



OHIO ASSOCIATION  
OF CRIMINAL  
DEFENSE LAWYERS

2720 Airport Drive, Suite 100  
Columbus, OH 43219  
3.50 CLE Hours



OHIO ASSOCIATION  
OF CRIMINAL  
DEFENSE LAWYERS

*Presents..*

**BUT WHY AM I UNDER ARREST?  
DISMANTLING STANDARD FIELD SOBRIETY  
TESTING IN OVI CASES**  
FRIDAY, JUNE 21, 2013

[www.oacdl.org](http://www.oacdl.org)

Lake Erie College • Austin Hall of Science – Dickinson Lecture Hall



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## AGENDA

- 12:00-12:45 p.m.**      **Registration and Welcome**  
**Jon Paul Rion** | OACDL President, Dayton, Ohio
- 12:45-1:15 p.m.**      **An Overview Of The DRE-Because It's Coming To Your Jurisdiction!**  
**Andrew Bucher** | Attorney at Law, Toledo & Lima, Ohio
- 1:15-2:00 p.m.**      **How To Use The NHTSA Studies To Your Advantage**  
**Mark Gardner** | The Law Offices of Mark Gardner, Cleveland, Ohio
- 2:00-2:45 p.m.**      **Fighting Reasonable Suspicion and Probable Cause Using the NHTSA Manual**  
**Joseph Hada** | The Law Offices of Saia & Piatt, Inc., Cleveland, Ohio
- 2:45-3:00 p.m.**      **Break**
- 3:00-3:45 p.m.**      **What to Look For When Reviewing Cruiser Video**  
**Jon Saia** | The Law Offices of Saia & Piatt, Inc., Columbus, Ohio
- 3:45-4:30 p.m.**      **Putting it all Together: Mock Cross-Examination on SFSTs**  
**Joseph Patituce** | Patituce & Associates, LLC, Cleveland, Ohio

## DIRECTIONS TO LAKE ERIE COLLEGE

### From the West – Route 90

Drive east on Route 90 to the Route 44 Exit (#200). Turn north onto Route 44. The next exit is route 84. Take this exit. At the exit, turn right at the light and make an immediate left onto Chestnut Street. Stay on Chestnut for approximately 2 miles. Chestnut will dead end onto Route 20 – Mentor Avenue. Turn right at the light. Lake Erie College will be on your right in approximately one-eighth of a mile.

### From the East – Route 90.

Drive west on Route 90 to the Route 44 Exit (#200). Turn north onto Route 44. The next exit is route 84. Take this exit. At the exit, turn right at the light and make an immediate left onto Chestnut Street. Stay on Chestnut for approximately 2 miles. Chestnut will dead end onto Route 20 – Mentor Avenue. Turn right at the light. Lake Erie College will be on your right in approximately one-eighth of a mile.

### From the West – Route 2

Drive east on Route 2 to the Route 44 Exit South. Follow Route 44 South to the first exit (Jackson Street). At the exit, continue straight three blocks until you reach Route 20. At the light, turn left onto route 20. Lake Erie College is one mile on the right.

### From the South

Drive north on Route 44. Take the Route 84 exit. This exit is the first exit after the Route 90 overpass. At the exit, turn at the light and make an immediate left onto Chestnut Street. Stay on Chestnut for approximately 2 miles. Chestnut will dead-end onto Rt. 20-Mentor Avenue. Turn right at the light. Lake Erie College will be on your right in approximately one-eighth of a mile.



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## BIOGRAPHIES

### ANDREW BUCHER

Andrew is an Associate Attorney with Balyeat, Leahy, Daley & Miller, with office in Lima and Toledo, Ohio. He has a Bachelor of Science in Pharmaceutical Science from the University of Toledo, College of Pharmacy and a Bachelors of Business Administration from the U.T. School of Business. Andy received his J.D. from the U.T. College of Law. His undergraduate choices provide an extensive background in hard science, such as: pharmacokinetics (how drugs, including alcohol, are absorbed, distributed, metabolized and eliminated in the body), pharmacology, medicinal chemistry, biological chemistry and microbiology/immunology. Andy is able to "speak the language" of the experts the state of Ohio brings. He is a member of OACDL and currently serves as CLE co-chair. He is also a member of NCDD (currently the only Northwest Ohio member).

### MARK GARDNER

Mark served nearly nine years in the United States Armed Forces, including service in the Air Force Intelligence Service and the Coast Guard as a weapons controller. Mark graduated from the Case Western Reserve University School of Law in December, 1992. Since graduation, he has distinguished himself as a public defender (4 years) and in private practice (16 years). During that time he has successfully conducted numerous DUI motion hearing and jury trials. In September, 1997, Mark received NHTSA's instructor certification status in SFST. He has testified as an expert witness on the proper administration and grading of SFSTs in DUI trials in both Pennsylvania and Ohio. He has become a fixture as a lecturer at the annual OACDL's Advanced DUI Seminar, as well as a speaker at DUI seminars in Texas, Georgia, South Carolina, and Arkansas. Mark was also appointed the inaugural chairman of the OACDL's DUI Defense Task Force.

