

New York State STOP-DWI Foundation, Inc.

## STOP-DWI NY TRAINING OPPORTUNITY Webinar Training The Unconventional DWI

## By TODD J. CASELLA, ESQ. YATES COUNTY DISTRICT ATTORNEY

Date:

February 15, 2023

Time: 9 am – 1 pm

Registration/sign-in begins at 8:30am

Location: Zoom

To Register:
<a href="https://us02web.zo">https://us02web.zo</a>
<a href="mailto:om.us/webinar/register/WN\_K0JAVy2cT">om.us/webinar/register/WN\_K0JAVy2cT</a>
<a href="mailto:aGQzoNfIUbupg">aGQzoNfIUbupg</a>

Contact:
Sheryl Hutton
Hutton.sheryl@yah
oo.com
315-723-1189

No training credits are available.

The NY State STOP-DWI Foundation, Inc., through funding from the NYS Governor's Traffic Safety Committee, is pleased to sponsor a statewide training to benefit local STOP-DWI efforts in New York State. This seminar is free of charge to all STOP-DWI partners engaged in preventing impaired driving.

## **Todd Casella**

In March of 2013 I began my professional career as an Assistant District Attorney for Steuben County, NY. Then in November of 2017 I was elected Yates County District Attorney and took Office on January of 2018. At the time I was 33 years old and was the youngest elected District Attorney in the State. That same year I was selected as one of six counties in the State to pilot the Digital Evidence Management System (DEMS) for the New York Prosecutor's Training Institute (NYPTI). Beginning in 2019 I taught several classes to the for NYPTI and the District Attorney's Association of New York (DAASNY) on the implementation of DEMS in anticipation of complying with discovery reform. I continue to train District Attorney's Offices across the State on discovery compliance and for the past three years I have taught Assistant District Attorney's at NYPTI's summer college at Syracuse University. For a 2018 conviction and my commitment to teaching other prosecutors, I was nominated and awarded, "Prosecutor of the Year" by the New York Prosecutor's Training Institute at the District Attorney's Association of New York's Summer Conference.

## "The Unconventional DWI" (4 hours)

- What is an Unconventional DWI?
  - A DWI where the conventional investigative tools don't work or are not an option.
  - o Refusal to submit to SFST, PBT, chemical Test
  - o Unconscious suspect, non-verbal suspect, combative suspect
  - Suspect left the scene, "home free" DWI
  - o Any standard DWI where conventional evidence is suppressed by the Court.
- Redefining how to Investigate a DWI and looking beyond SFST
  - A focus on operation, contents of vehicle, talking to the suspect, and looking beyond the stop.
  - Civilian witnesses can be the best witnesses, find them and talk to them be aware of your Brady responsibilities
  - o How to articulate a suspect's intoxication without referring to SFST or breath tests
  - O What is the deference between Intoxicate and Impaired?
- <u>Different types of Unconventional DWI and how to get the evidence</u>
  - Standard stop No SFST (refused), no chemical test (refused)
  - o Standard Stop Combative suspect, No SFST (refused), no chemical test (refused)
  - Standard Stop Non-verbal suspect, No SFST (refused), no chemical test (refused)
  - Single Vehicle MVA Suspect incapacitated
  - O Single Vehicle MVA suspect left the scene
  - Multiple Vehicle MVA serious physical injury to another and no serious physical injury to another
- Orders to Compel Blood and other blood draw related issues serious physical injury or death to another
  - What is the process(es), who do you call, how fast to you need to act, what information do you need on ready, do you have a copy of an application?
  - O What is the Two-hour rule and when does it matter?
- <u>Search Warrants are your friend –</u> when should you consider using them
  - Don't ignore the suspects cell phone it most likely has all the evidence to prove your case
  - o Cell Site Data, Google Earth.
  - Know what you are looking for and narrow your parameters in your application for the search warrant and the execution of the search
- Special Cases DWAI Drugs
  - All the same issues can and do arise in DWAI Drugs cases
  - What is the standard impaired to any extent or substantial impairment
  - Does a refusal to submit to a chemical test mean your case is dead?
- Conclusion/Closing Remarks