IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MALHEUR

STATE OF OREGON, Plaintiff, v. HUNTER CHASE BRUCKER, Defendant.	Case No. 24CR44933 **DEFENDANT'S MOTION IN LIMINE TO EXCLUDE BLOOD TEST RESULTS FOR THC IN THEIR ENTIRETY**

I. INTRODUCTION

Defendant has previously filed Motions in Limine requesting that the Court not allow admission of certain evidence pertaining to tests performed on Defendant's blood by NMS Labs. Specifically, Defendant requested the Court not allow such evidence to be based on the testimony of a single "surrogate" analyst or remote testimony on the ground that allowing such testimony would violate Defendant's confrontational rights set out in the Oregon and U.S. Constitutions, and that the Court not allow any reference to sections of the NMS lab report stating that certain levels of substances in the blood correspond to certain levels of impairment.

BAXTER LAW, LLC
400 SW Bond St., Ste. 200
Bend, OR 97702
P: 541-306-2060
F: 541-306-3045

Defendant now moves this Court for a pretrial order excluding in their entirety all the blood test results for THC on the grounds that such evidence should be excluded pursuant to OEC 401, OEC 702, OEC 403, and on the grounds that such evidence lacks relevant scientific validity under *State v. Brown* and *State v. O'Key*.

II. FACTUAL BACKGROUND

The following facts were extracted from the police reports and other discovery provided by the State related to the collision at issue:

This case arises from an automobile accident that occurred on Highway 20 near milepost 235. The head-on collision resulted in the death of Wyatt Cannon and serious physical injury to Wyatt's younger sister. Defendant Hunter Brucker ("Defendant") is subject to a multi-count indictment relating to the collision. The indictment alleges Manslaughter II, Criminally Negligent Homicide, Assault III, DUII, Reckless Driving, and Assault IV.

Defendant was interviewed by police officers who responded to the collision. Trooper Cody Wood of the Oregon State Police, shortly after arriving at the scene, approached Defendant, who was sitting in a pick-up truck parked away from the crash scene. Trooper Wood noted in his report that Defendant "was slumped over in the front passenger seat, visibly shaking and crying" and that Defendant had some red marks on his arms and face. Trooper Wood's narrative continues:

> I introduced myself as Trooper Wood with the State Police and advised Mr. Brucker I was recording. Not knowing his involvement at this point, I asked if he needed medical or if he had already been attended to. Mr. Brucker told me he was okay. I asked him to tell me if he was an occupant in one of the vehicles or where he was at and Mr. Brucker said "I was coming this way, (gesturing eastbound). I was trying to pass a semi and I didn't see her

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> brown car in the sunlight, and I hit her head-on." Mr. Brucker then covered his face and started to cry. I asked Mr. Brucker which vehicle he was in and he said the red Trail Blazer.

After Trooper Wood walked Defendant to his patrol car and patted him down, he made the following observations:

> While I was speaking with Mr. Brucker my observations of him were that he was having an appropriate reaction to the situation and appeared to be in a state of shock. He was constantly sniffling and wiping his eyes due to crying, causing them to look puffy and swollen. Mr. Brucker also informed me he had a stye in his eye. *I did not detect any odors of alcohol or marijuana coming from Mr. Brucker's person while I was in close proximity with him. Mr. Brucker was able to answer my questions without delay or apparent confusion.* I asked Mr. Brucker if he was aware how serious of a situation this was, and he said he did. I explained to Mr. Brucker that I needed to go figure out some more things regarding the crash. I asked if he wanted to close the door of my patrol vehicle and offered to roll his window down, Mr. Brucker said, "sure." (emphasis added).

Trooper Wood then broke contact with Defendant and continued his investigation by, among other things, looking around in Defendant's vehicle "to see if I could see anything inside the Trail Blazer and did not see anything in plain view that I would consider evidentiary value." The trooper also spoke with Christy Heuterman, who was behind Defendant's vehicle for about four or five miles prior to the collision. Mrs. Heuterman described to the trooper what she observed regarding Defendant's driving; and when asked "if there was any other driving behavior she witnessed that might make her think something was going on or that the driver of the Trail Blazer was impaired, *Mrs. Heuterman said no."* (emphasis added).

