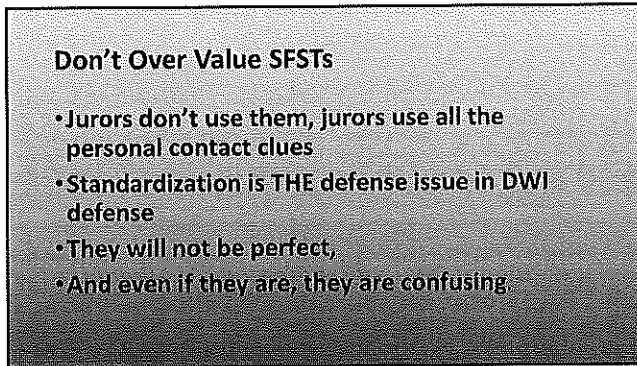
Time Limits 35.17

- Problem?
- Solution:
 - Boyd v State
 - 1) Effective use of time
 - 2) Proper Questions
 - 3) Did restrictions cause impairment
 - Be good at it before you throw down
 - Get defense to object first
 - Get on record what you could not cover

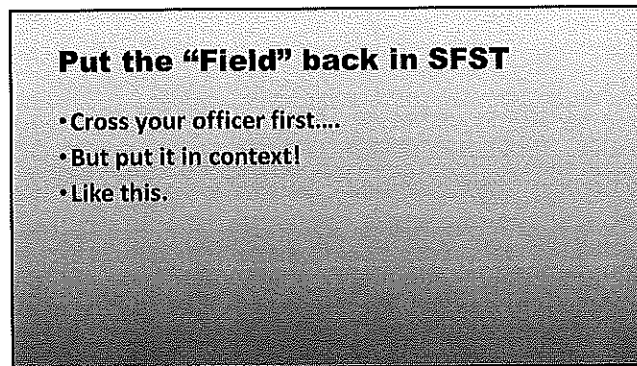
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THE VERY BEGINNING OF THE SFST MANUAL

THE PREFACE STATES: The procedures outlined in this manual describe how the SFSTs are to be administered under ideal conditions. We recognize that the SFSTs will not always be administered under ideal conditions in the field because such conditions do not always exist. Even when administered under less than ideal conditions, they will generally serve as valid and useful indicators of impairment. Slight variations from the ideal, i.e., the inability to find a perfectly smooth surface at roadside, may have some effect on the evidentiary weight given to the results; however, this does not necessarily make the SFST invalid.

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Suggested Compromises on Suppression

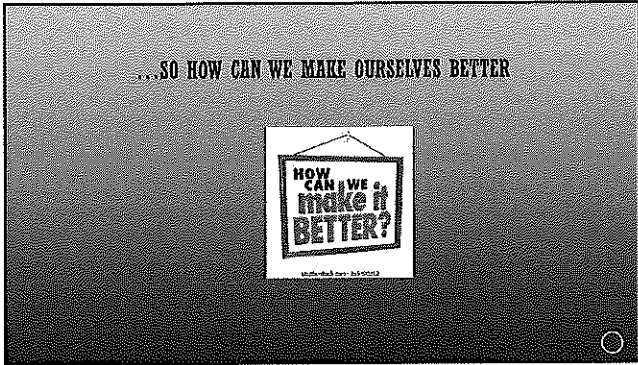
- Suppress Validation Percentages
- Suppress use of Word Standardized
- Suppress all mention of SFST program and SFST training.

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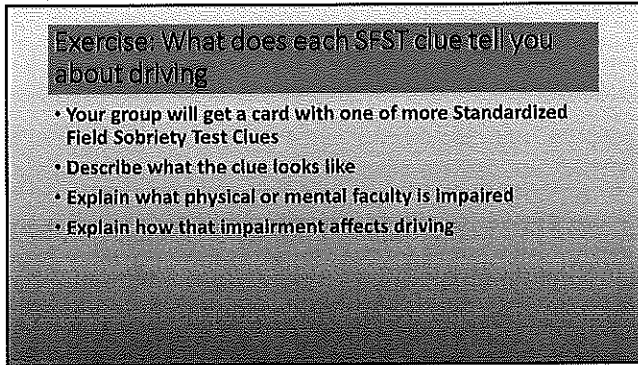
What is Validation?

- Using one task (or three tasks) with standardized clues and the decision point alone, comparing to .10 or .08 BAC.
- Includes false positives and false negatives.
- Includes miscalls by officer.
- Frankly. Sometimes used less than court room admissible breath testing.
- At .079 but at decision point was fail.
- At .081 but one clue under decision point was fail.
- Validation Results should not be admissible
- Besides any validation under 100% is reasonable doubt.

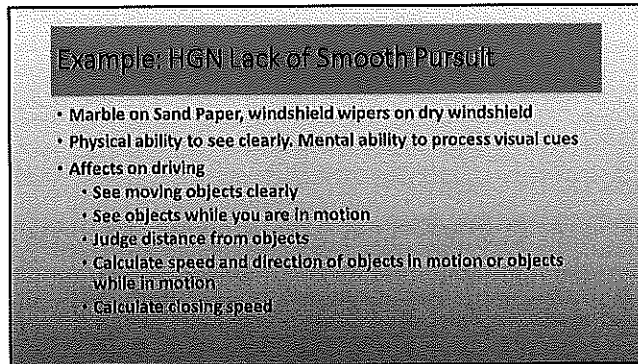
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Exercise: What does each SFST clue tell you about driving

- Your group will get a card with one of more Standardized Field Sobriety Test Clues
- Describe what the clue looks like
- Explain what physical or mental faculty is impaired
- Explain how that impairment affects driving
- Pick a spokesperson
- Report back

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Distinct and Sustained
Nystagmus at Maximum
Deviation

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Onset of Nystagmus Prior to 45
Degrees

