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Police Science Legal Abstracts and Notes

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POLICE SCIENCE LEGAL ABSTRACTS AND NOTES

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False Imprisonment—Liability of Private Citizen for False Arrest By Officer—In *Gogue v. McDonald*, 35 Cal. 2d 482, 218 P. 2d 542 (1950), the court dismissed an action seeking damages for the arrest and detention of the plaintiff. The damages were sought against one who appeared before a public official and stated facts insufficient to support a criminal charge, but upon which a warrant for arrest was mistakenly issued. The complaint did not charge falsity of the facts reported, or malice or bad faith on the defendant's part, or any active part taken by him in the arrest. The court held that in the absence of these factors, no action for malicious prosecution or false imprisonment could be maintained. See 21 ALR 2d 643 for an extremely extensive annotation on the general subject of the liability of a private citizen for false arrest by an officer.

Blood Tests Disclosing Merely Possibility of Paternity Not Admissible—In *State v. Morris*, 102 N.E. 2d 450 (Ohio, 1951), the court held that although results of blood tests are admissible to establish non-paternity, test results disclosing a mere possibility of paternity must be discarded and excluded from evidence as being valueless.

Results of Drunkometer Test Allowed In Evidence—In *People v. Bobczyk*, 99 N.E. 2d 567 (Illinois, 1951), the defendant was charged with driving a motor vehicle while under the influence of intoxicating liquor. He voluntarily submitted to a test on the Harger Drunkometer to test the alcoholic content of his breath, and an expert testified that the test indicated that the defendant had a concentration of alcohol in the blood of .30 per cent and that in the expert's opinion the defendant was under the influence of alcohol at the time of his arrest. The court allowed this evidence, finding that the objection that there is a lack of uniformity in the medical profession as to whether or not intoxication can be determined by breath goes to the weight of the testimony and does not destroy its admissibility. See also *People v. Morse*, 325 Mich. 270, 38 N.W. 322 (1949) in which admission of such evidence was held reversible error, and *McKay v. State*, 235 S.W. 2d 173 (Texas, 1950), where the evidence of the result of the Harger Drunkometer test was admitted. There, too, the court said the objection went to the weight of the evidence.

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