Trooper Wood returned to Defendant, read him his *Miranda* rights, and then questioned him further. After asking Defendant if he took any medication or pills—

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Defendant stated he did not—he then asked Defendant if he used any kind of drugs. The trooper's narrative reflects the following exchange occurred:

> I asked Mr. Brucker what his drug of choice was and he said he smokes weed. I asked when the last time he smoked weed was and he said 8am that morning. He then said he left town around 12:30pm. I asked what kind of marijuana product and he said a bowl [sic] of weed. I asked how much or how big and Mr. Brucker gestured with his hand indicating an estimated dime size amount. Mr. Brucker said, "Nothing crazy because he wanted to be "on point" for his drive." This statement by Mr. Brucker indicates to me that Mr. Brucker is aware how the marijuana he consumes can impair his ability to operate a motor vehicle.
>
> I informed Mr. Brucker that one of the occupants of the other vehicle was deceased. Mr. Brucker started breathing differently and had a blank look that looked like he was in shock. Mr. Brucker was not aware someone had died until I told him. Mr. Brucker looked at me and said, "They're really dead?" I told him yes. Mr. Brucker began crying again and wiping his eyes. Sergeant Anderson started asking Mr. Brucker questions and Mr. Brucker appeared to stop crying.

Trooper Wood asked Defendant if he had made the drive before, then asked again if Defendant took any pain medications or drugs other than marijuana, to which Defendant answered, "No." After the trooper asked Defendant if he had any medical conditions, the following exchange occurred:

> I asked when the last time he drank any water was and Mr. Brucker said he was drinking Gatorade on the way. I explained he seemed as if he had a dry mouth. Mr. Brucker said he did, but wasn't dehydrated, just overwhelmed. *Sergeant Anderson asked Mr. Brucker if he felt the effects of the marijuana and Mr. Brucker said no.* He then asked Mr. Brucker how often he uses marijuana and Mr. Brucker stated daily and primarily for recreational purposes. Mr. Brucker said he used to smoke a lot more, because he had a rough childhood and that was how he coped. Mr. Brucker said he has toned it back, but still uses a little. (emphasis added).

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Trooper Wood asked Sergeant Peter Anderson, who "once held the certification of Drug Recognition Expert (DRE)," to be present during Defendant's evaluation. Sergeant Anderson asked a series of questions, including whether Mr. Brucker used alcohol. After Defendant denied having consumed any alcohol, Sgt. Anderson explained drugs and how they are active in the bloodstream versus being excreted through urine, then asked Defendant if he felt like the marijuana he consumed at 8 am would still be psychoactive in his system and Mr. Brucker stated he didn't think so. Sgt. Anderson then asked Defendant if he thought a blood draw would confirm that and Defendant replied, "Yes."

Sergeant Anderson explained to Mr. Brucker that on crash scenes like this they usually ask for a blood sample and "it could help if they do not detect anything." Defendant consented to a voluntary blood draw. Inexplicably, despite investigating a fatal collision, the officers did not detain or transport Defendant to the hospital themselves. Instead, they released him from their immediate observation and control, allowing Defendant's friend to drive him to the hospital for the blood draw.

III. ARGUMENT

THE BLOOD TEST RESULTS SHOULD BE EXCLUDED IN THEIR ENTIRETY UNDER OEC 401, OEC 702, AND OEC 403.

A. Factors To Weigh With Regard To Admissibility

In *State v. O'Key*, 321 Or 285, 899 P2d 663 (1995), the Oregon Supreme Court held that the admissibility of scientific evidence is governed by OEC 401, 702, and 403.

- OEC 401 states: "'Relevant evidence' means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action

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more probable or less probable than it would be without the evidence."

- OEC 702 states: "If scientific, technical or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training or education may testify thereto in the form of an opinion or otherwise."
- OEC 403 states: "Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay or needless presentation of cumulative evidence."

The Supreme Court in *O'Key* described the interplay between the above-quoted rules as follows:

> The requirement in OEC 702 that the evidence or testimony "assist the trier of fact to understand the evidence or to determine a fact in issue" is intended to serve multiple functions... Once the testimony is determined to be relevant under OEC 401, helpful under OEC 702, and not barred by OEC 402, it will be excluded only if its probative value is substantially outweighed by one or more of the countervailing factors set forth in OEC 403[.] 321 Or at 298-299.

