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|  | SW No. |  |
|  | **STATE OF CALIFORNIA**  **COUNTY OF SHASTA**  **SEARCH WARRANT**  **DUI/BUI Blood Draw** |  |

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| **The People of the State of California**  **To Any Peace Officer in the above County:** | | | | | | |
| **Name of arrestee:** | |  |  |  | |  |
| **Numerical identifier**: | [if any, such as CDL, CII, PFN] | |  | |  | |
| **Vehicle Code violation:**  § 23152  § 23153  § 23140 | | | | | | |
| **Harbors and Navigation Code violation:**  § 655(b)  § 655(c)  § 655(d)  § 655(f) | | | | | | |
| 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 569 US 141 (2013),* 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. | | | | | | |

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| |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | | **Pursuant to Penal Code § 1533:** | | | | | | | | | | |  |  | | **☐** | | **Night Service Authorized. The evidence sought in this affidavit may be obtained at any hour.** | | | | | |  | **\i1\**  **Judge’s initials** | | **☐** | | **Night Service is NOT Authorized. The evidence sought in this affidavit shall only be obtained between the hours of 0700 and 2200.** | | | | | | Given under my hand, and dated this date | | | | **\d1\** | | | | . | | |  | | | |  | | | |  | | | Printed name: | | **\n1\** | | | | Signature: | **\n2\** | |  | |  | | | | | |  | JUDGE OF THE SUPERIOR COURT COUNTY OF SHASTA, STATE OF  CALIFORNIA | |  | |

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| 1. | I, | [officer name] | | | | | | | | | | , am a peace officer, employed by | | | | | | | | | | | | | | |
|  | [Agency] | | | | | | | | | | | . | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | |  | | | | | | | | | | | | | | |
| 2. | [Briefly recite years as a law enforcement officer and DUI training and experience.] | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3. | On | | | [date] | | | | | | | | at | | | [time] | | | | | | in Shasta County, I observed the following: | | | | | |
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| 4. | I observed  Officer/Deputy | | | | | | | | | | | | [name] | | | | | | | | | | | advised me he/she observed | | |
|  | A witness advised me he/she observed | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | [arrestee] | | | | | | | | | | | | | | | | | : | | driving,  operating,  stopped,  outside of vehicle, | | | | | | |
|  |  | | | | |  | | | | | |  | | | | | | | | at the scene of a traffic or vessel collision,  other: | | | | | | |
|  |  | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | at | | | | [location] | | | | | | | | | | | | | | | . | | | | | | |
|  |  | | | | |  | | | | | | | | | | | | | |  | | | | | | |
| 5. | While driven or operated by | | | | | | | | | [arrestee] | | | | | | | | | | , the vehicle or vessel was  speeding, | | | | | | |
|  | weaving,  traveling slowly,  straddling lanes,  involved in non-injury traffic or vessel collision,  determined (pursuant to an investigation) to be the proximate cause of a traffic or vessel collision which caused injury to a person other than the arrestee,  other/additional information: | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6. | I  stopped the vehicle or vessel and/or  contacted | | | | | | | | | | | | | | | | [arrestee] | | | | | | | | and noticed the following | |
|  | objective symptoms or learned the following facts providing probable cause of operating a vessel or of driving under the | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | influence exhibited by | | | | | | | [arrestee] | | | | | | | | | | | : | | | | | | | |
|  |  | | Difficulty with vehicle or vessel controls | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | Fumbling with documents | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | Slurred speech,  Slow speech,  Rapid speech,  Other speech | | | | | | | | | | | | | | | | | | |  | | | | |
|  |  | | Reddened eyes,  Watery eyes,  Dilated pupils,  Constricted pupils | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | Odor of an alcoholic beverage emanating from the arrestee | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | Unsteady | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | Admitted consuming alcohol | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | Admitted consuming drugs | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | Failed to perform field sobriety tests (FSTs) as directed, list FSTs: | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | |  | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | Refused to perform field sobriety tests | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | BAC measured | | | |  | | | | [%] on preliminary alcohol screening test (PAS) or Portable Evidentiary Breath Test (PEBT) | | | | | | | | | | | | | | | |
|  |  | | Refused PAS or PEBT | | | | | | | | | | | | |  | | | | |  | | | | | |
|  |  | | Other: | | | | | | | | | | | | |  | | | | |  | | | | | |
|  |  | |  | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | |  | | | | | | | | | | | | | | | | | | | | | | | |
| 7. | [arrestee] | | | | | | | | | | | | | is a | | | | | | | | | | | | |
|  | [e.g., 33-year-old white male, DOB January 1, 1980, 5’10” tall, weight approximately 170 lbs., brown hair, brown eyes, CDL#, etc.] | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | and is now detained at | | | | | | | | [jail/station/hospital] | | | | | | | | | | | | | | . | | | |

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| 8. | **CHOOSE ONE:**  Harbors and Navigation Code Section 655.1(b) requires a person arrested for operating a vessel, skis, aquaplane, or similar water device while under the influence of alcohol and/or drugs to provide a chemical test to determine the concentration and/or amount of impairing substance in his/her blood. The arrestee refused required chemical testing pursuant to Harbors and Navigation Code Section 655.1(b) after being advised the officer has the authority to seek a search warrant compelling the arrested person to submit a blood sample pursuant to Penal Code 1524(a)(16).  **OR:**  Vehicle Code Section 23612 requires a person arrested for driving under the influence to provide a chemical test to determine the concentration and/or amount of impairing substance in his/her blood. The arrestee refused required chemical testing pursuant to Vehicle Code Section 23612 after being read verbatim the chemical test admonishment located on the Department of Motor Vehicle Form DS 367. The admonishment provided all relevant information required by Vehicle Code Section 23612. | |
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| 9. | Based on my training and experience, I know alcohol and other drugs which may impair driving or vessel operation can be found in the blood stream. I also know drugs and alcohol dissipate in the blood stream over time. Furthermore, I know the arrestee’s blood may provide evidence which will show the concentration and/or amount of impairing substance in his/her blood, and this evidence is essential in proving the crime of Vehicle Code Section  23153,  23152,  23140 or Harbors and Navigation Code Section  655(b),  655(c),  655(d),  655(f). I submit the requested blood sample as clearly necessary for analysis for evidentiary purposes. The sample will be withdrawn by medically qualified personnel pursuant to Vehicle Code Section 23158 or Penal Code Section 1524(16)(A)(iii) and submitted to the crime laboratory for analysis utilizing established scientific methods. | |
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| 10. | | Due to the transient nature of alcohol and drugs in the blood stream, I request the ability to immediately seize a sample of the arrestee’s blood in a medically approved manner for the purposes of preserving evidence. Unless a blood sample is obtained promptly, dissipation of alcohol and/or drugs may result in the destruction of evidence. |

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| |  |  |  |  | | --- | --- | --- | --- | | **Declaration:**  I declare under penalty of perjury that the foregoing is true and correct. | | | | |  | | | | | Dated: | **\d2\** | | , in Shasta County, California. | |  | | |  | | Signed: | **\o1\** | | [officer name] | |  | | |  | | Print name: | | **\o2\** | [officer name] | |