

RS (alphabetized by 1st defendant's last name):

1. State v. Adkerson & Eanes, 90 N.C. App. 333 (1988) Weaving and run off road 1x= rs.
2. U.S. v. Arvizu, 122 S.Ct. 744 (2002) Bad case- Legal behavior can lead to RS.
3. State v. Aubin, 100 N.C. App. 628 (1990) Bad case. Slow driving and weaving=reas susp. pre-Wrenn.
4. State v. Barnard, 62 N.C. 244, 65 (2008) 30 sec. delay @ green light equals rs. Bad case. (But see State v. Roberson)
5. State v. Battle, 109 N.C. App. 367 (1993) R.S. defined.
6. State v. Bonds, 139 N.C.App. 627 (2000) Bad case. R.S. equals combo of all factors (here, window down in cold weather).
7. State v. Braxton, 90 N.C.App. 204 (1988) Furtive movement does not lead to r.s. No authority to arrest for infraction.
8. US v. Brignoni-Ponce, 422 U.S. 873 (1975) RS defined: Mexican not enough.
9. Illinois v. Caballes, 543 U.S. 405 (2005) Fisher/Falana; dissent good. How long can you be held after a stop?
10. State v. Campbell, 188 N.C.App. 701 (2008) Mere proximity to crime not enough But here there was more and thus enough for rs.
11. Webb v. Clark, 264 N.C. 474 (1965) Spinning tires not equal to careless and reckless.
12. State v. Clyburn, 120 N.C. App. 377 (1995) Search of auto for carrying concealed weapon, r.s. rules. (pre Gant).
13. State v. Cooper, 86 N.C.App. 100 (2007) Report that black male committed armed robbery without more did not provide police officer with reasonable suspicion of criminal activity to justify stop and frisk.
14. State v. Covington, 138 N.C.App. 688 (2000)RS defined.
15. State v. Davis, NO. COA03-647 **Unpublished**, weaving within 1 lane for

- more than .5 mile, then crossing the center line, + 10 miles below speed limit enough for r.s.
16. FL. v. Diaz, 800 So.2d 326 (2001) Stop based on mistake not ok.
 17. State v. Falana, 129 N.C. App. 813 (1998) Once orig. purpose of stop done-need additional r.s. to continue.
 18. State v. Fields, 673 S.E.2d 765 (2009) Weaving is not enough for r.s.
 19. State v. Fisher, 141 N.C.App. 44 (2000) After traffic stop, need r.s. for further detention.
 20. State v. Fleming, 106 N.C. App. 165 (1992) Follows Brown v. Texas. Not a car case.
 21. State v. Hernandez, 170 N.C.App. 299 (2005) Held after stop ok, but must be short \ (under 10 minutes). Also, here there was consent to search.
 22. State v. Hess, 185 N.C.App. 530 (2007) Driver revoked = rs.
 23. State v. Hiatt, NO. COA04-382 Blue lights= stop. **Unpublished**
 24. State v. Hodges, 672 S.E.2d 724 (2009) Interprets Falana. Held yes to RS here.
 25. State v. Hopper, NO. COA09-1211 **Unpublished** RS. Mistake of fact ok mistake of law not ok.
 26. State v. Ivey, 360 N.C. 562 (2006) No turn signal is not PC to stop. (But see St. v. Styles)
 27. State v. Jacobs, 162 N.C. App. 251 (2004) Rs where officer observed defendant's car weaving within its lane of travel for three quarters of a mile at 1:43 a.m. in an area near bars.
 28. State v. Jones , 96 N.C. App. 389 (1989) Weaving and slow driving = r.s.
 29. Rowe v. Maryland, 363 Md. 424, 769 A.2d 879 (2001) Driver's momentary crossing of edge line of roadway and later touching of that line did not amount to unsafe lane change or unsafe entry onto the roadway,

