

Index

- ACCESSIBLE TO MOTOR VEHICLES**
Definition, § 2:2, 2:21, 2:22
- ACCREDITATION AND UNCERTAINTY**
ASCLAD-LAB, § 4:15
- ADMINISTRATIVE RULES**
Generally, § 2:1
Blood tests, § 4:14
Chemical tests, § 4:6
Conduct of hearing, § 7:12
License standards, § 7:7
- ALCOHOL ABUSE**
See Substance Abuse (this index)
- ANIMALS**
Chain of causation, breaking, § 2:38
- APPEALS**
Court of Appeals. See Court of Appeals (this index)
Driver licenses, § 7:3, 7:9
License restoration proceedings, use of Breath Alcohol Ignition Interlock Devices (BAIID) on, § 7:8
- ARRESTS**
Grounds for, any intoxicating substance, § 2:45
Legal issues, determination of, § 1:4
Motion to suppress for lack of probable cause to, § 5:30
- ASCLAD-LAB**
Accreditation and uncertainty, § 4:15
- ATTORNEY AND CLIENT**
Generally, § 1:1 to 1:21
Bond revocation clarified for proper procedure and process, § 1:5
Client questionnaire, § 1:17
Fees, § 1:19, 1:20
Income generation, § 1:15
Initial call, § 1:1
Initial face to face consultation, § 1:14
Lucynski Redux, § 1:3
- ATTORNEY AND CLIENT—Cont'd**
Michigan Supreme Court and Mistake of Law, § 1:21
Motor Vehicle Code (MVC), importance of lawyer's familiarity with, § 1:9
Retainer agreements, § 1:19
Rights of client, § 1:16
Testifying of client, § 8:10
Violation of constitution, Lucynski Redux, § 1:3
- BAC DATAMASTER**
See Datamaster (this index)
- BAD DRIVER FEES**
Phasing out, § 2:53
- BAIL AND BONDS**
Revocation clarified for proper procedure and process, § 1:5
- BLOOD TESTS**
Generally, § 4:13 et seq.
Administrative rules, § 4:14
Admission of victim's BAC in reckless driving causing death case, § 2:56
Admission where citizen not qualified to consent, § 4:25
Analysis of blood, § 4:13
ASCLAD-LAB accreditation and uncertainty, § 4:15
Blood draws in non-medical environments, upholding validity, § 4:20
Calibration of instruments, § 4:16
Collection / handling / testing process, § 4:19
Dissipation not exception to warrant requirement, § 5:4
Implied consent and admission, § 4:25
Process for collection / handling / testing, § 4:19
Results, § 5:29
Suppression of evidence. See Suppression of Evidence (this index)
Warrants required as per Supreme Court, § 5:5

BOATS

Watercraft and marine safety, § 2:52

BRADY VIOLATION STANDARD

Material evidence to include impeachment material, § 2:51

BREATH ALCOHOL IGNITION INTERLOCK DEVICES (BAIID)

License restoration proceedings, appeals, § 7:8

BREATH TESTS

Generally, § 4:10 to 4:12

Datamaster. See Datamaster (this index)

Dissipation not exception to warrant requirement, § 5:4

Evidential, advisability to take, § 1:12

Instruments, § 5:27

Jury instructions, § 2:9, 2:10, 2:12

Preliminary, § 1:12, 1:13, 4:11

Steps to be followed, § 4:10

Suppression of evidence. See Suppression of Evidence (this index)

Uncertainty. see Uncertainty (this index)

Warrants not required as per Supreme Court, § 5:5

Weekly simulator equipment, § 4:7

CALIBRATION

Reports, § 3:10

CHEMICAL TESTS

Generally, § 4:1 to 4:29

Administrative rules, § 4:6

Blood tests. See Blood Tests (this index)

Breath tests. See Breath tests (this index)

Case law, § 4:28

Datamaster. See Datamaster (this index)

