

# A MATTER OF BLOOD

By **STUART PFEIFER**/The Orange County Register

**D**runken-driving suspect James Walker said he was given one choice by Irvine police: submit to a blood test, or officers would hold him down and forcibly pull blood from his veins.

Irvine police officers told Tyler Sample, 22, of Garden Grove that their breath-analysis machine was broken, so he could either agree to a blood test — or wait hours for a breath test at Orange County Jail.

And Richard Heil said he went two months without a driver's license because Irvine police would not allow him to take a breath test. Laboratory results eventually showed that his blood-alcohol level was below the legal limit.

Despite a California law that says police must give drunken-driving suspects a choice of a blood, breath or urine test, some Irvine DUI suspects allege they were forced or coerced into taking a blood test at the city jail.

Laguna Beach lawyer Barry T. Simons has asked a judge to disallow evidence of Walker's blood-alcohol

**Suspects in drunken-driving cases say Irvine police coerced them into taking blood tests. The chief denies the allegations.**

level because of that alleged pattern — a decision that could affect dozens of similar cases. Simons says he has statistics that prove his case.

Harbor Municipal Court Judge Frances Munoz was scheduled to rule on Simons' motion today.

Irvine Police Chief Charles S. Brobeck insists that his officers follow "the letter of the law" in offering a choice of the three tests. Any suspect who says otherwise is mistaken, Brobeck said.

"Their impaired condition would definitely have an influence on their memory," Brobeck said.

Police and prosecutors acknowledge that they prefer blood tests as evidence because those tests are least susceptible to challenge in court and, when given willingly, are the most accurate.

And if they are asked by drunken-driving suspects which test to take, many Irvine officers suggest blood, said Lt. Mike White.

"I would recommend a blood test because it's easier for me," said White. "It is quicker. It gives you a sample that can be retested if you wish."

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