- conduct prohibited by statute, and did not support traffic stop. Driver's momentary crossing of edge line of roadway and later touching of that line did not rise to level necessary to justify traffic stop on the ground that it was community caretaking stop for purposes of providing assistance.
30. U.S. v. Mayo, 361 F.3d 802 (2004) An encounter occurring in a high-crime area that was targeted for special enforcement by police does not support reasonable suspicion unless coupled with other suspicious activity.
 31. State v. McClendon, 350 N.C. 630, 517 (1999) R.S. = nervous and problems with car ownership.
 32. State v. McLamb, 186 N.C.App. 124 (2007) Cop's mistake as to speed limit gives no p.c. to stop.
 33. Kansas v. Morris, 276 Kan. 11 (2003) Blue lights and stop are equal to a seizure, and so need r.s.
 34. State v. Murray, 192 N.C.App. 684 (2008) Police officer lacked reasonable suspicion when he stopped a vehicle to find out why it was traveling in an area with a history of break-ins.
 35. State v. Rhyne, 124 N.C.App. 84 (1996) Pat down not ok.
 36. State v. Roberson, 240 N.C. 745 (1954) Skidding + wreck equals C&R.
 37. State v. Roberson, 163 N.C.App. 129 (2004) Eight-to-ten second delayed reaction at traffic light did not give rise to rs. (But see Barnard).
 38. State v. Schiffer, 132 N.C.App. 22 (1999) Windshield tinting enough for rs. Car search o.k. (Pre Gant).
 39. State v. Styles, 362 N.C. 412 (2008) Reasonable suspicion rather than probable cause was necessary for police officer to conduct traffic stop, abrogating State v. Ivey, and (2) officer had required

reasonable suspicion (no turn signal) to stop defendant's vehicle.

40.State v. Thompson & Hardee, 296 N.C. 703 (1979)R.S. defined, bad case.

41. State v. Warren, NO. COA02-1693) No blue lights= no stop. **Unpublished**

42.State v. Watson,122 N.C. App. 596 (1996) RS defined.

43. U.S. v. Whren and Brown, 517 U.S. 806 (1996) Any objective reason is enough for RS.

44. U.S. v. Wilson, 205 F.3d 720 (2000) Can't see the tag not enough for RS.

45.State v. Young, 148 N.C.App. 462 (2002) RS is an objective inquiry; anonymous tip enough here.

RS Misc Stuff

1. SFST Analysis Form
2. Traffic Stops-Article from IOG
3. Analysis of legality of running tags without r.s.
4. "Passing and being passed " from Motor Vehicle Law of North Carolina (not illegal to pass on a double yellow line).
5. List of speed and weaving cases.

ANONYMOUS TIP

1. State v. Allen, 676 S.E.2d (2009) In person tip more reliable. Good law discussion for the State.
2. State v. Brown, 142 N.C. App. 332 (2001) Anonymous tip not enough-follows Florida v. J.L.
3. State v. Garcia, 677 S.E.2d 555 (2009) A less than reliable anonymous tip may still provide a basis for reasonable suspicion if supported by sufficient police corroboration.

4. Harris v. Commonwealth of VA, 262 Va. 407 (2001) Anonymous tip not enough
5. State v. Hudgins, 672 S.E.2d 717 (2009) Anonymous tip, bad case.
6. State v. Hughes, 353 N.C. 200 (2000) Anonymous tip, good case.
7. U.S. v. Hughes, 517 F.3d 1013 (2008) Anonymous tip not enough to pat down.
8. FL v. J.L., 529 U.S. 266 (2000) Anonymous tip rules.
9. State v. Maready, 362 N.C. 614 (2008) Anonymous tip, bad case.
10. State v. Mcarn, 159 N.C. App. 209 (2003) Need details of crime, not just behavior, to get to RS.
11. State v. Morton, 679 S.E.2d 437 (2009) Good case. Anonymous tip reliability.
12. State v. Peele, 675 S.E.2d 682 (2009) Anonymous tip and weaving not r.s.
13. U.S. v. Reaves, 512 F.3d 123 (2008) Anonymous tip alone not enough.
14. State v. Robinson, 148 N.C. App. 462 (2002) Anonymous tip not enough, but search ok.
15. State v. Sanchez, 147 N.C. App. 619 (2001) Face-to-face informant tip reliable.
16. State v. Young, 148 N.C. App. 462 (2002) RS is objective, anonymous tip ok here.

