People v. Meza
(2018) 23 Cal.App.5th 604

Issue

If a DUI arrestee is treated at a hospital for injuries, under what circumstances can officers obtain a blood sample without a warrant?

Facts

 At about 6:30 p.m., Meza and another driver engaged in a speed contest in Concord. While traveling at about 90 m.p.h. in a 45 m.p.h. zone, Meza lost control of his car which then catapulted across the median and landed on an embankment. Both Meza and his passenger were injured. At least four officers arrived at the scene and addressed the various issues that result from injury accidents. One of the officers spoke with Meza and concluded that he was under the influence of alcohol.

Meza and his passenger were transported by ambulance to a hospital where, pursuant to emergency department protocol in trauma cases, a sample of Meza’s blood was taken. About 30 minutes later, the blood test results were in: 0.148 percent. About one hour later, an officer who had gone to the hospital to investigate Meza’s sobriety directed a phlebotomist to draw another sample of his blood. It tested at 0.11 percent.

 Meza was charged with felony DUI among other things. His motion to suppress the results of the second blood test was denied. The case went to trial and the results of both blood tests were admitted into evidence. Meza was convicted and sentenced to six years in prison.

Discussion

On appeal, Meza did not challenge the admissibility of the blood sample obtained by emergency department personnel as a matter of routine. He did, however, challenge the test results of the sample obtained without a warrant at the officer’s direction. The court agreed with Meza that those test results should have been suppressed.

In 1966, the Supreme Court in *Schmerber v. California*[[1]](#footnote-1) ruled that exigent circumstances justify a warrantless blood draw whenever a driver is arrested for DUI. The Court reasoned that an immediate blood draw was necessary because the natural metabolization of alcohol in the bloodstream will necessarily undermine the efficacy of the test results.

In 2013, however, the Court in *Missouri v. McNeely[[2]](#footnote-2)* overturned that ruling on grounds that, due to advances in electronic communications technology such as fax and email, it is it now possible for officers to apply for and obtain warrants from on-call judges so quickly that a categorical exemption for DUI cases was no longer necessary. Consequently, the Court in *McNeely* ruled that, while the metabolization of alcohol remains a relevant circumstance in determining the need for an immediate blood draw, it does not, in and of itself, constitute an exigent circumstance. Instead, warrantless blood draws are permissible only if the totality of the surrounding circumstances demonstrates a sufficient threat to the reliability of the test results.

Did any such circumstances exist in *Meza*? The court ruled the answer was no because the investigating officer had plenty of time to seek a warrant if she had not remained at the scene and engaged in activities that other responding officers could have handled. Said the court, “Her activities are ones we expect her colleagues could have undertaken, or she could have put off until later, so that she had time to prepare an affidavit and use a fax machine at the hospital to submit a warrant application.”

Although the court ruled that the results of the second blood test should have been suppressed, it affirmed Meza’s conviction on grounds that the results from the first test were sufficient to support his conviction. POV

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1. (1966) 384 U.S. 757. [↑](#footnote-ref-1)
2. (2013) 569 U.S. 141. [↑](#footnote-ref-2)