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Prosecutor Eric Smith Wins GTSAC Award

Believing that license sanctions alone are not enough to keep habitual drunk drivers off the road, the Macomb County Prosecutor's Office literally took the wheel right out of their hands by enacting a vehicle forfeiture program.

This belief won Prosecutor Eric Smith the Governor's Traffic Safety Advisory Commission (GTSAC) Award, which was presented to the prosecutor on April 27, 2007. Each year the GTSAC honors organizations, programs, and individuals for outstanding contributions to traffic safety.

The forfeiture program, initially started in the Wayne County Prosecutor's Office, was kicked off in Macomb County on January 1, 2006. It seizes the vehicles of repeat drunk driving offenders and impounds them for forfeiture fees.

Since the program started, over \$200,000 has been obtained. Proceeds from these forfeitures are distributed to the following three areas and utilized to further the fight against drunk driving:

- Participating county law enforcement agencies to fund additional drunk driving patrols and upgrade their technology,
- Courtroom training for the prosecutor's staff, and
- Contributions to charities consistent with the crime victim's rights act, such as MADD and DARE.

"You can't drive drunk when you don't have a vehicle."
Prosecutor Eric Smith

Prosecutor Smith emphasized that this initiative targets the chronic drunk driver only. "This program takes aim at the habitual drunk driver," he said. "We're seeing the same faces



Prosecutor Eric Smith (left) and GTSAC Chairperson Robert Morris (right) with the GTSAC Award.

over and over again, and we aren't going to stand for it. With the help of the police, we're taking the steering wheel away from these repeat offenders. You can't drive drunk when you don't have a vehicle."

Two Invaluable Bits of Demonstrative Evidence for DWI Trials

By W. Clay Abbott

DWI Resource Prosecutor, Texas District and County Attorneys Association

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In the new world of "CSI," the beleaguered misdemeanor DWI trial prosecutor is never going to have enough exhibits to satisfy the jury. During the last year,

I have talked to more than a thousand officers making DWI arrests and have asked each of them to gather two bits of evidence to help DWI trial prosecutors in this dilemma.

Look for the Evidence

First, officers are encouraged after a DWI arrest to make a full search incident to arrest and to keep an eye out for receipts of alcohol purchases.

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Retrograde Extrapolation

by Daniel Rose

Retrograde extrapolation is a strong scientific tool that prosecutors can use to establish a defendant's blood alcohol content at the time of a collision, even though the chemical test was administered hours later. Defense attorneys are increasingly challenging the use of this scientific tool. Some of these challenges are misleading and offer prosecutors an opportunity to introduce effective rebuttal evidence.

A key component of retrograde extrapolation is the rate a defendant metabolizes and eliminates alcohol from the body. The more frequently a person drinks alcohol, the more enzymes that person's liver produces to metabolize alcohol at a faster rate. Most social drinkers eliminate alcohol from the body at a rate of 0.015 g/L/hr. According to studies performed by toxicologists, experienced drinkers (or alcoholics) may eliminate alcohol at a rate as fast as 0.034 g/L/hr, while some novice drinkers may eliminate alcohol at a rate as slow as 0.009 g/L/hr.

The human body depends upon enzymes in the liver to metabolize and eliminate alcohol. Drinking alcohol



triggers the production of those enzymes. The more often a person drinks, the more enzymes are produced to effectively eliminate the alcohol from the body. Consequently, alcoholics can process and eliminate alcohol from their bodies at a much faster rate than novice drinkers. This simple concept is the key to prosecutor's being able to introduce evidence of a defendant's prior drinking behavior when the use of retrograde extrapolation is attacked.

Elimination Rate

Toxicologists often use the mean elimination rate of 0.015 g/L/hr when calculating a blood alcohol content using retrograde extrapolation. Defense attorneys are increasingly challenging the results by demanding that toxicologists use the lowest possible

Consequently, alcoholics can process and eliminate alcohol from their bodies at a much faster rate than novice drinkers.

elimination rate of 0.009 g/L/hr, despite the fact that this rate applies to less than 5% of the population. When defense attorneys attempt this argument, prosecutors should prevent a jury from being misled.

Evidence of a defendant's prior alcohol consumption is relevant to establish that the defendant has triggered higher production of the alcohol digesting enzymes that would lead to a faster alcohol elimination rate. Testimony from civilian witnesses that have observed the defendant's drinking habits, or the testimony of a police officer who has previously arrested the defendant for OWI, are examples of the type of evidence that would establish that a



defendant has activated the alcohol metabolizing enzymes that would result in a higher alcohol elimination rate.