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45



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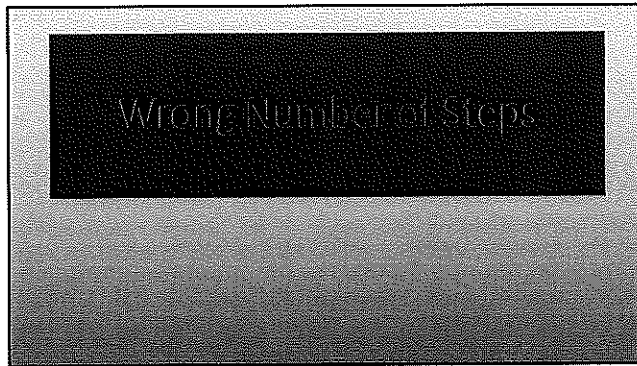
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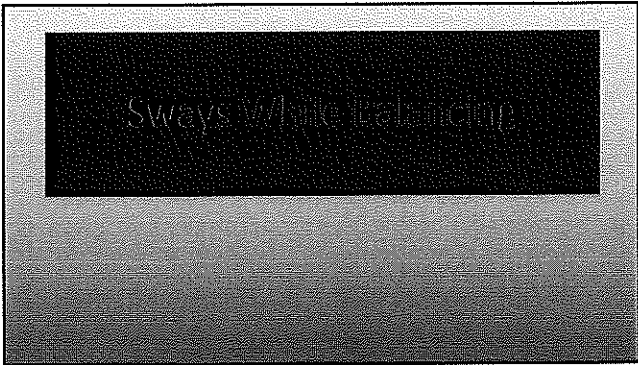
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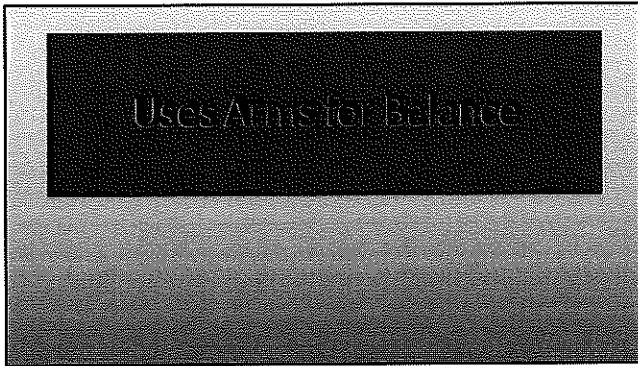
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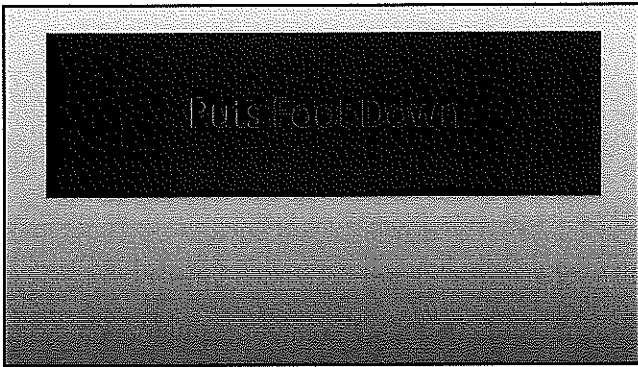
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Motions to Suppress in Driving While Intoxicated Cases



Top 5 Areas for Motion to Suppress

- Reason for Stop
 - Failure to Maintain a Single Lane
 - Database Records
 - Custodial Interrogation
- Search Warrant
 - Second Search Warrant
 - Administer Oath
 - Execution of Search Warrant
 - Authorize Analysis
- Exigent Circumstances (Roberts)
- Chain of Custody

Reason for Stop

Failure to Maintain a Single Lane

Transportation Code 545.060

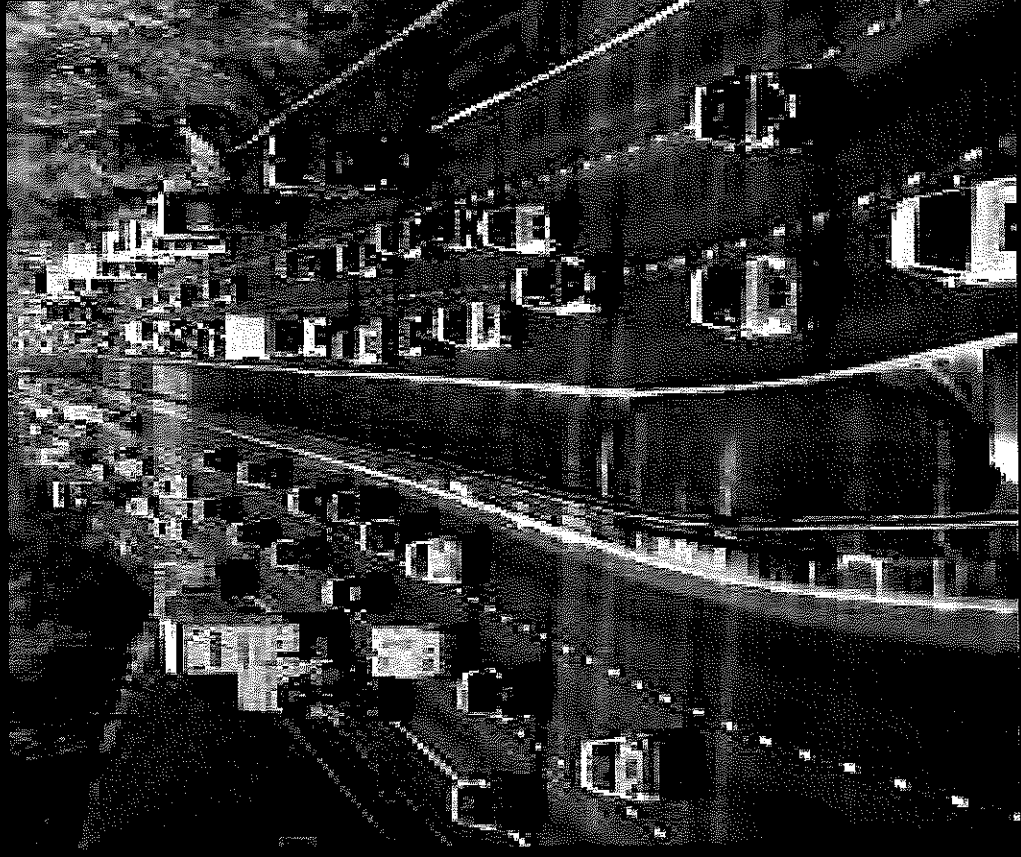
- (a) An operator on a roadway divided into two or more clearly marked lanes for traffic:
 - (1) Shall drive as nearly as practical entirely within a single lane; and
 - (2) may not move from the lane unless that movement can be made safely