ROADBLOCK CASES

1. State v. Barnes, 123 N.C.App. 144 (1996) No discretion allowed at checkpoint.
2. State v. Bowden, 177 N.C. App. 718 (2006) A turn away from a checkpoint roadblock can lead to RS.
3. State v. Burroughs, 185 N.C.App. 496 (2007) Upholds *Rose* and *Edmond*.
4. State v. Colbert, 553 S.E.2d 221 (2001) Roadblock plan ok.
5. State v. Corpening, 683 S.E.2d 457 (2009) Not a checkpoint stop.
6. Indianapolis v. Edmond, 531 U.S. 32 (2000) Roadblock to serve general interest in crime control violates 4th amendment.

7. State v. Foreman, 351 N.C. 627 (2000) Okay to stop for u-turn at roadblock if RS. (Here there was R.S.; no roadblock analysis necessary)
8. State v. Gabriel, 192 N. C. App. 517 (2008) Checkpoint rules.
9. State v. Grooms, 126 N.C. App. 88 (1997) Every driver must be treated the same.
10. IL. v. Lidster, 540 U.S. 419 (2004) Roadblock to get information on hit and run ok.
11. State v. Mitchell, 358 N.C. 63 (2004) Defendant's not stopping for checkpoint or his "headlong flight" supplied RS. Roadblock ok for NOL.
12. State v. Rose, 170 N.C. App. 284 (2005) Roadblock needs primary purpose. Multi-purpose checkpoint is illegal. Must be carefully tailored to purpose.
13. State v. Sanders, 112 N.C. App. 477 (1993) No unconstrained discretion allowed.
14. Michigan v. Sitz, 496 U.S. 444 (1990) Roadblock rules, citing Delaware v. Prouse, 440 US 648 (1979).
15. U.S. v. Smith, 396 F.3d 579 (2005) Defendant's evasive behavior regarding roadblock supports finding of reasonable suspicion for stop.
16. State v. Tarlton, 146 N.C.App. 417 (2001) Roadblock-supervisor not necessary, written not necessary.
17. State v. Veazey, 689 S.E.2d 530 (2009) Bad checkpoint case. Ruling mostly based on poor appellate advocacy and trail work.

Roadblock Misc Stuff

1. Order in Robinson Checkpoint not okay.

PC to Arrest

1. State v. Ange, NO. COA01-1030 Seizure defined, **(Unpublished)**
2. Devenpeck v. Alford, 543 U.S. 146 (2004) Arresting officer's state of mind irrelevant to P.C. to arrest.

3. Florida v. Bostick, 501 U.S. 429 (1991) “Refusal to cooperate without more does not furnish the minimal level of objective justification required for a detention or seizure.”
4. State v. Branch, 162 N.C. App. 707 (2004) Falana upheld, need particularized r.s. after detaining defendant at checkpoint to conduct dog sniff.
5. Pennsylvania v. Bruder, 488 U.S. 9 (1988) Questions and answers admissible without Miranda after traffic stop if “the detained motorists’ freedom of action was not curtailed to a degree associated with a formal arrest.”
6. State v. Buchanan, 353 N.C. 332 (2001) In Custody is formal arrest or restraint, an objective question.
7. Stansbury v. California, 511 U.S. 318 (1994) Custody is objective question.
8. State v. Carrouters, 683 S.E.2d 781 (2009) Handcuffs not equal to arrest. Bad case.
9. Dunaway v. NY, 442 U.S. 200 (1979) Police confinement which goes beyond the limited restraint of a Terry investigative stop can only be justified by probable cause.
10. State. v. Helms, 348 N.C. 578 (1998) HGN not admissible (modified 2006 by Rule 702).
11. OH v. Homan, 89 Ohio St 3d 421 (2000) Standardized FST’s must be done exactly as described.
12. State v. Icard, 363 N.C. 303 (2009) Defendant/passenger in car seized; definition of seizure-motion to suppress allowed.
13. State v. Myles, 188 N.C.App. 42 (2008) Affirms Falana
14. MD v. Pringle, 540 U.S. 366 (2003) P.C. needed for particularized susp. (but had it in this case); arrest of car occupant ok.
15. Fl. v. Royer, 460 U.S. 491 (1983) “Reasonable suspicion of crime is

insufficient to justify custodial interrogation even though interrogation is investigative.”