Prosecutors should consider introducing evidence of a defendant's prior history of alcohol consumption any time a defense attorney challenges a toxicologist's use of the mean alcohol elimination rate of 0.015 g/L/hr when conducting retrograde extrapolation. Otherwise, a defense attorney is allowed to create the misleading impression that the defendant is a novice drinker with an inappropriately low alcohol elimination rate.

The scientific studies supporting this article are available from Dr. Felix Adatsi at the Michigan State Police Forensic Laboratory - East Lansing.

Editor's Note: Dan Rose is an assistant prosecutor with Livingston County and has been a prosecutor for 18 years – 7 year as chief assistant prosecutor in Leelanau County, and 11 in Livingston County as an assistant.

Invaluable Evidence *(Continued from page 1)*

Over the years, officers have been well-trained to look for the telltale hand stamp or wrist band from a local bar to tell them where the defendant had been drinking. These days, police should make the additional effort to search pocket, purses, wallets, and consoles for this additional valuable bit of evidence. In this era of identity theft paranoia and check cards, many folks walk around with a purse, wallet, or pocket full of receipts. When discovered, this little electronically created gold mine can be of great benefit to a prosecutor's case. These receipts reveal a date, time, and location of a purchase of alcoholic beverages; it may even reveal the name of the employee who rang up the sale.

In this era of identity theft paranoia and check cards, many folks walk around with a purse, wallet, or pocket full of receipts. When discovered, this little electronically created gold mine can be of great benefit to a prosecutor's case.

You'll need to follow up on the receipt before trial. It should qualify as a business record, but an affidavit or records custodian may be necessary to get it admitted around a hearsay objection. But the effort should be worthwhile to show that the defendant's "two beer" admission is simply not accurate.

Prosecutors should also consider the best way to present this very small item of evidence -just like wrist bands and hand stamps-to maximum effect. Use of projectors, blow-ups, and PowerPoint make these physically minute exhibits have the impact they deserve.

Ask Questions

The second request I have made of officers is to ask the suspect very early in the investigation two simple questions: "Where are you going?" and "Where are you coming from?" If the questions are asked and answered, a prosecutor can create a very effective demonstrative exhibit: a map of the whole DWI crime scene.

Both locations must be reduced to street addresses. The defendant will often respond by listing a business, city, block, bar, or other location as where he's coming from, and a common destination is "home." The officer records the defendant's home address in the report or during the jail book-in process. The prosecutor or a hard-working investigator can then plug these addresses into a map-generation program from the Internet (Yahoo, Google, mapquest.com, maps.com, and mappoint.msn are all popular) and create a printable map that starts where your suspect got in his car and ends at his claimed destination. Experiment with these online resources until you have a printable product you like, then print or import it into PowerPoint, and prepare your officer to use it in front of the jury.

During trial the officer should tell the jury what questions he asked the defendant, his answers, and the location of the DWI stop. The officer can then locate and mark all of them on the exhibit. Make sure the officer also inputs all the locations in a context jurors can identify. For example, "The first location is just north of the shopping mall. My stop was



eight miles south of that on the same road as the local hospital, and the defendant's destination was right between an old folks' home and a daycare center." With well-prepared testimony, all of the locations should be familiar to the jury.

Have the witness mark the most direct routes from the place your defendant began their impaired excursion to the location of the DWI stop. I suggest such markings be made in red. This is a color appropriate to the danger faced by the other drivers and pedestrians on that route. Then have the officer mark the simplest route from the location of the stop to the defendant's eventual destination. Here I recommend the color blue. Again this color is appropriate for the other drivers and pedestrians NOT subjected to risk of harm due to the defendant's selfish and irresponsible actions due to the officer's vigilance.

This exhibit drives home your proof of venue and the fact that operation of the defendant's motor vehicle occurred in public places, but most importantly it reinforces the point that DWI is not a victimless crime or an issue of public morality but rather one of public safety. Jurors may come into court sympathetic toward a defendant accused of a crime they themselves may have committed during their own lives, but after seeing this exhibit, they may see the offense from the COMMUNITY'S perspective. They may see that they have to use the same roads as the defendant after he decides to drink and drive.

Plus, isn't it a relief to have another exhibit to show the jury in these single-witness trials?