The *O'Key* Court explained that in evaluating the incremental probative value of the proffered evidence, the court "must assume that the evidence will be believed by the trier of fact" and that "[w]hen the incremental probative value of the proffered scientific evidence is relatively slight, and when the jury is likely to overvalue or be misled into giving the evidence undue weight, the likelihood of exclusion under OEC 403 is enhanced." *Id.* at

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299. The Court continued:

> In applying OEC 401, 702, and 403, the court must identify and evaluate the probative value of the proffered scientific evidence, consider how that evidence might impair rather than help the trier of fact, and decide whether truthfinding is better served by admission or exclusion. *Brown*, 297 Or at 409. In *Brown*, this court identified a number of factors that could affect a trial court's decision on admissibility of proffered scientific evidence: (1) The technique's general acceptance in the field; (2) The expert's qualifications and stature; (3) The use which has been made of the technique; (4) The potential rate of error; (5) The existence of specialized literature; (6) The novelty of the invention; and (7) The extent to which the technique relies on the subjective interpretation of the expert.

Id. at 299. The *O'Key* Court further noted that those factors were not intended to be exclusive nor should they be applied as a mechanical checklist: "What is important is not lockstep affirmative findings as to each factor, but analysis of each factor by the court in reaching its decision on the probative value of the [proffered scientific] evidence under OEC 401 and OEC 702." *Id.* at 300. In addition to reaffirming the standards set forth in *Brown*, the *O'Key* Court also incorporated the analysis set out in *Daubert v. Merrell Dow Pharmaceuticals*, 509 U.S. 579 (1993), for determining a technique's scientific validity, where the Court suggested four factors for a court to consider in making an initial determination of the reliability of scientific evidence:

(1) "whether the theory or technique in question "can be (and has been) tested;'"

(2) "whether the theory or technique has been subject to peer review and publication;"

(3) "'known or potential rate of error' and the existence of operational standards controlling the technique's operation;"

(4) "degree of acceptance in the relevant scientific community."

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F: 541-306-3045

509 US at 593-504. See also *State v. Romero,* 191 Or App 164, 172-173, 81 P3s 714 (2003), *rev den,* 337 Or 248 (2004) (reiterating that *Brown* factors were guidelines for determining a technique's scientific validity but affirmative findings for each factor not required, with inquiry centering on the probative value of the evidence).

B. The THC Blood Test Results Are Irrelevant to Actual Impairment Under OEC 401.

Regarding Defendant's motion in limine to exclude in its entirety the THC blood evidence in this case, it seems almost a wasted effort to go through every factor set out in *O'Key* given that it is well established that THC pharmacokinetics do not permit a reliable inference of contemporaneous impairment from a blood concentration. The truthfinder in this case would obviously be better served by the exclusion of such evidence given that it would have no bearing on the issue of whether Defendant was under the influence of intoxicants at the time of the collision.

Indeed, it is generally accepted in the field that drug concentration—in itself—has no bearing on the degree of impairment. As noted in Defendant's previously filed Motions in Limine, the Guidelines for Opinions and Testimony in Forensic Toxicology contained in the ANSI/ASB BEST PRACTICE RECOMMENDATION 037 (First Ed. 2019) states as follows:

> 5.3 Inappropriate Opinions and Testimony by a Toxicologist
>
> The following are considered to generally be inappropriate opinions and / or testimony for a toxicologist to offer, as they currently lack consensus within the scientific community or are generally beyond the scope of the toxicologist's expertise.
>
> ***
>
> b) A toxicologist should not address behavioral intent based solely on a drug concentration.

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Bend, OR 97702
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c) A toxicologist should not opine as to a specific individual's degree of impairment based solely on a quantitative result.

The State may attempt to argue otherwise by relying on *State v. Tavares*, 339 Or App 605, 568 P3d 608 (2025), but *Tavares* supports Defendant's position that such evidence should be excluded. The defendant in *Tavares* was convicted of DUII and argued on appeal that the trial court erred in admitting evidence related to his blood test, analyzed by NMS Labs. In *Tavares*, an officer initiated a traffic stop and smelled an "overwhelming" scent of burning marijuana. The officer "observed that defendant had droopy eyelids, bloodshot eyes, and dilated pupils, and that his speech was slow and mumbled." *Id.* at 609. The officer initiated a DUII investigation by asking the defendant when he had last used cannabis, and the defendant answered that he had smoked "one or two bowls" a couple hours prior to driving, rating himself "like a three" on a zero-to-ten sobriety scale. *Id.* The defendant agreed to take FSTs, and the officer observed several validated clues of impairment. According to the state's expert, a subsequent blood draw "contained an active component of marijuana (delta-9 THC) as well as one active metabolite (11-hydroxy delta-9 THC) and one inactive metabolite (delta-9 carboxy THC)." *Id.* at 608. Although the state's expert testified that the test results indicated marijuana in his system, the expert made the following concession:

> When asked whether that particular concentration of THC would have been enough to impair defendant's driving, Anderson responded that there was "just no magic number or blood level" that had been shown to be sufficient to impair a person's driving. Anderson further explained that "as a forensic toxicologist evaluating drugs on a piece of paper * * * I cannot tell how these drugs would actually affect a particular person." In Anderson's view, to be able to tell whether a person is actually impaired by marijuana "it has to

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F: 541-306-3045

> come from * * * observed behavior, witness behavior, officers interacting with them, field sobriety tests, [or] drug recognition expert tests."

