

Look Closely at the Toxicology Report

People v. Corlett (unpublished opinion) was tried 2 years ago in Peoria, IL, following an auto/motorcycle collision; the motorcyclist died. The auto driver's (Corlett) blood was tested and a metabolite of alprazolam was found in his blood. He had no prescription for the drug and therefore was charged with driving with “an amount of a schedule IV controlled substance in his blood or urine.” He was also charged with impaired driving.

Despite the fact that O'Donnell testified that the drug test was faulty (below the level of detection - a 'no report' level and could be caused by compounds other than alprazolam, the Judge admitted the drug test, found Corlett guilty, and sentenced him to 3 years in prison. The Judge dismissed the impairment charge, as there was no evidence supporting impairment. The verdict was

Take home lesson: This obviously is a criminal case, however, the same concepts involved in toxicology testing apply to all types of cases, be it civil, employment, domestic, and juvenile. Thus, review of laboratory results by an experienced expert can assess the significance, meaning, and validity of the testing.

2017 IL App (3d) 150515-U

UNPUBLISHED OPINION. CHECK COURT RULES
BEFORE CITING.

NOTICE: This order was filed under Supreme
Court Rule 23 and may not be cited as
precedent by any party except in the limited
circumstances allowed under Rule 23(e)(1).
Appellate Court of Illinois,
Third District.

The People of the State of Illinois, Plaintiff-Appellee,
v.
Stephen Corlett, Defendant-Appellant.

Appeal No. 3-15-0515
|
Order filed January 19, 2017

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Appeal from the Circuit Court of the 10th Judicial
Circuit, Peoria County, Illinois. Circuit No. 14-CF-169,
Honorable David A. Brown Judge, Presiding.

ORDER

JUSTICE LYTTON delivered the judgment of the court.

*1 ¶ 1 *Held:* Plain error resulted from trial court's admission of expert testimony regarding results of scientific testing on defendant's blood that revealed presence of controlled substance where expert failed to testify how machine used was maintained and calibrated or that it was functioning properly when she used it.

¶ 2 Following a bench trial, defendant was found guilty of one count of aggravated driving under the influence (DUI) for driving while having alprazolam, a controlled substance, in his blood or urine. The trial court sentenced defendant to three years in prison. On appeal, defendant argues that the State failed to prove him guilty of aggravated DUI beyond a reasonable doubt because the results of blood tests performed by the State's expert using a liquid chromatography mass spectrometer (LCMS) machine were unreliable. We reverse and remand for a new trial.

¶ 3 On September 28, 2013, defendant Stephen Corlett, while driving an automobile in Peoria County, struck a motorcycle being driven by Joseph Spears, causing Spears' death. As a result of the collision, defendant was charged by indictment with two counts of aggravated DUI (625 ILCS 5/11-501(d)(1)(F) (West 2012)). Count I alleged that defendant was under the influence of a combination of diazepam, methadone and alprazolam "to a degree that rendered him incapable of driving safely." Count II alleged that defendant was driving with "an amount of a schedule IV controlled substance, alprazolam, in his blood or urine in violation of the Illinois Controlled Substances Act."

¶ 4 Defendant waived his right to a jury trial. At defendant's bench trial, the evidence established that at approximately 12:20 p.m. on September 28, 2013, both defendant and Spears were traveling west on Route 150 in Peoria County. Defendant was driving a car, and Spears was driving a motorcycle directly in front of defendant's vehicle. As Spears approached Route 150's intersection with Gilles Road, he slowed down because the vehicle in front of him was stopped, waiting to turn left onto Gilles Road. Defendant did not decelerate and crashed his vehicle into the back of Spears' motorcycle. Spears was thrown from his motorcycle and landed on the ground. Both Spears and defendant were taken to the hospital. At the hospital, blood and urine samples were taken from defendant.

¶ 5 The parties stipulated that prior to September 28, 2013, Spears was in good health. They also stipulated that the Department of Veterans Affairs (V.A.) keeps an exhaustive list of all medications prescribed to its patients and has a list of all medications prescribed to defendant. Alprazolam was not on the list of medications prescribed to defendant. All prescriptions, other than those written by the V.A., are recorded by the Illinois Prescription Monitoring Program. An employee of the Illinois Prescription Monitoring Program provided a complete and exhaustive list of all prescriptions, other than those prescribed by the V.A., prescribed to defendant from September 29, 2011, to September 29, 2013. Alprazolam was not on that list.

*2 ¶ 6 Jonathan Quast of the Peoria County Sheriff's Office was the first officer to respond to the scene of the accident. He spoke to defendant and saw no obvious signs