

Delayed Car Accident Tox Tests Hold Up Arrests, Victims' Rights

On behalf of Johnston, Moore & Thompson

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A recent Huntsville Times Watchdog report points out the frustration both police and [car accident](#) victims must deal with because of long delays on toxicology reports that determine whether drivers were drinking or on drugs at the time of an accident.

The story highlights a May 2 single-car accident in Hampton Cove that ended with three teens hospitalized. One of the three, 16-year-old Mohammad Fulladi, died on June 11 from injuries sustained in the wreck.

Police are still waiting on toxicology results more than two months after the accident. Until those results are in, the police are at a halt in their investigation and prosecutors do not know what charges, if any, to file against driver Isaac Holdsambeck. Potential personal injury and [wrongful death](#) claims by the victims are held up as well.

According to police sergeant Mark Roberts, the toxicology tests are being performed by the Alabama Department of Forensic Sciences in Birmingham. The forensics lab in Huntsville is not able to perform toxicology tests, only autopsies.

Toxicology Tests Are Standard Procedure After Car Accidents; Workloads High

In virtually all car accident cases and especially in fatal accidents, a toxicology report is standard, according to Coroner Bobby Berryhill. Seeking a toxicology test from the driver is "almost guaranteed," he told the Times.

After a car accident, when the injured are taken to the emergency room, blood and urine samples are taken by medical personnel and sent to the police or, in the case of a fatal accident, to the coroner, who forwards them to the state's forensics lab.

"In a traffic fatality, we always look for alcohol first," he said. The tests can also be used to determine if the driver was under the influence of drugs.

Samples are always taken from the driver or drivers, but may also taken from others involved in the wreck. "I will even ask to do it on a passenger if there's any doubt," Berryhill said. "We have seen cases where drivers switch places."

Once the samples are sent to the forensics lab, there is nothing to do but wait. "On toxicology work, you just fall next in line," explains Berryhill. "There may be 150 people in front of you."

Due to workload, the wait can be long. Berryhill said that some results come within the month, but he has seen them take a year.

There is simply no way to know how soon the toxicology report on Holdsambeck could be completed.

So, police, Holdsambeck and the victims of the crash simply must wait as the deadlines for filing either criminal charges or civil personal injury and wrongful death suits get closer.

A spokesperson for the Alabama Department of Forensic Sciences told the Times that most of its scientists were at a state function this week and were therefore unavailable to make any comment.

Related Resource:

["Watchdog report: Waiting for toxicology reports"](#) (The Huntsville Times, July 8, 2010)