16. Terry v. Ohio, 392 U.S. 1 (1968) Probable cause defined. Seizure ok if objectively reasonable.
17. Thornton v. U.S., 541 U.S. 615 (2004) PC to arrest= Ok to search car (prior to Gant).

Misc PC Stuff

1. Other Relevant Research on Field Sobriety Testing
2. Field Sobriety Tests, Are they designed for failure? S. Cole and R. Nowaczyk

SEARCH/SEIZURE

1. State v. Alston, 131 N.C. App. 514 (1995) Constructive possession of gun not imputed to passenger.
2. State v. Artis, 344 N.C. 633 (1996) Pat down search not okay (Pants pocket bulge)
3. U.S. v. Bond, 213 F.3d 840 (2000) not ok. Plain feel not enough!
4. State v. Bostick, 501 U.S. 429 (1991) Bus search rules, consent to search.
5. State v. Braxton, 90 N.C.App. 204 (1988) Need P.C. to search
6. Caldwell v. State, 780 A.2d 1037 (2001) The officer's citing a defendant with a parking violation does not then permit the officer to frisk and handcuff the defendant and detain him until another officer arrives.
7. State v. Carter, 661 S.E.2d 895 (2008) Follows Arizona v Gant
8. State v. Carty, 170 N.J. 632 (2002) After traffic stop need reas. susp to search car. (NJ constitution stricter than US Constitution, as is NC Constitution).
9. State v. Cooke, 306 N.C. 132 (1982) requirement. Explains exceptions to warrant
10. Fellers v. U.S., 540 U.S. 519 (2004) If info is deliberately elicited-Miranda rights necessary.

11. State v. Fleming, 106 N.C. App. 165 (1992) Pat down after arrest requires probable cause.
12. AZ. v. Gant, 129 S.Ct. 1710 (2009) No search of car after charge unless related to charge or defendant in car when arrested.
13. State v. Hedgecoe, Jr., 106 N.C.App. 157 (1992) Paraphernalia must be connected to drugs.
14. CO v. Heilman, 52 P.3d 324 (2002) Search not consensual because officer's asked.
15. WY v. Houghton, 526 U.S. 295 (1999) Refines consent to search.
16. State v. Icard, 363 N.C. 303 (2009) P.C. is needed to detain defendant.
17. State v. Jackson, 681 S.E.2d 492 (2009) Passenger has standing to contest unconstitutional stop.
18. Jones v. U.S., 362 U.S. 257 (1960) Needs reasonable corroboration of informant's statement for PC.
19. Knowles v. Iowa, 525 U.S. 113 (1998) Search after traffic citation, even if consent, not ok.
20. U.S. v. Lattimore , 87 F.3d. 647 (1996) Consent to search after traffic stop.
21. U.S. v. Maple, 348 F.3d 260 (2003) Search of car's closed compartment must be reasonable and must follow police procedure.
22. State v. McDougald, 665 S.E.2d 99 (2008) Search with consent from one resident with another nonconsenting resident present is not ok in private areas.
23. Mincey v. Arizona, 437 U.S. 385 (1978) Emergency exception to 4th Amendment warrant requirement.
24. State v. Minor, 132 N.C.App. 478 (1999) Search of car when the defendant gets out of a car is not okay without more information. (movement not "furtive.")

25. State v. Pearson, 348 N.C. 272 (1998) Consent to search vehicle does not include a pat down, pat down “protective” search not okay.
26. State v. Poczontek, 90 N.C.App. 455 (1988) PC, informant, plain view? Good case.
27. GA v. Randolph 547 U.S. 103 (2006) Search case- 1 resident says yes, one says no, no consent, no search.
28. Commonwealth of VA v. Rice, 28 Va. App. 374 (1998) If cop holds DL, defendant not free to leave and therefore his consent is invalid.
29. OH v. Robinette, 519 U.S. 33 (1996) When is consent to illegal search freely given?
30. U.S. v. Sakyi, 160 F.3d 164 (1998) Legal to frisk passenger if RS exists.
31. U.S. v. Salvucci, 448 U.S. 83 (1980) Defendant can only claim 4th amendment violation if defendant’s rights have been violated.
32. IL v. Wardlow, 528 U.S. 119 (2000) high crime area + unprovoked flight = RS to frisk. (Terry case.)
33. State v. Williams, 673 S.E.2d 394 (2009) Plain feel standard as P.C.