Hernandez v. State, 983 S.W. 2d 867 (Tex. App. – Austin 1998)

- Based on 1947 construction of Transportation Code
- A driver must **BOTH** fail to maintain a single lane and do not change lanes unless safe to do so before it commits an offense
- Up to this point, most courts have adopted this interpretation

Failure to Maintain a Single Lane

- *Leming v. State*, 493 S.W.3d 552(Tex.Crim.App. 2016)
 - Based on codification in 1995
 - Rejected *Hernandez* interpretation
 - Compared statutory construction to FSRA
 - It is an offense to:
 - Change lanes when unsafe to do so; AND/OR
 - Fail to remain entirely within a marked lane of traffic so long as it remains practical to do so; REGARDLESS of whether the deviation from the marked lane UNSAFE
 - Plurality opinion*



Failure to Maintain a Single Lane

- *State v. Bernard*, 503 S.W.3d 685 (Tex. App. – Houston [14th Dist.] 2016)
 - The 14th COA declined to apply the plurality decision in *Leming v. State* (even though the concurring judges agreed with the plurality’s analysis)
 - It applied *Hernandez standard*
 - *Judgment vacated*, 512 S.W.3d 351 (Tex.Crim.App. 2017)
- *State v. Bernard*, 545 S.W.3d 700 (Tex.Crim.App. 2018)
 - The only issue addressed on remand was whether “the traffic stop was supported by reasonable suspicion that the D was DWI.”

The Saga Continues...

- *Reyes v. State*, 603 S.W.3d 543, 2020 Tex. App. LEXIS 4534 (Tex.App. – El Paso 2020).
- D relied on *Hernandez* (State did not show it was unsafe)
- The Court analyzed the statutory construction of Transportation Code Section 545.060
 - Contains a requirement “shall drive” and a prohibition “may not move”
 - Does not define a criminal offense
 - need to read in conjunction with Section 542.301
 - *A person commits an offense if the person performs an act prohibited or fails to perform an act required*
- HELD: “a violation of either the requirement or the prohibition constitute an offense.”
- *State v. Meras*, No. 10-18-00345-CR, 2020 Tex. App. LEXIS 96 (Tex.App. – Waco 2020).
 - followed the plurality opinion in *Leming v. State* (separate offenses)
- *Dugar v. State*, No. 09-19-00098-CR, 2021 Tex. App. LEXIS 2626 (Tex.App. – Beaumont 2021)
 - *D crossed over lane 1x, late at night, no one else on roadway.*
 - Did not choose between the competing interpretations of the maintain-a-single-lane statute (*Leming vs. Hernandez*)
 - Because of the different interpretations, a reasonably objective police officer could interpret section 545.060 different ways.
 - Consequently, because the 4th amendment tolerates reasonable mistakes – we cannot say the TC erred in denying Dugar’s motion to suppress.

Best Practice

- If you CAN prove BOTH = Just do it!
- If you CAN'T prove both = Keep your fingers crossed!



Database Records

- *Kansas v. Glover*, 140 S.Ct. 1183 (April 6, 2020)
 - No 4th Amendment violation by initiating a investigative traffic stop after running a vehicle's LP and learning that the registered owner has a revoked DL.
 - When the officer lacks information negating an inference that the owner is the driver, the stop is reasonable.



Investigative Detention vs. Custodial Interrogation



Investigative Detention vs. Custodial Interrogation

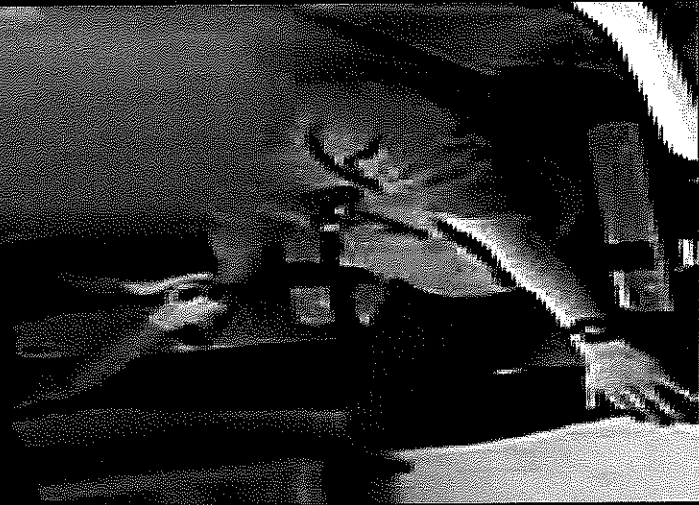
- *Koch v. State*, 484 S.W. 3d 482 (Tex. App. –Houston (1st Dist) 2016)
 - Suspect placed in back of patrol car for her safety
 - Told not under arrest
 - Transported a short distance before being questioned
- *Hauer v. State*, 466 S.W. 3d 866 (Tex. App. – Houston (14th Dist) 2015)
 - D involved in an accident
 - Handcuffed at scene
 - Placed in back of patrol vehicle to wait for a DWI officer
- Detained, NOT under Arrest
- Miranda NOT required
- NOT Custodial Interrogation
- Detained, NOT under Arrest
- Miranda NOT required
- NOT Custodial Interrogation

