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NEWS FOR IMMEDIATE RELEASE

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**Wisconsin Supreme Court Hears Oral Argument in Case Involving
Wisconsin's Implied-Consent Law; AG Schimel Thanks the Mothers Against
Drunk Driving for Providing Key Support**

MADISON, Wis. – The Wisconsin Supreme Court heard oral arguments in *State v. Mitchell* today, an important case that will decide whether under Wisconsin's implied-consent law, a warrantless blood draw of an unconscious driver who was properly arrested for an intoxicated-driving offense is constitutional under the Fourth Amendment. The Mothers Against Drunk Driving filed an amicus brief in support of the State's position and also presented oral argument.

“I want to thank Mothers Against Drunk Driving for providing key support in briefing and in oral argument in this case,” said Attorney General Brad Schimel. “Their expertise in this area of law, and advocacy for the families impacted by drunk driving, will help us keep Wisconsin roadways safer.”

Wisconsin's implied consent law provides that drivers implicitly consent to tests of their blood alcohol content (BAC) when they drive on Wisconsin highways. When a driver is arrested for drunk driving, they are given the option of submitting to the test or revoking their consent and losing their driving privileges. When a driver is unconscious, the law presumes that the driver has not revoked their consent, and officials are permitted to take a blood sample to test the driver's BAC; in *State v. Mitchell*, the offender challenges the application of the statute to unconscious drivers on Fourth Amendment grounds.

In this case, the state argues that the warrantless blood draw of the intoxicated driver, Gerald P. Mitchell, was constitutional because suspicion-bases searches of unconscious drivers' BAC satisfies the consent exception to the Fourth Amendment

warrant requirement and pass muster under Fourth Amendment principles of general reasonableness.

The case was argued before the court by Chief Deputy Solicitor General Ryan Walsh.