

## People v. Anonymous

### MR CORLETTA OBTAINS ANOTHER SUPERIOR RESULT IN DIFFICULT CASE.

Consider these circumstances: an emotionally distraught individual is drinking at a bowling alley.

The individual heads home in bad weather. They become so distraught, they pull to the side of the road on an expressway. Although pulled completely off the road, cars are still slowing down and going around the vehicle, due to bad weather.

A State Trooper sees this and pulls up behind the vehicle. He exits to speak to the driver. Although the driver provides license and registration, the driver is so emotionally distraught they do not answer any further questions, and actually vomit on themselves inside the vehicle. The driver displays some signs of intoxication, such as the odor of an alcoholic beverage, but also exhibits mental health symptoms.

The driver is subsequently arrested for Driving While Intoxicated after allegedly refusing emergency medical attention.

The driver is transported to a State Police substation where the driver refuses to submit to chemical breath testing. The driver is still emotionally distraught and crying. Only *then* does the State Trooper decide to “mental hygiene” arrest the individual, as well as charging them with Driving While Intoxicated.

These were the facts Mr. Corletta was confronted with in People v. Anonymous (Gates Tn. Ct., 6/22).

Naturally, the Prosecutor, cherry-picking the facts, attempted to portray Mr. Corletta’s client as an out-of-control irrational drunk, although there was ample evidence, coming from the Trooper himself, that the client was emotionally distraught to the point no Field Sobriety Tests were administered, allegedly because the client refused or couldn’t do them. The Trooper also admitted he did not observe any driving of any kind, and further admitted that many characteristics the client displayed could have been caused by the client’s “hysterical” emotional state.

The Trooper could not explain why the client was not mental hygiene arrested immediately, as opposed to the prolonged procedure the Trooper carried out with an obviously distraught and sick defendant. Mr. Corletta vigorously argued there was insufficient evidence to show the client was intoxicated, or had recently operated a motor vehicle, and that the supposed indicators of intoxication displayed were equally attributable to the client’s emotionally distraught condition, which ultimately led to a mental hygiene arrest.

The prosecutor disingenuously argued it was Mr. Corletta’s duty to bring out the client’s mental

health problems, although the Trooper felt it was obvious enough to send the client to the hospital for mental health reasons.

The Trooper essentially asked the Court to believe *he* was the final arbiter of what was causing Defendant's behavior, and attributed it to alcohol, although at the same time, referring the client for a mental hygiene arrest. Thorough vigorous advocacy, Mr. Corletta demonstrated the Trooper could not have it both ways, and the client was convicted only of the lesser-included traffic infraction of Operating a Motor Vehicle While Impaired Alcohol, which took into account that the client's distraught condition probably attributed to much of the alleged behavior.

As a result of Mr. Corletta's vigorous advocacy, the client received only a minimal fine and required attendance at an Impaired Driver Program. Mr. Corletta's advocacy did not allow the prosecutor to paint the client as a dangerous drunk, and validated the client's mental health issues.