Investigative Detention vs. Custodial Interrogation

- *Raymundo v. State*, No. 07-14-00439, 2015 Tex. App. LEXIS 3062 (Tex. App. – Amarillo, 2015)
 - Officer responded to a possible accident
 - Found D’s truck stopped along shoulder of roadway
 - D asleep behind the wheel, Ignition running, Woke D up, Turned off engine
 - Escorted D to rear of truck
 - Ordered wrecker
 - Determined D could not perform SFSTs
 - BEGAN QUESTIONING the D
- **Custodial Interrogation**

Non-Testimonial

Admissibile

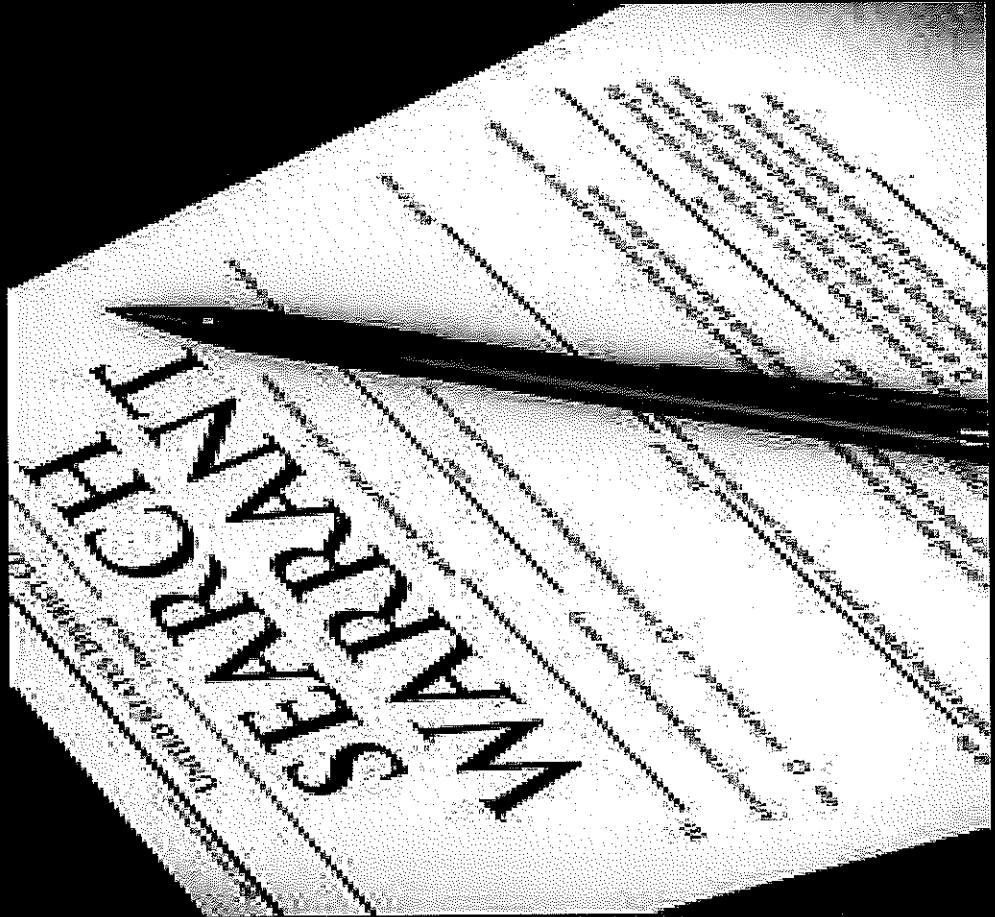
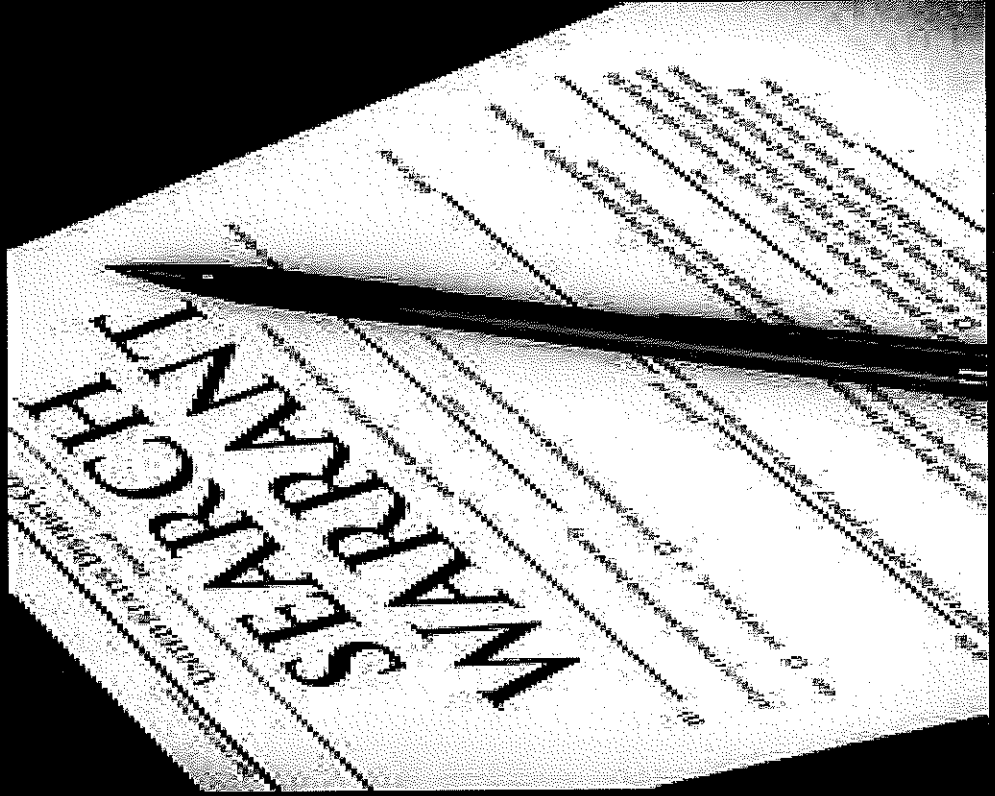


Non-Testimonial

- *Gassaway v. State*, 957 S.W.2d 48
- *Harrod v. State*, 2007 Tex.App.LEXIS 397
- *Jones v. State*, 795 S.W.2d 171
- *Martin v. State*, 97 S.W.3d 718
- *Oguntope v. State*, 177 S.W.3d 435
- *Williams v. State*, 116 S.W.3d 788

Search Warrants

Is a Second Search Warrant Required



Second Search Warrant Required?