Detection limits, § 4:21

Documentation traceability, § 4:21, 4:22

Implied consent, § 4:24, 7:4

Jury instructions, § 2:7, 2:11, 2:15

Maintenance of instrument, § 4:8

Measurement traceability, § 4:21, 4:22

Method validation, § 4:21

New trial, § 4:26

Reliability of, § 2:11

Repair of instrument, § 4:9

Statutes, § 4:23

Traceability, § 4:21, 4:22

Uncertainty. See Uncertainty (this index)

Use of, § 1:13

CHEMICAL TESTS—Cont'd

Validation of methods, § 4:21

CHILD ENDANGERMENT

Penalties, § 2:27

CLIENTS

See Attorney and Client (this index)

CLOSING ARGUMENTS

Generally, § 8:12

CNLF

Retainer agreements, § 1:19

COMMERCIAL DRIVERS LICENSE (CDL)

Guide, § 7:13

Help desk, § 7:14

CONSTITUTION

Fourth Amendment. See Fourth Amendment (this index)

Lucynski Redux, violation of constitution, § 1:3

Mandatory minimum sentencing as violating Sixth Amendment, § 9:13

Multiple punishments from overcharging of defendant, § 8:11

Obligations of the prosecutor under, § 3:1

CONVICTIONS

Prior, § 9:5

COSTS

Of prosecution, § 9:6

COURT OF APPEALS

Officer receiving “pass” on wrong call about a license plate, § 5:3

Visibly impaired statute, opinion on, § 2:25

CRIMINAL JURY INSTRUCTIONS (CJI)

See Jury instructions (this index)

CROSS-EXAMINATION

Exoneration of client through, § 8:6

DANGLING OBJECT

Courts continuing dissection, § 1:11

DASHBOARD CAMS

Discovery, § 2:50

DATAMASTER

2023 update, § 4:4

INDEX

DATAMASTER—Cont'd

- Discovery regarding, § 3:6
- Evidence ticket missing and admissibility, § 4:27
- Fontenot, § 4:29
- Intoxilyzer 9000, replaced by, § 4:2
- Knowledge regarding, § 4:3
- Motion to inspect, § 3:13
- Operators, § 5:28
- Uncertainty associated with measurements, § 4:17

DEATH / SERIOUS IMPAIRMENT

- OWI causing death, second degree murder, § 2:57
- Penalty doubled for OWI causing, § 2:55

DEER

- Chain of causation, breaking, § 2:38

DEFENDANTS

- As witnesses, § 8:9

DISCOVERY

- Generally, § 3:1 to 3:17
- Datamaster, motion to inspect, § 3:13
- FOIA requests, checklist for DUI discovery, § 3:15
- Forensic reports, notice and demand procedure, § 8:15
- Freedom of Information Act (FOIA), § 3:8, 3:9
- Gas chromatograph, § 3:4, 3:5
- Laboratory reports, § 3:16
- Law enforcement, evidence generated by, § 3:3
- Motion practice, § 3:7
- Right to discovery in district court cases, § 3:17
- State Police forensic science division, § 3:17
- Subpoenas, § 3:12

DNLF

- Criminal flat fee, § 1:20

DOUBLE JEOPARDY

- Overcharging of defendant, § 8:11

DRIVER EDUCATION

- Request for, § 7:10

DRIVER LICENSES

- Appeal, use of Breath Alcohol Ignition Interlock Devices (BAIID) on, § 7:8

DRIVER LICENSES—Cont'd

- Appeals, § 7:3, 7:9
- Commercial, § 2:28, 7:13, 7:14
- Creative plea bargaining to save client's license, halted by Secretary of State, § 7:2
- Driver education, § 7:10
- Hearings, administrative, § 7:4
- Restoration proceedings, § 7:8
- Secretary of State
 - administrative hearings before, § 7:4
 - creative plea bargaining to save client's license, § 7:2
- Substance abuse evaluation, § 7:11