What's Required of Me:

by Greg Edgecombe

Just wanted to take a moment to do a quick review with you concerning what goes on at our accident scenes in regard to the collection and destruction of evidence. You read these kinds of articles and many times they swing around to slam the EMS responders as the bad guys in messing everything up.

While I can see how we reach that conclusion from time to time, it's a matter of priorities. The fire department is concerned with the car not catching on fire or the airbags not blowing while they are extricating, so they cut the cables. The fire department is concerned with people slipping and falling, so they get the oil dry out and apply it to the fluid trails on the roadway surface. The fire department is concerned with the public seeing the blood at the scene so they wash it down before they leave.

You have shaken your head in frustration a time or two I'm sure. These things always happen just before you arrive to gather the pieces of the puzzle. Or maybe you have received the photos of a scene days or weeks later showing how well the oil dry covers everything up, including the tire marks.

The Fire Department doesn't know that a good investigation requires you to document every fluid trail and tire mark so you can show the precise rotation of a car to its point of rest. That it allows you to apply the appropriate drag factors concerning the tire rotations and compromised roadway surface. Remember, they shouldn't know this stuff any more than you knew it before you were informed.

I'd like to believe that this occurs because it's how the responders have been trained. They are simply proceeding as instructed. They don't have a vendetta against you. They don't



desire to hide what occurred so that a person who has earned the right to be prosecuted can go free. They have spouses, children and parents just the same as you do. You can't fault these guys and gals one single bit if you haven't ever taken a few minutes of your time to speak with them, not to them, about why you would prefer that they not do what they did.

If there is any indication at all that this is going to be an investigation by your reconstruction crew, then please preserve these three pieces of evidence.

When it comes to the battery cable, just let them cut the cable. It's only cut as a safety concern and I have yet to encounter a single issue that I couldn't overcome as a reconstructionist due to the cable cutting. We would rather have a car that we could inspect, download, crawl through & collect evidence from later, than a burnt out shell.

What Should We Do?

The real issue at hand here is what are the basics required of me? What do I need at any crash that all other responders coming to this crash can help me out with? I need to know where these

vehicles came from, where they collided, and where they went after the collision.

Some are going to be critical of the simplicity of that statement. I can hear any one of you saying that's not all you need. I will tell you that you are correct. There are way too many things to mention if you are an accident investigator, reconstructionist, or conducting an analysis of the crash. But we're not

talking about us, were talking about them. The people we have spent time blaming for years. The responder, even your own people, can I get an amen, who have driven through your evidence, washed away your evidence, covered up your evidence and on and on. Now I said a second ago, how can these people help us? People want to help, aid, be a part of the solution. You know that the crux of this article is to ask for help, not blame. Blaming alienates while a request for assistance draws together.

So here it is in a nut shell. This is the basic idea that you need to convey to the EMS folks and your peers. These puzzle pieces are vital in determining what occurred at this collision. If there is any indication at all that this is going to be an investigation by your reconstruction crew, then please preserve these three pieces of evidence.

We need to collect or preserve:

- 1) The pre-impact evidence. (Skid, erasures, yaw, gouges)
- 2) The point of impact evidence (offset skid, frame gouges created during maximum engagement, gouges from wheels)
- 3) The post impact evidence (skid, erasures, gouges, fluid trails, rolling tire marks, blood, tissue, hair, possibly debris)

(Continued on page 6)



MSP Creates New Traffic Safety Division

by Capt. Robert R. Powers,
Commander, Traffic Safety Division

As part of a realignment of programs within the Michigan Department of State Police, the Motor Carrier Division and the Traffic Services Section have merged, creating a new division named the Traffic Safety Division. This change was effective March 11, 2007.

The purpose of this change is to align all state police traffic safety and enforcement programs under one command, creating efficiencies and synergies that will enhance traffic safety in Michigan.

The Office of Highway Safety Planning, while housed within the Department of State Police, is quasi independent, and will remain a separate and distinct division, unaffected by this change.

The former Motor Carrier Division was responsible for commercial vehicle enforcement statewide, including the operation of 17 weigh stations, and

public and private school bus safety inspections. These functions have not changed but will now be carried out by the Traffic Safety Division.

The Traffic Services Section was responsible for providing a wide range of services to support the traffic safety activities of local, county, and state police law enforcement throughout the state. These services include, administration of the breathalyzer alcohol testing program, radar and LIDAR certification, traffic crash reconstruction services, traffic control orders, and special research and legislative analysis on matters pertaining to traffic safety.