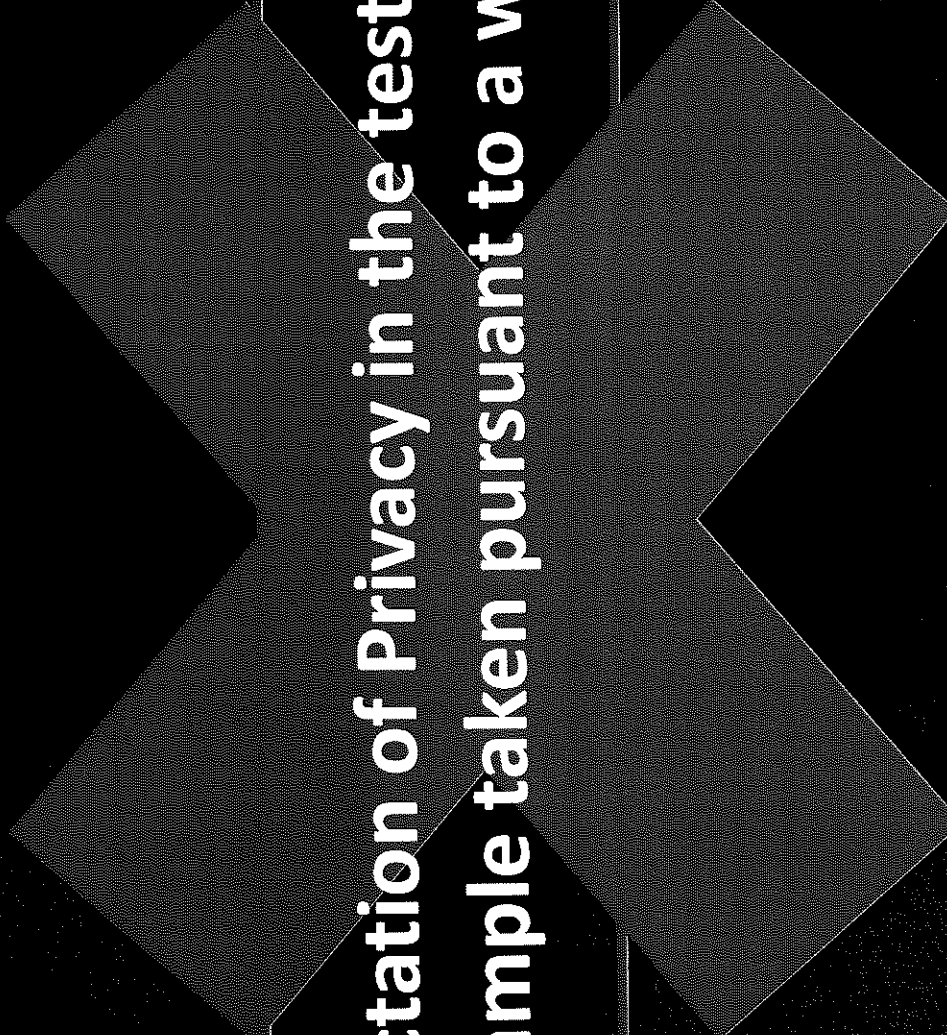
- *Martinez v. State*, 534 S.W.3d 97 (Tex. App. - Edinburg 2017)

- Seized blood from hospital via GJ summons = OK
- Sent to lab for testing = SEARCH
 - No warrant = NOT OK
 - The Court held search violated 4th Amendment, need a warrant

- *State v. Martinez*, 570 S.W.3d 278 (Tex.Crim.App 2019)

- upheld trial courts granting of motion to suppress





**No Expectation of Privacy in the testing of a
blood sample taken pursuant to a warrant**

NO Second Search Warrant Required

- *Hyland v. State*, 2019 Tex. App. LEXIS 10073
- *Jacobson v. State*, 603 S.W.3d 485 (Tex.App. – Fort Worth 2020)
- *State v. Staton*, 599 S.W.3d 614 (Tex.App. – Dallas 2020)
- *Crider v. State*, 607 S.W.3d 305 (Tex.Crim.App. 2020)

Best Practice

- If obtained by GJ summons (from hospital) **NEED** a warrant to authorize testing.
- SW should have requisite language to authorize the seizure of the blood **AND** the future testing.