Id. at 609. The Court of Appeals concluded that any error in admitting the evidence was harmless beyond a reasonable doubt *only because* the central question of impairment was proven by the overwhelming behavioral evidence observed by the officer, noting that "Anderson's testimony and report did not bear on the issue of whether defendant was impaired and, consequently, did not contribute to the jury's guilty verdict." *Id.* at 610-611. No such police observations exist in the instant case despite a thorough investigation by the officers at the collision scene. Trooper Wood concluded that Defendant "was having an appropriate reaction to the situation," answered questions "without delay or apparent confusion," and had no odor of alcohol or marijuana. A witness following Defendant's vehicle for miles observed no impaired driving behavior prior to the crash. Although Defendant admitted to prior marijuana use, it occurred nearly eight-and-a-half hours prior to the collision. Given that drug concentration levels are meaningless insofar as actual impairment is concerned which is the issue or fact of consequence, it is axiomatic that any evidence concerning such concentrations should be excluded purely on relevance grounds pursuant to OEC 401.

C. The THC Blood Test Results Lack Scientific Validity Under OEC 702 Because No Scientific Methodology Connects THC Concentration to Contemporaneous Impairment.

Under *State v. Brown* and *State v. O'Key*, scientific evidence is only admissible under OEC 702 if it possesses sufficient scientific validity to genuinely assist the trier of fact. An examination of Oregon jurisprudence regarding delayed chemical tests demonstrates

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exactly why the THC blood test in this case lacks the scientific validity required for admission.

In *State v. Eumana-Moranchel*, 352 Or 1, 9-10, 277 P3d 549 (2012), the Oregon Supreme Court established that a delayed chemical test result is rarely sufficient on its own; there must be "something more" to connect the later test result to the defendant's condition at the time of driving. The Supreme Court reaffirmed this principle in *State v. Hedgpeth*, 365 Or 724, 735, 452 P3d 948 (2019), explicitly holding that without "something more"—such as valid retrograde extrapolation or contemporaneous behavioral signs of impairment—a delayed blood alcohol test is insufficient to prove the defendant's condition while driving.

If a delayed chemical test requires "something more" to be scientifically helpful in an alcohol case, it absolutely demands it in a cannabis case. However, unlike alcohol—where retrograde extrapolation has achieved scientific acceptance—the scientific community universally rejects the practice of extrapolating a specific THC blood concentration to a timeline of ingestion or a degree of impairment.

As established by the ANSI/ASB Best Practice Recommendation, there is no accepted scientific methodology or formula to relate Defendant's THC blood concentration back to his physical or mental condition at the time of the crash. Experts in the field of toxicology concede that the "something more" required by *Hedgpeth* and *Eumana-Moranchel* is scientifically impossible to provide when dealing with THC concentrations. Furthermore, the State possesses no behavioral "something more" to bridge this gap, as Defendant displayed no signs of impairment at the scene. Because there

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F: 541-306-3045

is no generally accepted scientific technique to correlate a THC blood level to a specific level of impairment, the proffered blood evidence fails the foundational reliability requirements of *Brown* and *O'Key* and must be excluded under OEC 702.

D. The Investigating Officer's Stated Reliance on Blood Evidence Over Behavioral Observations Directly Contradicts Accepted Scientific Protocol and Underscores a Lack of Probable Cause.

The necessity of excluding the blood-THC evidence in this case is further underscored by the investigating officer's fundamentally flawed understanding of how marijuana impairment is scientifically and legally established. In his report, the officer justifies his reliance on a blood draw by stating the following:

> I have received previous training on detecting impaired drivers. I have achieved the qualification of a Drug Recognition Expert through intense training and experience. I know from over a decade of law enforcement experience and numerous DUII investigations, as well as my training as a DRE, marijuana can significantly impact a person's ability to accurately perceive time and distance. Mr. Brucker's admission of using marijuana, as well as the circumstances surrounding the crash, were consistent with someone who may not be able to accurately perceive time and distance and may make an unsafe pass. I also know from law enforcement training and experience, someone who may be experiencing symptoms of shock may have difficulty mentally processing information. The person's ability to quickly and accurately process information may be impacted by the shock or emotional trauma being experienced. I know standardized field sobriety tests require someone to demonstrate psychoactive abilities. This means they must physically perform tests, while remaining mentally focused. Due to the circumstances surrounding the investigation, I believed standardized field sobriety tests may be impacted due to the emotional trauma Mr. Brucker had just been through. It would have been difficult to use roadside

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> tests at the time to make a sound decision on Mr. Brucker's current level of impairment or lack thereof. *I believed the presence (or lack thereof) of impairing substances within Mr. Brucker's blood stream would be more indicative of psychoactive inhibitors than results displayed during field sobriety tests.* (emphasis added).

The officer's assertion that a blood test is "more indicative" of a person's level of impairment than standardized field sobriety tests is a glaring misstatement of scientific fact, established DRE protocol, and caselaw, which has apparently been adopted by the State. As previously established by the ANSI/ASB Best Practice Recommendations and the State's own toxicology experts in *Tavares*, a blood test for THC concentration merely proves *prior exposure*; it is scientifically incapable of indicating impairment. Forensic toxicologists universally agree that impairment evidence *must* come from the very sources the officer chose to forego; observed behavior, field sobriety tests, and clinical evaluations.

Ironically, the officer notes his "intense training and experience" as a Drug Recognition Expert (DRE) to justify his conclusions. Yet, the entire foundation of the 12-step DRE protocol relies on the principle that chemical tests merely corroborate the physiological and behavioral impairment *already observed* by the evaluator. A chemical test is never a substitute for behavioral and clinical evaluation to establish impairment.

Furthermore, the officer's narrative engages in blatant, circular bootstrapping. Because the officer determined Defendant was in "shock" and could not perform FSTs, he attempts to use the accident itself as the sole behavioral symptom of marijuana impairment and then seeks to use the blood test to validate that assumption. The officer

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admits he could not make a "sound decision" regarding impairment based on roadside observations. He therefore relied on a blood draw, falsely believing the laboratory results would scientifically prove impairment for him.

The officer's own actions at the scene further belie his post-hoc justification for relying on a blood test. Despite his written assertions that he suspected Defendant was impaired and incapable of accurately perceiving time and distance, the officer did not detain Defendant, nor did he secure him in a patrol vehicle for transport. Instead, the officers allowed Defendant to leave the scene of a fatal collision in a civilian vehicle driven by a friend to go to the hospital for a voluntary blood draw. Actions speak louder than words: law enforcement officers do not release suspected impaired drivers to the custody of their friends. The officer's decision to relinquish observation and control of Defendant prior to the blood draw strongly corroborates the lack of any observable impairment at the scene. Furthermore, allowing Defendant to be transported unmonitored introduces a massive confounding variable into the State's timeline and evidentiary chain of custody, rendering the subsequent, delayed blood test even more speculative and highly prejudicial under OEC 403.

This objective absence of observable impairment is further highlighted by the officer's casual handling of his body-worn camera. Under Oregon law (ORS 133.741), once reasonable suspicion or probable cause is developed, a body-worn camera is statutorily mandated to record continuously and may cease recording *no sooner than the termination*

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of the officer's participation in the contact. A roadside investigation is a single, continuous investigative contact; stepping away from a suspect to interview a witness or confer with colleagues does not "terminate" the contact.

Tellingly, Trooper Wood's actions reflect a casual disregard for this continuous recording mandate. He repeatedly muted his audio to hold private conversations with other troopers and "forgot" to record a portion of a witness interview, shielding these interactions from the objective record long before his contact with Defendant was actually terminated. This approach to a fatal collision investigation is highly revealing. It is fundamentally incongruous with an officer who believes he has just observed signs of impairment sufficient to establish probable cause of a DUII. Instead, this behavior strongly suggests the officers had not developed probable cause at the scene and did not view Defendant's behavior as indicative of impairment.

This creates an insurmountable evidentiary hurdle for the State. The roadside investigation yielded no observable signs of impairment—evidenced by the lack of field sobriety tests, lack of a DRE, statement of witness following Defendant, the release of Defendant to a civilian before blood draw, and the casual, often undocumented nature of the police investigation. The State is now attempting to use the delayed blood test as a retroactive substitute for the probable cause they lacked at the scene. However, as established under *Tavares* and accepted toxicology standards, a raw blood-THC level cannot establish contemporaneous impairment. The State cannot use a scientifically

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F: 541-306-3045

irrelevant blood test to cure a roadside investigation that lacked evidence of impairment in the first place.

