

DWI Journal

Law & Science

Volume 21, No. 12

December 2006

CONTENTS

Message From The Editor	1
Message to DWI Journal Subscribers	2
State v Homan Part 2: Answering the question: Is strict compliance dead or alive?	3
Case Law & Litigation Tips	12

PATRICK T. BARONE

Editor

CARLY BOHACH

Managing Editor

EDITORIAL BOARD

Harvey Cohen, Ph.D., C.I.H.
Cambridge Technical Associates
Needham, Massachusetts

James Farragher Campbell
Campbell & DeMetrick
San Francisco

Richard A. Essen
Essen, Essen, Susaneck, Canet & Goodis
Miami, Florida

Henry S. Greenberg
Forensic Analytic Consultants
Fountain Valley, California

William C. Head
Atlanta, Georgia

John Henry Hingson, Esq.
Oregon City, Oregon

Dominick Labianca, Ph.D.
Brooklyn College, CUNY

Mary McMurray
Blue Mounds, Wisconsin
Wayne A. Morris, M.S.
Morris-Kopec Forensics Inc.
Winter Park, Florida

Robert S. Reiff, Esq.
Miami, Florida

Gil Sapir, J.D., M.Sc.
Chicago, Illinois

JOHN A. TARANTINO

Editor Emeritus

WHITAKER NEWSLETTERS INC.

Publishers

e-Mail: dwijournal@verizon.net
Donna Kay Whitaker, Publisher
14305 Shoreham Drive
Silver Spring, MD 20905
301-384-1573; FAX: 301-879-8803

Message From The Editor

By William C. Head

Sometimes you never realize that your plate is full until it overflows into your lap. That is what happened to my plate in December of 2006. I found a lap full of food, and it was messy.

No longer would a few more hours a week get the "extra" jobs done that I had obligated myself to perform done. Even adding twelve hours on Christmas Day would not cover the duties I had undertaken. I simply could not accomplish all that I needed to do in a 24 hour period or even several of those days in close succession.

Hence, I am lightening my load and passing the Editorship of **The DWI Journal** to my good friend and staunch DUI-DWI guru, Patrick Barone of Birmingham, Michigan. Patrick is a remarkably bright and motivated criminal defense attorney, fiercely loyal to his friends and dedicated to a code of honor that makes me proud to call him my friend.

Patrick already writes **Defending Drinking Drivers**, which is an outstanding national treatise on drunk driving law. In doing so Patrick must stay abreast of case law from across the nation. Plus, he defends OWI cases in Michigan in a manner that makes me proud to know him. I know this first hand, because we have acted as co-counsel on a case there.

Patrick is a part of "the next generation" of dedicated DUI-DWI lawyers that are carrying the battle flag forward against all odds in today's MADD, MADD world. Plus, he is not as overcommitted as I have been for the past dozen years, and I hope he keeps it that way! Consequently, Patrick is in a better position than I to provide the necessary content for **The DWI Journal**.