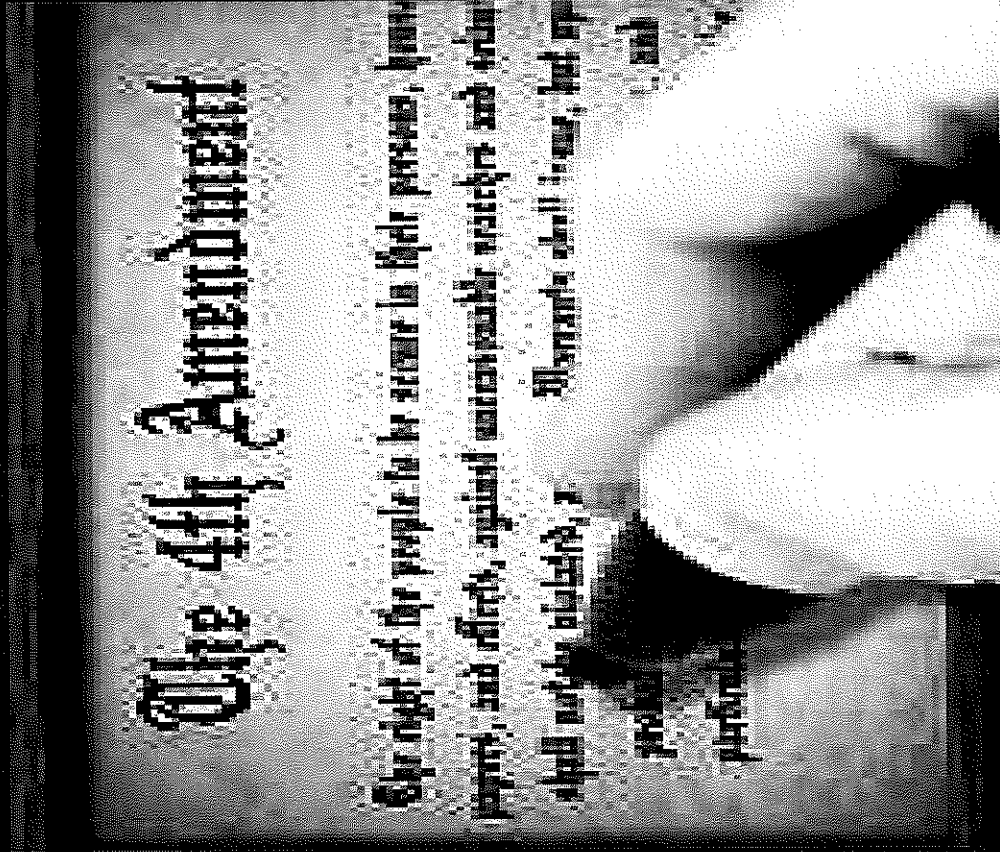
Administer Oath?

- *State v. Hodges*, 595 S.W.3d 303 (Tex.App.- Amarillo, 2020)
- A motion to suppress was properly granted because no oath was administered to the officer who signed the affidavit
 - Officer testified he knew he was under oath but acknowledged he had not been “administered” an oath
 - Officer was not asked by anyone if the statements were “true and correct” nor had he represented in or outside of the affidavit that the statements were true and correct.
 - The State argued that the affidavit complied with the statute because of the preamble and being duly sworn, on oath makes the following statement...



Good Faith Exception Apply?

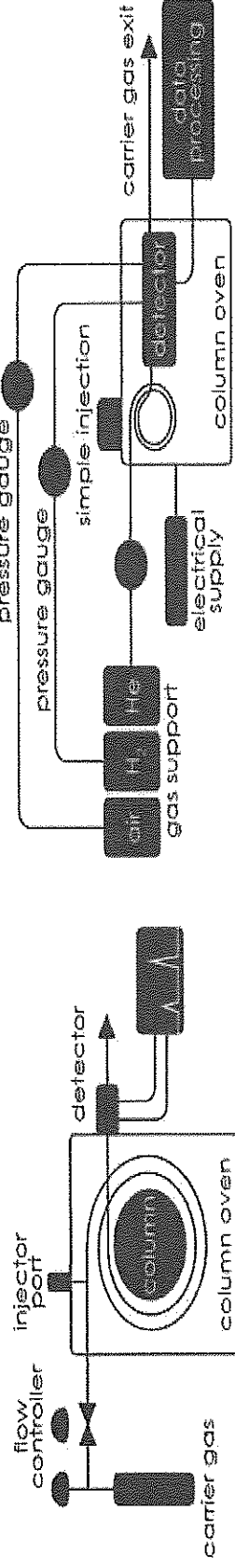
- *Wheeler v. State*, 616 S.W.3d 858 (Tex. Crim. App. 2021)
 - The Good Faith Exception to the Texas’s Exclusionary Rule will not allow the admission of blood alcohol evidence seized from a search warrant issued with an unsworn PC affidavit.
 - Evidence Suppressed



Execution of Search Warrant

- AKA – Forensic Analysis or Chemical Testing of the Blood for BAC
- *State v. Mendez*, No. 05-20-00307-CR, 2021 Tex. App. LEXIS 2211
- *Schneider v. State*, No. 03-19-00732-CR, 2021 Tex. App. LEXIS 1760
 - Under CCP Article 18.07, there is NO deadline by which a blood sample seized under a warrant must be tested and analyzed.

GAS CHROMATOGRAPHY



Authorize Forensic Analysis

- *Balderas v. State*, No. 01-20-00174-CR, 2021 Tex. App. LEXIS 3242 (2021)
 - Defendant charged with Felony Murder
 - Crash, Victim deceased at scene, D transported to hospital, Deputy went to hospital, signs of intoxication, HGN, Refusal
 - **Warrant established PC but did not expressly state that forensic analysis or chemical testing was authorized**
 - D argued *Martinez* (warrant only authorized the drawing of the blood) and that the analysis was not completed within 3 days.
 - Court followed *Crider* and *Staton* – Common sense dictates...

Exigent Circumstances

Exigent Circumstances

- *Missouri v. McNeely* – natural dissipation of alcohol does not create a per se exigency justifying an exception to the 4th Amendment warrant requirement
 - Totality of the Circumstances analysis
 - Metabolization
 - Procedures in place for obtaining a warrant
 - Availability of a magistrate judge
 - Practical problems of obtaining a warrant within a time frame that still preserves the opportunity to obtain reliable evidence.
- *Cole v. State*, 490 S.W.3d 918 (Tex.Crim.App. 2016)
 - Exigent circumstances existed
- *Weems v. State*, 434 S.W.3d 655 (Tex.Crim.App. 2014)
 - No exigent circumstances existed
 - Record did not reflect other factors relevant to the TOC, such as procedures in place for obtaining a warrant, availability of a magistrate

Consent



Unconscious Defendant

- *Mitchell v. Wisconsin*, 139 S.Ct. 2525 (June 27, 2019)
 - Where Police have PC for a drunk-driving offense and the driver's unconsciousness or stupor requires him to be taken to hospital, no opportunity for BT = warrantless blood test does not violate 4th Amendment
- *State v. Ruiz*, 581 S.W.3d 782 (Tex.Crim.App. 2019)
 - D was unconscious throughout his encounter
 - No capacity for self-determination
 - Could not make a choice
 - Could not hear the warnings read to him
 - Could not limit or revoke his consent
- NO CONSENT – violation to 4th Amendment
 - A warrant requirement.
 - Remanded for reconsideration of exigent circumstances in light of *Mitchell*.