DRIVER RESPONSIBILITY FEES

- Phasing out, § 2:53

DRIVEWAYS

- Open to the public, § 2:2

DRUG ABUSE

- See Substance Abuse (this index)

DRUG RECOGNITION EXAMINERS / EVALUATORS (DREs)

- Amendments to statute, § 5:37
- Stops, § 5:21

DRUGS

- Operating Under the Influence of Drugs (OUID), § 2:29

DUE PROCESS

- Motion for, § 5:22

DWI SOBRIETY COURTS

- Prime time, § 2:54

ELECTRONIC OR TELEPHONIC TESTIMONY

- Preliminary examinations, § 2:49

ENDANGERMENT

- Child, § 2:27

EVIDENCE

- Generally, § 5:1 to 5:38
- Blood alcohol content, admission of, § 2:56
- Datamaster. See Datamaster (this index)
- GPS tracking devices, privacy right in vehicle, § 5:6
- Knock and talk, § 5:10
- Safe harbor, § 5:10
- Stop. See Stop (this index)

EVIDENCE—Cont'd

Suppression. See Suppression of Evidence (this index)

Vehicle stops, § 5:9

EXPUNGEMENT

Prohibition on expungement of sentence, § 9:7

FEES

Attorney fees, § 1:19, 1:20

Bad driver, § 2:53

FELONIES

Three strikes rule, § 2:23

FIFTH AMENDMENT

Stops, § 5:23

FORENSIC REPORTS

Notice and demand procedure, § 8:15

FOURTH AMENDMENT ISSUES

Generally, § 5:1

GPS tracking devices, privacy right in vehicle, § 5:6

Regarding stop, § 5:7

Renewed vitality, § 5:13

Supreme Court establishes exception with unique and limited application, § 5:2

FREEDOM OF INFORMATION ACT (FOIA)

Checklist for DUI discovery, § 3:15

Discovery, § 2:50

Letter during discovery, § 3:8

Liability for, § 3:9

State Police forensic science division, § 3:17

GAS CHROMATOGRAPH

Discovery of data, § 3:4, 3:5

HEARINGS

Conduct, § 7:12

Implied consent, § 7:5

HELP DESK

Commercial drivers license, § 7:14

HOUSE FISCAL AGENCY

Sentencing, legislative analysis by, § 9:12

IMPEACHMENT OF EVIDENCE

Brady violation standard changed, § 2:51

IMPLIED CONSENT

Blood draws, admission where citizen not qualified to give consent, § 4:25

For chemical tests, § 4:24, 7:4

Consent subject to change under Implied Consent Act, § 5:24

Expansion possible, § 2:46

Hearing, § 7:5

Implied Consent Act, consent subject to change, § 5:24

INCOME GENERATION

Attorney and client, § 1:15

INTOXICATION

Prescription drugs, § 2:35

Proof of, § 2:17

INTOXILYZER 9000

Datamaster DMT replaced, § 4:2

INTOXIMETERS

Michigan State Police, use by, § 4:18

IRRELEVANT EVIDENCE

Motion in limine to exclude, § 5:11

JURIES

Selection, § 8:2

JURISDICTION

Battlefield measurement, § 2:6

Client education, § 2:5

Expanded prosecution authority, cities and townships, § 2:4

State or local, § 2:3

Waters within, watercraft and marine safety, § 2:52

JURY INSTRUCTIONS

Breath tests. See Breath Tests (this index)

Chemical tests. See Chemical Tests (this index)

Evidence of state as sword and shield, § 2:8

Impaired instruction, option for the prosecution, § 8:4

Importance of, § 2:13

Inference, § 2:14

Statutes, § 2:16

Traffic offenses, § 2:43

Veterans courts, § 2:42

Witness credibility, § 2:44

INDEX

LABORATORY REPORTS

Discovery, § 3:16

LAW ENFORCEMENT INFORMATION NETWORK (LEIN)