E. Admission of the Evidence Would Violate OEC 403.

Even if this Court determines that such evidence has some baseline relevancy, it should be excluded pursuant to OEC 403. Although the State seeks to use the blood test results as substantive proof of impairment, the only thing the test demonstrates is prior exposure. Admission of such evidence would invite jurors to engage in backward reasoning, i.e., "there was THC in Defendant's blood and there was an accident, therefore THC caused an impairment."

The State will likely argue that Defendant is free to put on evidence that the presence of THC in the blood has no bearing on impairment. But such evidence would only act to amplify juror confusion, something OEC 403 is designed to prevent. Nor would a limiting instruction clear up the confusion—an instruction that THC presence by itself cannot establish impairment would invite speculation that perhaps Defendant is guilty merely because he admitted cannabis use.

Oregon appellate courts have consistently cautioned against admitting evidence that invites jurors to speculate, particularly in cases involving motor vehicle accidents and chemical tests. The factual parallels between the instant case and *State v. Jayne*, 173 Or App 533, 24 P3d 920 (2001), are striking and dictate the same result here: exclusion.

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P: 541-306-2060
F: 541-306-3045

In *Jayne*, the defendant was involved in a fatal motor vehicle accident, and a subsequent urinalysis tested positive for marijuana and methamphetamine. The trial court excluded the test results, and the Court of Appeals affirmed, holding that without expert testimony establishing a scientific correlation between the presence of the drugs and actual impairment at the time of the crash, the evidence was highly prejudicial. The Court explained the specific danger of admitting such unanchored chemical evidence:

> Given the significant weight that a jury is likely to accord this type of evidence, the potential for prejudice here is high. Specifically, the jury might infer, from the very fact that it is being told that defendant tested "positive" for marijuana and methamphetamine after the accident, that there necessarily must be some correlation between the drugs in her urine and her physical or mental condition at the time of the accident. Alternatively, the jury might assume that because defendant had consumed drugs in the past, she was a reckless person... In this case, the trial court correctly concluded that the probative value of this evidence was low and the danger of unfair prejudice was high.

Id. at 545.

Just as in *Jayne*, this case involves a fatal collision and a delayed chemical test showing the mere presence of THC. Just as in *Jayne*, the State cannot offer accepted scientific testimony correlating that specific THC concentration to Mr. Brucker's actual impairment at the time of driving—because, as established by the ANSI/ASB standards, no such scientific methodology exists.

If the urinalysis in *Jayne* was excluded because it invited the jury to impermissibly assume the defendant was impaired or generally "reckless" based merely on prior drug consumption, the blood test here must suffer the same fate. This is especially true here, where Defendant is charged with Manslaughter II, an offense requiring the State to prove

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Bend, OR 97702
P: 541-306-2060
F: 541-306-3045

recklessness. Permitting the jury to hear the THC blood concentration without a scientifically valid link to impairment invites the exact speculative leap and unfair prejudice condemned in *Jayne*.

IV. CONCLUSION

For the foregoing reasons, Defendant respectfully requests that the Court grant this Motion in Limine and exclude the blood test results in their entirety.

DATED this 16th day of March 2026.

/s/ Evander McIver
Evander McIver, OSB #064317
Attorney for Defendant

BAXTER LAW, LLC
400 SW Bond St., Ste. 200
Bend, OR 97702
P: 541-306-2060
F: 541-306-3045

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing ***Defendant's Motion in Limine to Exclude Blood Test Results for TCH in Their Entirety*** on the following:

Michael Heninger
Malheur County DA's Office
251 B St W Ste 6
Vale, OR 97918
Attorney for Plaintiff
Via Email: michael.heninger@malheurco.org

RE: State of Oregon vs. Hunter Chase Bruker
Malheur County Case No. 24CR44933

By the following indicated method, or methods:

☒ by emailing a full, true and correct copy thereof to the individual(s) at the email address shown above on the date set forth below.

DATED this 16th day of March 2026.

/s/Evander McIver_____
Evander McIver, OSB #064317
Baxter Law, LLC
400 SW Bond St., Ste. 200
Bend, OR 97702
P: (541) 306-2060
F: (541) 306-2045
van@baxter-law.com
Attorney for Defendant

BAXTER LAW, LLC
400 SW Bond St., Ste. 200
Bend, OR 97702
P: 541-306-2060
F: 541-306-3045