Exigent Circumstances

- State v. Ruiz, 2021 Tex. App. LEXIS 1837 (Tex. App. – Corpus Christi – Edinburg 2021)
- On remand the court held that Exigent Circumstances existed in light of *Mitchell*
 - Involved in a crash
 - Fled the scene
 - Found unconscious – remain unconscious
 - Had to be carried by LEO
 - No procedures in place to obtain SW (2012)
 - Difficult to find a judge
 - 2-3 hours to obtain warrant
 - 2 officers on duty

No DRE

- Layton
- Justice Roberts

Chain of Custody

Gaps in Chain go to WEIGHT not Admissibility

- *Patel v. State*, 2009 Tex.App. LEXIS 3575 (Tex. App. – Fort Worth 2009)
- *Penley v. State*, 2 S.W. 3d 534 (Tex. App. – Texarkana 1999)
- *Burns v. State*, 807 S.W. 2d 878 (Tex. App. – Corpus Christi 1991)



Do I need the Nurse?

- Confrontation Clause does **NOT** require State to present nurse who drew blood prior to admission of blood evidence:

- *Russell v. State*, No. 14-15-00036, 2016 WL 1402943 (Tex. App. – Houston (14th Dist.) 2016)
- *Adkins v. State*, 418 S.W. 3d 856 (Tex. App. Houston (14th Dist.) 2013)
- *Villarreal v. State*, No. 04-15-00290-CR, 2016 Tex. App. LEXIS 8891 (Tex. App. – San Antonio 2016)

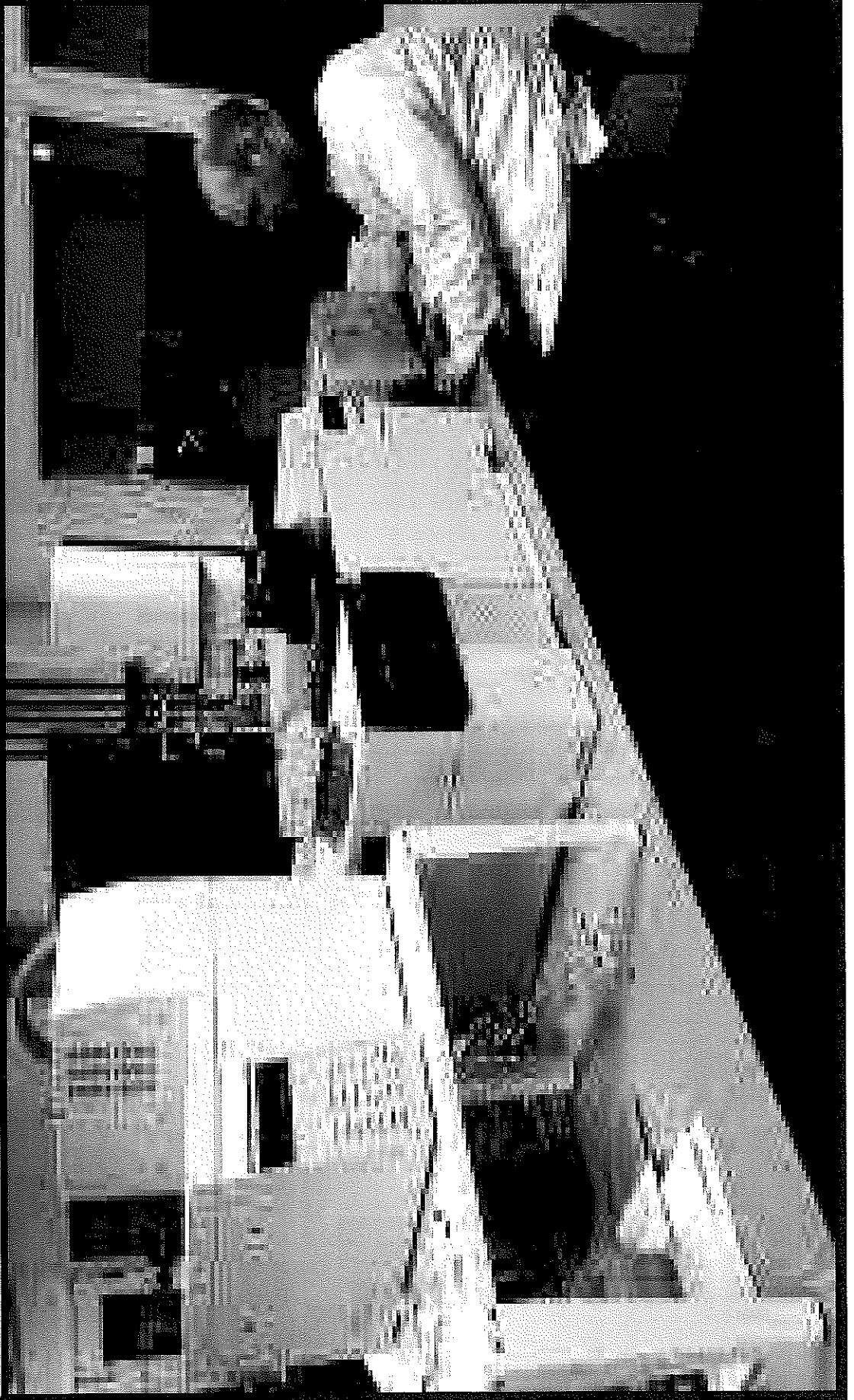




Best Practice

- Bring the Nurse if you can!
- If Not the Nurse:
 - The Doctor
 - The Charge Nurse
 - Any Nurse
 - The Lab Supervisor

Is the Analyst Needed?