Misc Search and Seizure Stuff

1. Background of Search and Seizure by Bill Powers

KNOLL CASES

1. State v. Eliason, 100 N.C. App. 313, 395 S.E.2d 702 (1990) Good explanation of the three cases considered in State v. Knoll; in this case it was found that defendant’s constitutional rights were not violated.
2. State v. Elson, NO. COA98-125 State’s burden to prove no violation if refusal or no chemical test. **Unpublished.**
3. State v. Ferguson, 90 N.C. App. 513, 369 S.E.2d 378 (1998) Case should be dismissed when a defendant is denied access to a potential witness after the witness arrived

in a timely fashion and made a reasonable effort to gain access to the defendant.

4. State v. Gilbert, 85 N.C. App. 594; 355 S.E.2d 261 (1987) Need to show prejudice if the breath tests result is .08 or above to get relief.
5. State v. Haas, 131 N.C. App. 113, 505 S.E.2d 311(1998) Defendant needs to show prejudice. Bad case.
6. State v. Ham, 105 N.C. App. 658, 414 S.E.2d 577 (1992) Defendant needs to show prejudice. Here a one hour delay was not prejudicial.
7. State v. Hatley, 661 S.E.2d 43 (2008) Knoll violated; but defendant also must show prejudice.
8. State v. Hayes, 188 N.C. App. 313 (2008) Knoll violated, defendant must also show prejudice.
9. State v. Hill, 277 N.C. App. 547 (1971) Refusal of the jailer to permit the defendant's attorney to see him is inherently prejudicial. (Knoll is based on this case.)
10. State v. Labinski, 654 S.E.2d 740 (2008) Defendant must show prejudice in order to be successful in arguing a Knoll violation.
11. State v. Myers, 118 N.C. App. 452, 455 S.E.2d 492 (1995) The defendant unequivocally asked that his wife be permitted to observe the taking of the breathalyzer test. Officer made a statement that "that might not be a good idea." Officer had no right to refuse that request and so charges must be dismissed.
12. State v. Knoll, 322 N.C. App. 535 (1988) Delay in releasing a defendant from \ custody after being charged with DWI can cause irrevocable prejudice, justifying dismissal of case.

Misc Knoll Stuff

1. State v. Rao (Memorandum of Law by Marcus on Knoll)
2. State v. Tuckett (Memo of Law) When cops deny witness' access to FST's, they violated Knoll.
3. Memorandum of law #2 on Knoll by Marcus.

MISC. CASES

1. State v. Allen, 359 N.C. 425 (2005) Adopts *Blakely* and *Apprendi*. Jury decides punishment beyond reasonable doubt.
2. State v. Alston, 88 N.J. 211 (1981) Constructive possession of gun not imputed to passenger.
3. State v. Bartlett, 130 N.C. App. 79 (1998) Alka-sensor not admissible- if not sure controlled substance, can't seize.
4. WA v. Blakely, 542 U.S. 296 (2004) Apprendi adopted.
5. MD v. Brady, 373 U.S. 83, 83 S.Ct. 1194 (1963) DA must disclose all potentially exculpatory info.
6. State v. Buchanan, 355 N.C. 264, 559 S.E.2d 785(2002) See also State v. Buchanan 543 S.E.2d 823 (2001). The test for arrest is whether reasonable person in defendant's place would have believed in custody, not officers subjective intent.
7. State v. Buckner, 34 N.C. App. 447, 238 S.E.2d 635(1977) 30 minute wait required if defendant exercises right to witness.
8. State v. Cao, 175 N.C.App. 434, 626 S.E.2d 301 (2006) Crawford-records ok if only objective facts, no opinions. (Before Melendez-Diaz)
9. State v. Catoe, 78 N.C. App. 167, 336 S.E.2d 691(1985) Extrapolation evidence ok sometimes.
10. State v. Clark, 12 Ired. 151, 1851 WL 1154 N.C. (1851) Expert witness.

