

## INTRODUCTION TO 2024 EDITION

Michigan is in its 2<sup>nd</sup> year with the Intoxilyzer 9000 breath alcohol test device. We are learning more about the instrument and it seems the histograms add significantly to understanding the meaning of a chemical test estimate.

The United States Supreme Court and Michigan Supreme Court delivered some very important opinions and orders in the 4<sup>th</sup> Amendment and 6<sup>th</sup> Amendment. In particular, the United States Supreme Court bolstered the right of an accused to confront a chemical test by prohibiting an expert from testifying to the work of the non-testifying lab analyst, in *Smith v Arizona*. The Michigan Supreme Court also issued major opinions. Based on the timing of the opinions, only 1 opinion is covered, but the 2025 update also covers the order denying leave in *People v Bowden*. The ruling means that DRE evidence is DOA (Dead on Arrival) in trial.

The update also covers the very critical opinion testimony of Geoff French in the case of *People v Riggs*. It is a dog-ear section of the book. Dog-ear it and read it back to Mr. French when he is on the witness stand in a driving while-under-the-influence-of-marijuana trial. Thanks to the jury who acquitted Ms. Riggs, the case will never be appealed and Mr. French is locked in eternally.

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August 2024