Cars and trucks share the road every day, but within the state police, collaboration between the commercial vehicle enforcement side and the passenger car enforcement side of the

agency has not always been optimal. This merger will eliminate the silo effect, eliminate redundancies, and create new opportunities for sharing of ideas and resources to enhance traffic safety. This change is also a reflection of the importance that the Michigan State Police places on promoting safety on Michigan's highways.

All the members of the former Motor Carrier Division have been retained and carried over to the new Traffic Safety Division, their positions and responsibilities. F/Lt. Thad Peterson will continue to command the Traffic Services Section, within the new Traffic Safety Division. Clear as mud, right?

The next time you attempt to call the Motor Carrier Division and the telephone is answered, "Traffic Safety Division," don't hang up, you did not dial the wrong number.

A New Defense?

Nanticoke Man Blames Whiskey-Flavored Tobacco for Alcohol Odor on Breath in DUI Arrest

A man charged by police on evidence of drunken driving blamed a brand of chewing tobacco for leaving an alcohol odor on his breath. Police said John Daniel Drury Sr., 42, of Pine Street, was involved in a two-car crash at Bliss and Pine streets in the city's Hanover section on Feb. 22. Drury, driving a Dodge Ram pickup, turned onto Bliss Street and struck the front of a Chevrolet Cavalier that was stopped at a stop sign, police said.

According to the criminal complaint filed by officers Brian Kivler and Brian Williams, Drury was visibly intoxicated and had an alcohol odor on his breath. "Drury insisted that he did not consume any alcoholic beverages and that the

Red Man Select chewing tobacco that he was chewing contained an unspecified amount of Tennessee whiskey," police said in the criminal complaint. Police said Drury failed several field sobriety tests at the crash scene. He was given a preliminary breath test that showed a level of 0.130 percent, police said.

Drury was arrested on evidence of drunken driving, and was taken to the Nanticoke Police Department, where another breath test showed a level of 0.144 percent, police said. An adult driver in Pennsylvania is considered legally intoxicated with a blood alcohol level of 0.08 percent. Drury told police

he would challenge his DUI arrest and wanted police to determine his chewing tobacco's alcohol content.

A message to Swedish Match, the Stockholm, Sweden-based manufacturer of Red Man Select, was not returned. But, an e-mail from the company referred questions about its ingredients in its products to its Web site. According to the Swedish Match's Web site, the 14 different types of ingredients in Red Man Select do not contain Tennessee whiskey or any other alcohol-based substance.

From The Times Leader, (Wilkes Barre, PA), March 7, 2007, written by Edward Lewis

New Effort to Eliminate “Drunk Driving”

A blue-ribbon panel will study new technologies that could decrease drunken driving on the nation's roadways by preventing tipsy drivers from ever starting their cars, federal and other officials announced in November.

U.S. Transportation Secretary Mary Peters, National Highway Traffic Safety Administrator Nicole Nason and

Mothers Against Drunk Driving announced the effort along with a renewed call to use ignition interlocks — alcohol-breath screening devices that prevent a vehicle from starting if blood-alcohol concentration is detected over a pre-set limit.

The campaign to “eliminate drunk driving” also will include the Alliance of

Automotive Manufacturers, the trade group for General Motors Corp., Ford Motor Co., DaimlerChrysler AG, Toyota Motor Corp., and other automakers, the International Association of Chiefs of Police, and other groups, an announcement said.

The Detroit News, November 20, 2006.

What's Expected (Continued from page 4)



blood or flesh in place until documented. Assure them that it will be washed down or removed prior to you leaving, but that it has got to be documented.

Now I don't care where you work, you are going to see a crash at some point that has emergency vehicles everywhere and oil dry everywhere as well because there was no way around it. What I'm

talking about in this article is the problematic “routine” destruction of evidence. It has to be resolved as soon as possible. You don't want to wait till the big one hits. By then it's too late.

You don't need to explain conservation of linear momentum to the folks your enlightening. Just the simple fact that they know you need this evidence will curtail some of the problem.

Lastly, I've heard it myself, but if we don't wash this down now, you're going to be calling us back out here at 4am. If that's what it takes to get my best evidence, that's the way it's going to be. At times I've had the fire department leave bags of oil dry at the roadside for me to apply

when I'm done. It takes all of 2 minutes to pour that stuff out and the wrecker crews love to sweep it up.