Discovery, § 2:50

LEGAL LIMIT

Legal threshold of per se violation, § 2:47

LICENSE PLATES

Officer receiving “pass” on wrong call about a license plate, § 5:3

LICENSES

Generally, § 7:1 to 7:14

Driver. See Driver Licenses (this index)

Professional, § 7:6

Standards for issuance, § 7:7

LUCYNSKI REDUX

Attorney and client, § 1:3

MAINTENANCE

Chemical testing instruments, § 4:8

MANDATORY SENTENCING GUIDELINES

Constitutional challenge, § 9:13

MARIJUANA

Future of per se level of THC, § 2:33

Medical marijuana caregiver, search based on strong odor of marijuana, § 8:5

Studying effect of marijuana while driving, § 2:32

Zero tolerance, role of proximate cause, § 2:31

MEMORANDUM

Sample sentencing, § 9:8

MINOR IN POSSESSION (MIP)

Zero tolerance, § 2:30

MIP

Zero tolerance of minors, § 2:30

MISTAKE OF LAW

Michigan Supreme Court, § 1:21

MOTIONS

Discovery, § 3:7

Due process motion, § 5:22

Suppression, § 5:30 to 5:32

MOTOR VEHICLES

Accessible to, § 2:2, 2:21, 2:22

Definition, § 2:18, 2:19

Recreational vehicles, § 2:20

Vehicle in motion, § 5:16

MULTIPLE PUNISHMENTS

Overcharging of defendant, § 8:11

MURDER, SECOND DEGREE

OWI causing death, § 2:57

NATIONAL PATENT ANALYTICAL SYSTEM (NPAS)

Michigan State Police, use by, § 4:18

Non-disclosure, § 5:33

Policies, § 3:11

NEGOTIATION

Generally, § 6:1 to 6:6

Litigation risk, § 6:5

Plea offers, refusal of reasonable, § 6:6

Political pressures, § 6:1

Procedural considerations, § 6:3

Prosecutors, dealing with recalcitrant, § 6:4

Realistic expectations, § 6:2

NPAS

See National Patent Analytical System (NPAS) (this index)

OFFICERS

See Police Officers (this index)

OPEN TO THE GENERAL PUBLIC

Definition, § 2:2, 2:21

Driveways, § 2:2

OPENING STATEMENTS

Generally, § 8:3, 8:14

OPERATING A MOTOR VEHICLE

Definition, § 2:18

OPERATING UNDER THE INFLUENCE OF DRUGS (OUID)

Generally, § 2:29

Any intoxicating substance, grounds for OWI arrest, § 2:45

DRE testimony, experimental age controlling narrative, § 2:36

Marijuana and zero tolerance, § 2:31

Plea bargaining under superdrunk, § 2:40

**OPERATING UNDER THE
INFLUENCE OF DRUGS (OUID)**

—Cont'd

- Proximate cause and intoxicated decedents, § 2:34
- Saliva testing roadside by state police, § 2:34
- Sobriety court license, § 2:41
- Studying effect of marijuana while driving, § 2:32
- Superdrunk, § 2:39, 2:40
- TCH level, per se, § 2:33
- Zero tolerance, § 2:30, 2:31

**OPERATING WHILE VISUALLY
INTOXICATED (OWVI)**

- Compared to OWI, § 2:24

OUID

- See Operating Under the Influence of Drugs (this index)

OWVI

- Compared to OWI, § 2:24

PATDOWN SEARCH OF DRIVER

- Probable cause, § 5:36

PENALTIES

- Generally, § 1:18, 2:26
- Child endangerment, § 2:27
- DWI Sobriety Courts, § 2:54
- OWI causing death / serious impairment, § 2:55
- Three strikes rule, § 2:23

PER SE VIOLATION

- Legal threshold of blood alcohol content, § 2:47

PERSONAL CONTACT

- Probable cause, attack on, § 5:17

PHARMACEUTICALS

- Intoxication, § 2:35

PLEA OFFER

- Refusal of reasonable, § 6:6

POLICE OFFICERS

- “Pass” on wrong call about a license plate, officer receiving, § 5:3
- Foundational requirements for officer’s opinion, § 5:20, 5:21
- Officer’s reason for, investigating, § 1:8

