



### **K36 Opiate Withdrawal and Adulterated CNS Depressant Drug Impaired Driving: Case Interpretation and Overcoming Motions to Suppress**

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After attending this presentation, attendees will understand the key medical legal issues addressed when evaluating impaired driving resulting from opiate addiction. Case history, self reporting, biological samples, analytical test results, relevant case law, and strategies challenging motions to suppress will be discussed. In addition, the opposing conclusions from the expert witnesses will be presented.

This presentation will impact the forensic community by interpreting DUID cases involving impairment when only trace analytical test results are available.

On March 7th at 1445 hours, police are notified of a collision involving two vehicles (vehicle #1 a 1998 Nissan Frontier (pickup truck) and vehicle #2 a 1987 Volvo 740). The weather was clear and dry. Vehicle #2 was traveling eastbound and made a left hand turn (northerly) when it was struck broadside by vehicle #1 that was traveling westbound. Vehicle #1 driven by a 47-year-old male had violated a red traffic control device just prior to this collision. As a result of this accident, two males ages 17 and 34 occupying vehicle #2 had been fatally injured.

Scene evaluation of the driver for vehicle #1 reveals the subject claims to have been reaching down for a water bottle and taking his attention off the roadway. The subject made statements at the scene to police officers and medical personnel that he was a heroin addict and had ingested three Klonopin® prescription pills approximately 09:00 – 09:30. He crushed two of the pills and snorted them, and then he ingested the third. Subject claimed to have eaten very little in the past two days (two bowls of cereal the previous day) and nothing that day (body height and weight were 6'1" and 135 pounds). In addition, the subject claimed to be in withdrawal with his last use of Heroin having been on March 5<sup>th</sup>. The subject admitted to be in route to purchasing more Heroin and having \$2,500 dollars in cash. Multiple blood samples were collected and indicated the presence of trace parent cocaine and metabolite, trace clonazepam, while urine test results confirmed the presence of morphine and oxycodone in addition to parent cocaine and benzoyllecognine.

#### **DUID, Opiate Impairment, Benzodiazepines**