

LC man accused of third-offense DWI acquitted at trial

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A Lake Charles man accused of third-offense drunken driving was acquitted Thursday in 14th Judicial District Court.

[REDACTED], of 1000 [REDACTED] was originally charged with fourth-offense DWI, but the charge was amended before trial because one of his prior convictions was inadmissible.

[REDACTED] was convicted of drunken driving on Feb. 27, 2001, in New Braunfels, Texas, and in Lake Charles on Jan. 10, 2002. He gave up his right

to jury trial on the new charge and allowed Judge Mike Canaday to hear the case instead.

Canaday ruled Assistant Attorney General Erin Mullen failed to prove [REDACTED] was driving drunk April 18, 2005.

According to state police Sgt. Travis Savoy, a pickup truck [REDACTED] was driving passed Savoy's patrol car at 1:28 a.m. going westbound on Interstate 10 near milepost 39.

[REDACTED] wasn't speeding or violating any other traffic law, but Savoy said he checked the license plate to see whether the truck had been stolen and learned the

celebrated the day before.

Savoy turned on his car's video camera and pulled the truck over. He said he suspected [REDACTED] was drunk because of some of the man's actions. He said [REDACTED] also smelled heavily of alcohol and that his eyes were red and glossy.

[REDACTED] said he had a few beers earlier in the day, and his truck contained both empty and unopened beer bottles and a bottle of vodka, Savoy said.

Savoy administered three field sobriety tests to [REDACTED], who performed poorly on all of them, including an eye movement test he

said.

[REDACTED] later refused to take a breath-alcohol test. When he took the witness stand, [REDACTED] said he wasn't driving drunk and pointed to portions of the videotape viewed by Canaday to support his claims.

He noted that at one point he bent over to tie his shoe laces before he began some of the tests. He didn't falter or fall while doing so. He said the alcohol in the truck was not his and may have been put there when a relative borrowed the vehicle earlier in the day.

[REDACTED]'s attorney, Glen Vamvoras, attacked the proce-

dures followed by Savoy in administering the tests, especially the eye-movement exam.

He also introduced results of two recent eye exams in which separate doctors concluded [REDACTED] suffers from a weakness in his right eye. The muscle in that eye has been damaged, causing the eye to jerk.

His two eyes don't follow each other, the doctors concluded.

[REDACTED] said the injury stems from an accident years ago in which an automobile battery exploded near his face as he and a friend were trying to jump-start a car. Vamvoras

introduced evidence claiming such an injury could affect the results of the eye-movement test administered by the trooper.

During cross-examination, Mullen questioned why [REDACTED] didn't submit to the breath-alcohol test if he wasn't drunk.

[REDACTED] said he thought his chances were better if he didn't take the test and that he didn't trust Savoy, whom he believed had no good reason for stopping him in the first place.

[REDACTED] questioned why the officer singled out his vehicle and ran a check on his license plate.