11. State v. Coffey, 658 S.E.2d 73 (2008) Indefinite extension of revocation for no 508 is GAF.
12. State v. Cooke, 270 N.C. 644, 155 S.E.2d 165 (1967) Blood test case-drunk at time of accident is all that is relevant.
13. State v. Cothran, 463 S.E.2d 423(1995) Bad case; .08 is enough.
14. Crawford v. Washington, 124 S.Ct. 1354,158 L.Ed. 177 (2004) Defendant has the right to confront witnesses against him (Melendez-Diaz based on this case).
15. WA v. Davis, 547 U.S. 813 (2006) Definition of testimonial: statements made to cops where primary purpose is to meet emergency needs are not testimonial (here 911 call).
16. State v. Davis, 142 N.C. App. 81, 542 S.E.2d 236(2001) Refusal and blood test admissible.
17. State v. Delaney, 613 S.E.2d 699 (2005) Expert may use info from other experts to opine.
18. State v. Fletcher, 688 S.E.2d 94 (2010) Blood draw w/out warrant ok if exigent circumstances. Bad case.
19. State v. Fowler, 676 S.E.2d 523 (2009) 2006 DWI statute/procedure reviewed and okayed. (Sorry Bill!)
20. ND v. Gill, 755 N.W.2d 454 (2008) Community caretaking exception not applicable in a dwelling.
21. State v. Hairr, 244 N.C. 506 (1956) Insufficient for a 20-138 conviction for the court to show that a def drove an auto on a highway within the state when he has drunk a sufficient quantity of intoxicating liquor to affect however slightly his mental or physical faculties. Must show loss of normal control and appreciable impairment.
22. State v. Hatley, 661 S.E.2d 43 (2008) Witness arrives on time and not allowed to be witness-not to suppress intox result allowed.

23. State v. Hensley, 190 N.C. App. 600 (2008) Poss of alcohol-need evidence of what was in the bottle.
24. U.S. v. Herring, 129 S.Ct. 695 (2009) Exclusion not always warranted by evidence mix up.
25. OH v. Homan, 89 Ohio St. 3d 421 (2000) FST's require strict compliance.
26. Howerton v. Helmet, LTD, 581 S.E.2d 816 (2003) Standards for experts-not Daubert!
27. State v. Hudgins, 606 S.E.2d 443(2005) Necessity defense.
28. State v. Jenkins, 527 S.E.2d 672 (2000) DV-pretrial release case.
29. U.S. v. Johnson, 410 F.3d 137 (2005) Community caretaking exception to warrant requirement.
30. State v. Lawson, 285 N.C. 320, 204 S.E.2d 843(1974) Miranda upheld: statement excluded.
31. State v. Lewis, 603 S.E.2d 559 (2004) Crawford case
32. State v. Lloyd, 33 N.C. App. 370, 235 S.E.2d 281(1977) 30 min wait not necc. unless defendant exercises rights to witness.
33. State v. Madry, 537 S.E.2d 827 (2000) Warrant defective if all elements of crime not charged.
34. State v. Matias, 556 S.E.2d 269 (2001) Constructive possession (different from Weems.)
35. MA v. Melendez-Diaz, 129 S.Ct. 2527 (2009) Right to confrontation extends to lab techs.
36. State v. Moore, 513 S.E.2d 346(1999) Don't have to re-do waiting period if .02 difference.
37. State v. Morgan, 362 N.C. 686 (2008) DWI pre-2006 amendments-State's appeal rights limited.
38. Atkins v. Moye, 277 N.C. 179 (1970) Odor (of alcohol) standing alone is no

evidence that he is under influence of an intoxicant and the mere fact that he has had a drink will not support such a finding.