### JOE HADA

Joseph, an Associate Attorney with The Law Offices of Saia & Piatt, Inc., with his office located in Cleveland, Ohio, has dedicated his practice to OVI/DUI, Criminal and Traffic Defense. He has conducted extensive research and gained immense knowledge with respect to the defense of charges relating to OVI/DUI, Criminal and Traffic offenses. He is deeply rooted in Northeast Ohio and built a reputation as a strong advocate for his clients. As a former public defender, Joseph has a wealth of experience in defending OVI/DUI, Criminal and Traffic charges from arraignment through trial. He is particularly well versed in the details of the NHTSA manuals, studies, and case law pertaining to OVI investigations in the 11th District and around the state.

### JON SAIA

Jon has 25 years of experience in defending DUI cases. He also provides consultation and expert testimony on the issues of field sobriety testing and is often consulted by colleagues with regard to breath testing issues. The National Highway Traffic Safety Administration and the International Association of Chiefs of Police has certified Jon as an instructor in DUI Detection and Standardized Field Sobriety Testing. In addition, National Patent Analytical Systems, Inc. (the manufacturer of the BAC Datamaster), has certified Jon in the operation, diagnostic verification and calibration of the BAC Datamaster Breath Alcohol Testing Instrument, the most commonly used breath testing instrument in Ohio. Jon is a life member of OACDL and currently serves as CLE co-chair.

### JOSEPH PATITUCE

Joe is the managing partner/owner of Patituce & Associates, LLC. He received his J.D. from Cleveland Marshall College of Law. Joe devotes most of his practice to DUI/OVI charges. He has had many cases dismissed by judges and thrown out by juries by using the government's own standards against them to show how unreliable their tests is, and typically when a judge and jury learn how unreliable the testing is – the case works out in the client's favor.



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Columbus, OH 43219  
800.443.2626/fax 740.654.6097  
www.oacdl.org

## REGISTRATION FORM

Name \_\_\_\_\_

Name for Badge \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

- Seminar Cost:**
- \$75.00 OACDL Member                       \$95.00 OACDL Non-Member
- \$100.00 Walk In                                       \$125.00 OACDL Non-Member Walk In

Register online at [www.oacdl.org](http://www.oacdl.org) and click on Seminars (to pay with credit card); or complete this registration form and mail to OACDL with either check made payable to OACDL or credit card information below. Phone registrations not accepted.

Charge my  Visa  MasterCard  Discover in the amount of \$ \_\_\_\_\_

Card # \_\_\_\_\_

Expiration Date \_\_\_\_\_ 3 Digit Security Code \_\_\_\_\_

Signature \_\_\_\_\_

*(Cancellation must be received by the OACDL by 5:00 p.m. on Wednesday, June 19, 2013 to receive a refund.)*

PAYMENT

### SERVICES FOR PERSONS WITH DISABILITIES

If special arrangements are required for individuals to participate in this seminar, please contact the OACDL at least 3 days prior to the course date at 800.443.2626.

### PUBLIC DEFENDER/PRO BONO FUNDING PROVIDED BY THE OFFICE OF THE OHIO PUBLIC DEFENDER

If you have represented at least one client on a Pro Bono basis during the past year, you are entitled to attend this seminar FREE of CHARGE. You may not have used that case to attend any other seminar on a PRO BONO basis. However, any attorney, private or public defender, is limited to 2 seminars per fiscal year (July 1, 2012 – June 30, 2013) on this basis.

#### PRO BONO REPRESENTATION WAS PROVIDED IN THE FOLLOWING:

This is to certify that the attorney named at right provided representation for an indigent person charged with a criminal offense in my court. Further, the attorney did not submit a bill for payment for any services involved in that representation and represented the defendant on an appointed basis at no cost to the state.

All Pro Bono and Public Defenders MUST Be Pre-registered by June 7, 2013. All applications are on a first come first serve basis.

State/City \_\_\_\_\_ vs. \_\_\_\_\_

Case # \_\_\_\_\_ County \_\_\_\_\_

Date Representation Provided \_\_\_\_\_

Offense Charged \_\_\_\_\_

Judge's Name \_\_\_\_\_

Judge's Signature (required) \_\_\_\_\_

**OR** Public Defender Information (do not complete if pro bono portion is filled out)

Name of Director or County Public Defender \_\_\_\_\_

County in which you serve as a public defender \_\_\_\_\_

County Public Defender's Signature (required) \_\_\_\_\_

There is limited scholarship money for Pro Bono and Public Defenders. Space is limited to the first 40 people to apply. You will receive notification via email if your registration is one of the first 40.