If this has been a huge problem for you, I suggest that you give this information to your own departmental first line responders. After all they are actually there when the potential destruction of evidence occurs. Have them hold the powers that be back with a simple explanation of “We need that evidence”.

Feel free to copy the mini outline above if it will aid you in getting this information out and subsequently make your job easier. I hope it proves useful for you.

Editor's Note: This is also on all prosecutors to train the first responders as well as the crash reconstructionists. Talk to them, educate them, and help them do their job. It can only make everyone's job easier down the road.

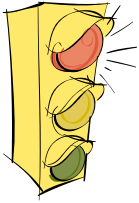
Officer Greg Edgcombe has been in law enforcement for over 20 years and currently works at the Grand Rapids Police Department. He has investigated over 1500 crashes and he has been an expert witness in numerous courts. He is a current Board Member of MAITI (Michigan Association of Traffic Accident Investigators)

All responders can help by:

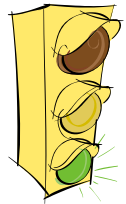
- 1) Not driving through the scene (Drive just off to the side)
- 2) Not washing anything away (Leave all blood, flesh & hair in place)
- 3) Not covering anything up (Leave all fluid trails in place, only place oil dry directly where they are working if absolutely needed)

There are very, very good reasons for why we want to leave all of this evidence in place. We could all tell stories of how we were able to come to conclusions of one aspect of a crash or another because of this collected evidence. You may come across someone who thinks you are morbid for wanting to leave

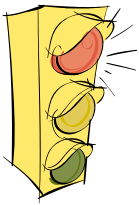
Red Light, Green Light



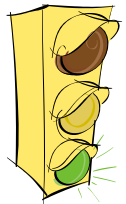
Red Light: Boyne Falls, Michigan — A downstate man found himself on thin ice with authorities after he allegedly drove his truck onto a frozen pond at a northern Michigan resort and the vehicle broke through the ice and sank. Nicholas Leo Hein's 2006 Dodge Ram sat fully submerged in a large pond outside Boyne Mountain's Mountain Grand Lodge and Spa around 2:45 a.m. as rescue workers searched the vehicle for possible victims, Charlevoix County Sheriff George Lasater said. "It was submerged in 10 feet of water," Lasater said. "We had to activate a dive team to see if anybody was in it." Hein, 23, of Oxford in southeast Michigan, allegedly told deputies at the scene that someone had stolen his truck and he was unsure if anyone was inside. Deputies said they later discovered Hein was driving the truck in a nearby parking lot when he became confused and ventured about 75 yards out onto the ice, sheriff's officials said. Hein escaped the vehicle dry and uninjured before it slipped under the ice. His truck sat in the pond for about two hours before it was towed to shore. *From The Record Eagle, March 13, 2007.*



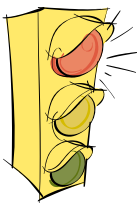
Green Light: Legislators aim at a new misdeed on the road: DWT. During the morning rush hour on Dec. 5, the 53-year-old driver of a blue Dodge Caravan was traveling north on Interstate 5 outside Seattle when he took his eyes off the road to scan an email on his BlackBerry, the State Patrol says. And that's how he hit the white Mazda, which clipped the green Honda, which rammed the black Toyota SUV before spinning into the other lane and plowing into a city bus. Nobody was seriously hurt. But the episode sparked a chain reaction of a different sort in the state legislature, in the form of a bill that would make it a crime to "operate a motor vehicle while reading, writing or sending electronic messages." Forget DWI. The big new traffic-safety issue is DWT: Driving While Texting. *From the Wall Street Journal, March 10, 2007.*



Red Light: A woman driving to a Brisbane court to face a drunk-driving charge crashed into cars outside the building because she was drunk, police allege. The 54-year-old woman's vehicle hit cars parked outside Cleveland Magistrates Court in Brisbane's bayside area. The woman allegedly registered an alcohol reading of 0.262 - more than five times the legal limit. She had been on her way to court to face a drunk-driving charge from December 11 last year when she allegedly registered a reading of 0.25, police said. Her license was suspended after the second incident. She appeared in court and posted bail to reappear at a later date but police said she was allegedly caught again about 6.30 pm, driving with a blood alcohol level of 0.211. She was remanded in custody to appear in court charged with driving drunk and driving while suspended. *From the Sunday Tasmanian (Australia), January 31, 2007.*



