

1 breath versus blood tests, the Court, so far as I'm
2 aware, has never said that once there is a search that's
3 taken place in a law enforcement investigation, that one
4 can cut out certain character -- certain -- certain
5 types of procedures or certain types of evidence that's
6 being sought. The presumption is that a warrant should
7 be required.

8 And in the Skinner case, I mean, the Court
9 addressed both blood and -- and breath tests. Although
10 it noted there were differences between the two, it
11 treated them identically for Fourth Amendment purposes.
12 It said that they have essentially very, very similar
13 characteristics. They involve similar personal --
14 degrees of personal intrusion. And I do not think that
15 there is any supportable reason for treating the two
16 differently for purposes of the warrant requirement.

17 If there are no further questions, Your
18 Honor.

19 CHIEF JUSTICE ROBERTS: Thank you, counsel.
20 The case is submitted.

21 (Whereupon, at 11:26 a.m., the case in the
22 above-entitled matter was submitted.)

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