POLITICS

- Political pressures, § 6:1

PRELIMINARY BREATH TESTS

- Generally, § 4:11

PRELIMINARY EXAMINATIONS

- Electronic or telephonic testimony, § 2:49
- Post 2014 reformation, § 2:49
- Reform by legislature, § 2:48

PRESCRIPTION DRUGS

- Intoxication, § 2:35

PRIOR CONVICTIONS

- Sentencing, § 9:5

PROBABLE CAUSE

- Motion, vehicle in, § 5:16
- Personal contact, § 5:17
- Reform by legislature, § 2:48
- Remedy, § 5:19
- Search of driver, § 5:36
- Standardized Field Sobriety Tests (SFSTS), § 5:18
- Three phases of DWI investigation, § 5:15 to 5:18
- Vehicle in motion, § 5:16
- Warrantless arrests, § 5:14
- Warrantless entry of home, driver’s home as castle, § 5:25

PROFESSIONAL LICENSES

- Impact on, § 7:6

PROSECUTION

- Constitutional obligations of, § 3:1
- Costs of prosecution, § 9:6
- Driveway open to the public, drunk driving in, § 2:2
- Expanded authority and jurisdiction, § 2:4
- Negotiating with recalcitrant, § 6:4
- Obligation to learn information that could help defendant, § 3:2
- Witnesses, need to bring all for confrontation, § 8:7

PROXIMATE CAUSE

- Deer as breaking chain of causation, § 2:38
- Intoxicated decedents, § 2:37
- Operating under the influence of drugs causing death, § 2:31

INDEX

PUBLIC

Driveways, § 2:2

QUESTIONNAIRE

Client, § 1:17

RECKLESS DRIVING CAUSING DEATH

Blood alcohol content, admission of victim's, § 2:56

RECREATIONAL VEHICLES

Definition, § 2:20

REPAIRS

Chemical testing instruments, § 4:9

RESTORATION PROCEEDINGS

Driver licenses, § 7:8

REVOCAION

Bond revocation clarified for proper procedure and process, § 1:5

SALIVA TESTS

Amendments to drunk driving statute, § 5:37

State police roadside saliva testing, § 2:34

SAMPLE LETTER

Trial preparation and strategy, § 8:13

SANCTIONS

See Penalties (this index)

SECRETARY OF STATE

Driver licenses. See Driver Licenses (this index)

SENTENCING

Generally, § 9:1 to 9:13

Collateral consequences, § 9:6

Cost of prosecution, § 9:6

Expungement prohibition, § 9:7

Factors, § 9:2

Grid, § 9:10

Guidelines scoring, § 9:9

Jail exposure, § 9:1

Legislative analysis by House Fiscal Agency, § 9:12

Mandatory guidelines held unconstitutional, § 9:13

Manual worksheet, § 9:11

OWI III, § 9:3, 9:4

Prior conviction, penalty enhancement, § 2:55

SENTENCING—Cont'd

Prior convictions, § 9:5

Prohibition on expungement, § 9:7

Sample memorandum, § 9:8

Work release tether programs, § 9:4

Worksheet, § 9:11

SIXTH AMENDMENT

Generally, § 5:26

SOBRIETY COURT LICENSE

Generally, § 2:41

STANDARDIZED FIELD SOBRIETY TESTS (SFSTs)