Certificate of Analysis CCP Article 38.41

- A Certificate of Analysis is admissible
- without the analyst personally appearing in court
- It must contain the following:
 1. The names of the analyst and lab
 2. Lab is accredited
 3. A description of the analyst's education background, training, and experience
 4. A statement of the analyst's duties of employment
 5. A description of the tests or procedures conducted
 6. A statement that the tests or procedures used were reliable and approved by the lab
 7. The results of the analysis
- Filed 20 days prior to trial

Defense CAN object - 10 days prior or admissible



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CoA # 17010159
CoA Date 01/27/2017
CoA Status Final

CERTIFICATE OF ANALYSIS

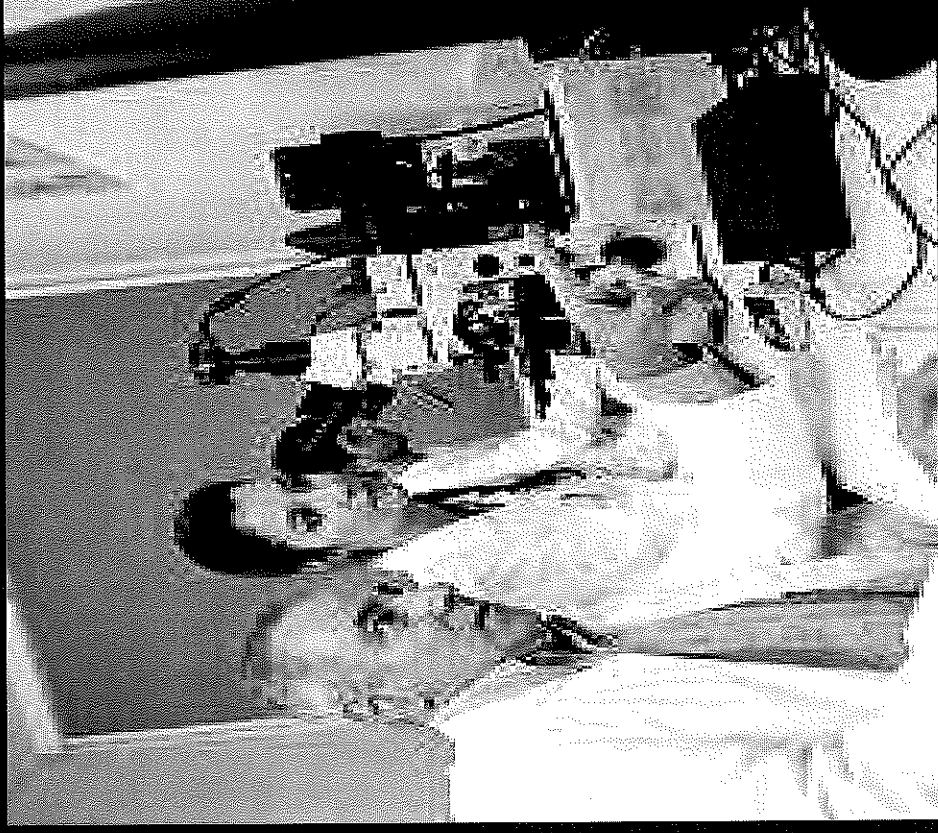
Customer Address	Vape Bright	Date Received	Condition	Temp	PO #	Remarks	Test Method	Test Date
[Redacted]	[Redacted]	12/3/2017	Good	Ambient			HPLC/UP/LC	01/24/2017
Sample Name	Thrive							
Sample Lot #	thrive 1.16							
Analysis	Specification	Result	Test Method	Test Date				
Cannabidiol (CBD)	N/A	220.6mg / 500mg	HPLC/UP/LC	01/24/2017				
Cannabigerol (CBG)	N/A	Not Detected	HPLC/UP/LC	as above				
Cannabinol (CBN)	N/A	Not Detected	HPLC/UP/LC	as above				
Cannabidiolic Acid (CBDA)	N/A	Not Detected	HPLC/UP/LC	as above				
Cannabichromene (CBC)	N/A	Not Detected	HPLC/UP/LC	as above				
Tetrahydrocannabinol (THC)	N/A	Not Detected	HPLC/UP/LC	as above				
Tetrahydrocannabinolic Acid (THCA)	N/A	Not Detected	HPLC/UP/LC	as above				
Artenic (As)	N/A	0.012 ppm	ICP-MS (STP-021)	01/25/2017				
Cadmium (Cd)	N/A	<0.005 ppm	ICP-MS (STP-021)	01/25/2017				
Mercury (Hg)	N/A	<0.005 ppm	ICP-MS (STP-021)	01/25/2017				
Lead (Pb)	N/A	<0.005 ppm	ICP-MS (STP-021)	01/25/2017				

Authorized by

These results apply only to the items tested. This certificate of analysis shall not be reproduced except in full without written consent of iLab. Estimation of uncertainty of measurement is available upon request.

Williams v. State, 585 S.W.3d 478
(Tex.Crim.App. 2019)

- The Certificate of Analysis CAN be signed by someone other than the analyst that tested the blood.
- It MUST “substantially comply” with Art. 38.41
- Defendant must make proper objections



New Analyst = OK?



- *Paredes v. State*, 462 S.W.3d 510 (Tex.Crim.App. 2015)
- *Talamantes v. State*, 2015 Tex. App. LEXIS 11640 (Tex.App. – El Paso 2015)
- *Gaddis v. State*, 2017 Tex. App. LEXIS 6506 (Tex.App. – Corpus Christi- Edinburg 2017)