

SUPERIOR COURT OF CALIFORNIA
County of _____



SEARCH WARRANT
DUI Blood Draw

The People of the State of California
To Any Peace Officer in the above county:

Warrant No. _____

Name of arrestee:

Numerical identifier (if any, such as CDL, CII, PFN):

Vehicle Code violation: ☐ 23152 ☐ 23153 ☐ 23140

The affidavit below, which was sworn to and subscribed before me on this date, has established the following:

- (1) At the date and time listed in the affidavit, the arrestee was lawfully arrested in the above county for the above offense(s) and the arrestee remains in custody.
- (2) There is probable cause to believe that laboratory testing of a sample of the arrestee's blood will produce relevant evidence as to arrestee's guilt or innocence.

Therefore, pursuant to *Missouri v. McNeely* (2013) __ U.S. __ [2013 WL 1628934], you are ordered to promptly obtain a sample of the arrestee's blood and submit the sample to an approved laboratory for the purpose of determining its alcohol and/or drug content. This sample shall be obtained in a medically approved manner by a person who is certified to draw blood. Pursuant to *Carleton v. Superior Court* (1985) 170 Cal.App.3d 1182, 1192 ["to restrain a defendant reasonable force may be necessary to properly withdraw a blood sample from an actively resisting defendant"], if the arrestee actively resists the execution of this warrant, and if officers have notified the arrestee that a warrant for this procedure has been issued, they may use reasonable force to obtain the evidence.

Date

Judge of the Superior Court

◆ AFFIDAVIT ◆

Name of affiant:

Affiant's agency:

Date of arrest:

Time of arrest:

I am a law enforcement officer employed by the above agency. On the above date and time I arrested the above-named arrestee for the above Vehicle Code offense and the arrestee has remained in custody. The arrest was based on the following circumstances that were witnessed by me or, where indicated, were witnessed by another officer who informed me of the circumstance:

Declaration: I declare under penalty of perjury that the foregoing is true.

Date

Affiant