

Alcohol test from fatal accident thrown out

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The results of a blood-alcohol test taken by a man who allegedly struck and killed a bicyclist more than two years ago were thrown out as evidence Thursday because he wasn't told he could refuse to take the test, nor was he told what would happen if he did refuse.

Judge Rick Bryant said he reluctantly had to order the results tossed out because the proper procedures weren't fol-

lowed. [REDACTED] 34, wasn't under arrest when he submitted to the test, and police noted no signs of his being intoxicated. But prosecutor Carla Sigler said [REDACTED]'s test results indicated he was drunk.

A new law that doesn't require a person to be under arrest when the test is administered in cases involving major injuries or a fatality wasn't in effect when [REDACTED] was tested, Sigler said.

She said she may cite that law and other issues when she

appeals Bryant's ruling.

[REDACTED] is charged with drunken driving in connection with an Aug. 13, 2005, accident in which [REDACTED], 20, of Vinton, was killed.

In February 2006, grand jurors declined to indict [REDACTED] on a charge of vehicular homicide. He was indicted only on charges of DWI, careless operation and no insurance.

[REDACTED] was allegedly hit by a car driven by [REDACTED] as the victim was riding his bicycle

on Niblett's Bluff Road in Vinton. The road was dark and [REDACTED] was hit while riding in a curve, so the driver of the car apparently didn't see him, a Calcasieu sheriff's spokesman said at the time of the accident.

Defense attorney Glen Vamvoras asked Bryant to ban the state from using at trial any reference to the results of [REDACTED]'s blood and urine tests. He said police didn't follow the legally required procedure in obtaining the samples.