39. State v. Myers, 118 N.C. App. 452, 455 S.E.2d 492(1995) When defendant requests witness, state must allow.
40. State v. Narron, 666 S.E.2d 860 (2008) Per se rule .08 not an irrebutable presumption.
41. State v. Palmer, 676 S.E.2d 559 (2009) Post 2006 procedure in State's appeal of DWI pretrial motions.
42. State v. Rivens, 679 S.E.2d (2009) LEO's have right to approach residence and ask questions.
43. Robinson v. Seaboard System Railroad, Inc., 87 N.C. App. 512, 361 S.E.2d 909(1987) Expert witness needs some knowledge. (See Howerton)
44. State v. Rogers, 124 N.C. App. 364 (1996) Alka-sensor procedure-anything ok. Bad case.
45. State v. Scott, 146 N.C. App. 283, 551 S.E.2d 916 (2001) Need more than drinking in refusal case.
46. State v. Shuping, 213 N.C. 421, 323 S.E.2d 350 (1984) .10 is enough.
47. State v. Smith, 262 N.C. 472, 137 S.E.2d 819 (1964) In RDO, warrant must allege the cops duty and what defendant did to resist.
48. State v. Speight, 186 N.C. App. 93 (2007) Adapts Blakely- errors not ever harmless.
49. State v. Summers, 351 N.C. 620 (2000) Collateral estoppel between DMV hearing and criminal trial. (See also Brower v. Killens)
50. State v. Sutton, 359 N.C. App. 642 (2005) Crawford case.
51. Taylor v. Abernethy, 149 N.C. App. 263, 560 S.E.2d 233(2002) When is expert witness admissible.
52. State v. Taylor, 165 N.C. App. 750 (2004) Expert evidence ok (but see concur).

53. State v. Teeter, 361 N.C. 107, 637 S.E.2d 536 (2006) Expert witness not admissible on speeding case; can only testify about speed if saw vehicle in motion.
54. State v. Thompson, 349 N.C. 483 (1998) DV pretrial detention case- State must have hearing 1st thing.
55. State v. Thompson, 154 N.C. App. 194, 571 S.E.2d 673(2002) intox rights orally and in writing.
56. State v. Verdicanno, NO. COA99-1086 Blood test 3 hours later not at a relevant time. (**Unpublished**)
57. State v. Washington, 668 S.E.2d 622 (2008) When do police have PC to stop and ask for ID?
58. State v. Williams Brady case: if st. destroys evidence-VD
59. State v. Wimbish, 555 S.E.2d 329 (2001) *Apprendi* adopted.

WRECK CASES

1. Atkins v. Moyer, N.C. 106, 161 S.E.2d 568 (1970) Need more than odor or drinking.
2. State v. Cruz, 173 N.C. App. 689, 620 S.E.2d 251 (2005)Refines Trexler; also -GAF child must be found by jury.
3. State v. Hairr, 244 N.C. 506 (1956) Drinking ok- need intoxicated.
4. Hamilton v. Shaffer, 126 N.C. App. 197 (1994) Blood test chain of custody.
5. State v. Ray, 54 N.C. App. 473 (1981) Trexler case.
6. Robinson v. Ins. Co., 255 N.C. 669 (1961) Blood test before any other substance injected.
7. State v. Scott, 146 N.C. App. 283 (2001) Need more than slurred speech to prove impaired.
8. State v. Trexler, 316 N.C. App. 528 (1986) Corpus delicti rule; a defendant's admission to an element of crime is not enough to prove that element.

MISC STUFF FOLDER

1. Alco-Sensor FST owner's manual, Alco-Sensor III owner's manual
2. PBT reqs
3. IOG article on passing
4. Robinson outline on DWI motions
5. Challenging the blood test for alcohol
6. Problems with drug testing in DWI
7. Cellular Respiration and Fermentation
8. Effects of Hyperthermia on Breath-Alcohol Analysis
9. Variables Affecting the Accuracy and Precision of Breath Alcohol Instruments
10. Core Body Temperature and its Effect on Breath Alcohol Management
11. IOG: Procedures in DWI post Fowler
12. NC DA's Association list of cases
13. FST's and validation
14. HGN Guide from NHTSA Accuracy and Precision of Breath-Alcohol Measurements for a Random Subject in the Postabsorptive State
15. Forced Blood Draw Order and Subpoena
16. Grossly Aggravating Factors (list by MH)
17. Memo from Farb on Crawford/Apprendi-Farb says DWI AF and GAF must be alleged in indict and proven to jury except prior convictions.
18. Motion to Suppress
19. Melendez-Diaz motions/letters/etc.

