

# Michigan Court of Appeals Rules Against Drug Recognition Evaluator Testimonies

*Komorn Law in conjunction with MAOWIA filed an amicus brief in support of a Defendant-Appellant being prosecuted for operating while intoxicated by marijuana*

FARMINGTON HILLS, MICHIGAN, USA, December 6, 2022 /EINPresswire.com/ -- [Komorn Law](#) in conjunction with Rudoj Law and the Michigan Association of OWI Attorneys filed an amicus brief in support of the Defendant-Appellant, who was being prosecuted in the lower court for "operating while intoxicated by marijuana."

With the filing of the amicus brief in this appeal, the [expert](#) testimony of a DRE - in driving while intoxicated or impaired cases - can no longer be used in court.

In this case the prosecutor and lower court relied on the testimony of an expert DRE (drug recognition evaluator) to prosecute this case.

### Appeals Court Agreed with the Defendant

The Michigan Court of Appeals ruled on this case agreed with the defendant and the amicus filing by Komorn Law and Rudoj Law that the DRE protocol for determining a subject's level of impairment 'has not been validated'.

The Court further stated that "There simply is no evidence in this record to support that the DRE protocol can reliably be used to detect the degree or level of intoxication caused by marijuana and determine whether that level of intoxication has made the person unable to safely drive a motor vehicle".

The court ruled that the proposed expert DRE testimony was inadmissible under MRE 702 and reversed and remanded the case for further proceedings consistent with their opinion.

With the filing of the amicus brief in this appeal, the testimony of a DRE as an expert in driving while intoxicated or impaired cases can no longer be used in court.

[Attorney Michael Komorn](#) has been on the frontline of legal defense in cannabis law, DUI, OWI, criminal defense casework and continues to lead the way in discrediting invalidated investigative methods used by law enforcement in determining a defendant's innocence or guilt for his

clients. If you're looking to hire a true fighting lawyer... Contact Komorn Law.

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