Amendments to drunk driving statute, § 5:37

Drug recognition examiners, § 5:21

Foundational requirements for officer's opinion, § 5:20, 5:21

MCOLES study on, § 5:35

Probable cause, attack on, § 5:18

STATE POLICE FORENSIC SCIENCE DIVISION

Discovery and transparency, § 3:17

STATEMENTS

Motion to suppress defendant's, § 5:31

STOPS

"Dangling object" and courts, § 1:11

Basis for, importance of, § 1:6 to 1:8

Driving of client, § 1:10

Drug recognition examiners, § 5:21

Fifth Amendment issues, § 5:23

Foundational requirements for officer's opinion, § 5:20, 5:21

Fourth Amendment issues, § 5:7

GPS tracking devices, privacy right in vehicle, § 5:6

Investigatory, § 5:8

Officer's reason for, investigating, § 1:8

Standardized field sobriety tests, § 5:20, 5:21

Vehicle stops, § 5:9

STRATEGY

Trial, § 8:1 to 8:15

SUBPOENAS

During discovery, § 3:12

SUBSTANCE ABUSE

Evaluation, § 7:11

SUPERDRUNK

Operating Under the Influence of Drugs (OUID), § 2:39

Plea bargaining, § 2:40

SUPPRESSION OF EVIDENCE

Generally, § 5:1 to 5:38

Amendments to drunk driving statute on SFSTs, DREs and RSTs, § 5:37

Blood

dissipation not exception to warrant requirement, § 5:4

warrants required, § 5:5

Breath

dissipation not exception to warrant requirement, § 5:4

warrants not required, § 5:5

Case law update, § 5:38

DREs. See Drug Recognition Examiners / Evaluators (DREs) (this index)

Fourth Amendment

exception with limited and unique application, § 5:2

renewed vitality, § 5:13

GPS tracking devices, privacy right in vehicle, § 5:6

Irrelevant evidence, motion in limine to exclude, § 5:11

Knock and talk, § 5:10

Lack of probable cause to arrest, § 5:30

Medical marijuana caregiver, search based on strong odor of marijuana, § 8:5

Motions

bringing a motion to suppress, § 5:12

lack of probable cause to arrest, § 5:30

in limine motion to exclude irrelevant evidence, § 5:11

reasonable suspicion, lack of, § 5:32

statement of defendant, § 5:31

suppress, § 5:34

Reasonable suspicion, lack of, § 5:32

Safe harbor, § 5:10

Standardized field sobriety tests, MCOLES study, § 5:35

Statement of defendant, § 5:31

Supreme Court establishes Fourth Amendment exception, § 5:2

Vehicle stops, § 5:9

Warrants required for blood but not breath, § 5:4

SWORD AND SHIELD

State's evidence as, § 2:8

THREE STRIKES

Felony rules, § 2:23

TRAFFIC OFFENSES

Jury instructions, § 2:43

TRIAL

Preparation and strategy, § 8:1 to 8:15

UNCERTAINTY

Breath test uncertainty status, § 4:5

Datamaster alcohol measurement, § 4:17

VALIDATION

Blood draws in non-medical environments, upholding validity, § 4:20

Chemical testing methods, § 4:21

VEHICLE IN MOTION

Probable cause, attack on, § 5:16

VEHICLES

See Motor Vehicles (this index)

VETERANS COURTS

Jury instructions, § 2:42

VISIBLY INTOXICATED

Court of Appeals opinion on, § 2:25

Operating While Visually Intoxicated (OWVI), § 2:24

WARRANTLESS ARRESTS

Probable cause, § 5:14

Remedy, § 5:19

WARRANTLESS ENTRY

Home, driver's home as castle, § 5:25

WATERCRAFT AND MARINE SAFETY

Associated equipment, § 2:52

Drunk driving statutes, § 2:52

Lowering of boat OWI, § 2:52

WITNESSES

Confrontation, necessity of, § 8:7

Credibility, jury instructions, § 2:44

Defendant as, § 8:9

Defense, § 8:8

Prosecution bringing all, § 8:7

Vitality of confrontation clause, § 8:8

INDEX

**WORK RELEASE TETHER
PROGRAMS**

Sentencing, § **9:4**

WORKSHEETS

Sentencing manual, § **9:11**

ZERO TOLERANCE

Marijuana and the role of proximate
cause, § **2:31**

Minors, § **2:30**