Green Light: Nathan McPartlin missed curfew one night in January 2006 and for good reason. The resident of Trenton, now 17, was saving someone's life. Initially, that story seemed too fantastic for Nathan's mom, Kathy McPartlin, who got the call from Nathan explaining why he wasn't home in time for his hockey coach's pregame night curfew check at 11:30 p.m. "I told her I was in the back of a police car because I had just pulled a woman from her car on the railroad tracks. She didn't believe me. She wanted to talk to the cop," recalled Nathan, a senior at Trenton High School. It was true and now Nathan is to be honored with a 2007 American Red Cross Heroes Award. He received the Young Courage Award at a dinner March 22; 10 others will be getting awards. It was around 11:30 p.m. Jan. 26 when Nathan was headed home and saw a woman in a two-door Jeep Cherokee pull onto Lathrop Road near Van Horn in Trenton going the wrong way. Instead of turning right, Nathan said, "she went straight and hit a pole. After she hit the pole I backed my car up, parked it on the street and I ran across the street." "I was telling her to get out, that she shouldn't drive. I didn't want her to hurt herself," he recalled. She yelled at him to leave her alone. She said she didn't need his help. She did. "She backed up to leave and her tires got stuck in the tracks," he said. Nathan was calling 911 when he heard a train coming. He made the rescue by "kind of like hugging her, freeing her legs and getting her out very slowly." The 6-foot-2, 215-pound hockey defenseman and football player carried the woman away from the tracks. They were just reaching safety when "the train hit the car and pushed it like a hundred feet. I got hit by glass from the car." The police arrived. Nathan gave a statement. The driver, in her late 50s, was later charged with drunken driving. *From the Detroit Free Press, March 1, 2007.*



Red Light: Houghton, Michigan — A Hancock man who was arrested for drinking and driving, and then allowing his 8-year-old son to get behind the wheel, said he was teaching the boy how to drive. "I did not place my son behind the wheel to cover up for my stupidity," Anthony Bickman said in Houghton County Circuit Court before Judge Garfield Hood. "I was teaching him how to drive and I shouldn't have been doing it when I was

(Continued on page 8)

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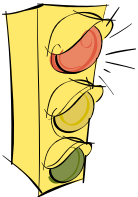


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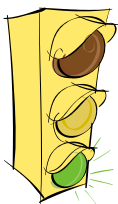


This material was developed through a project funded by the Michigan Office of Highway Safety Planning and the U.S. Department of Transportation.

More Red Light, Green Light (Continued from page 7)



drunk." Bickman, 42, was arrested Feb. 18 after a 6:24 p.m. report of a vehicle stuck in the ditch near Lake Avenue and Upper Pike River Road. While deputies were traveling to the scene, they received a report that the vehicle was out of the ditch and northbound on Pike River Road, traveling at a slow speed and weaving all over the road. The deputies stopped the vehicle and discovered that the 8-year-old was driving. The child's name will not be printed because he is a minor. In circuit court, Bickman pleaded guilty to operating while intoxicated, which is a misdemeanor punishable by up to 93 days in jail. It is his third offense, however, which makes it a felony punishable by up to five years in prison. He was convicted of operating a motor vehicle while under the influence in 1996 and 1998 in other counties. *From the Mining Gazette, March 8, 2007.*



Green Light: Petoskey, Michigan –A recent display conducted at Petoskey High School may sound melodramatic at first, but we say it probably got the point across better than all the lectures and glitzy ad campaigns about the impact of drunk driving that kids are likely to see. On a recent Thursday, nearly 70 Petoskey High students took part in a "Ghost Out," which three of the school's Family, Career and Community Leaders of America members organized to illustrate the dangers of drinking and driving. To symbolize the deaths which result from drunken driving, the students painted tears on participants' faces in the morning and requested that they not speak for the entire day, unless a teacher asked them to do so. According to group members, 76 students would be a representative sample size for a population the size of Petoskey high school's roughly 1,000 students, to illustrate lives lost through drunk driving. The organizers found that most of the randomly picked students were agreeable, with some other students volunteering to stay silent. This simple exercise has a powerful message. Young drivers and young future drivers see, in concrete terms, the "ghosts" walking among them: People whose lives could be snuffed out because of the completely preventable plague of drunk driving. *From the Petoskey News, March 1, 2007.*