

INVESTIGATIONS

# N.J. Trooper Beats DWI, Concussion Blamed

A State Police trooper was acquitted of drunken driving after he showed the reason he failed the field sobriety tests was due to a concussion he suffered in a motor vehicle accident.

July 27, 2012

July 27--A State Police trooper was acquitted of drunken driving after he showed the reason he failed the field sobriety tests was due to a concussion he suffered in a motor vehicle accident.

Hamilton Township municipal Judge H. Robert Switzer ruled last week that Trooper Jason Dare suffered a concussion during an accident at Bears Head Road and Route 40 in December and that is why he was unable to perform any of the tests administered by township police officers. Dare, who also refused to take a breath test, was charged with drunken driving after the accident.

But during the trial, his attorney, Kevin McCann, of Bridgeton, produced evidence that Dare had checked himself into a hospital twice within 24 hours of the accident and complained of a head injury. He also checked into Shore Medical Center in Somers Point two weeks after the accident.

He was examined by Dr. Henry Souto, who testified during the trial.

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alcohol he had consumed, but McCann said it was between two and five beers over a five-hour evening. McCann noted Dare, 36, weighs 220 pounds, and the attorney did not think his client would have been above the legal limit.

The accident was caused when Dare swerved to avoid hitting an animal and crashed. Dare does not remember other details and may have been unconscious for 10 to 12 minutes, McCann said.

Dare also suffered cuts and bruises on his hands in the accident, McCann said. He was the only one in the vehicle.

But he was not in any shape to conduct the sobriety tests or agree to take a breath test, McCann said, adding the symptoms of a concussion and being intoxicated are similar.

"When you have a concussion, it compromises your coordination," he said.

Hamilton prosecutor Michele Verno said no blood alcohol test was administered and the prosecution was unable to argue Dare's defense.

"The (judge) was faced with an expert opinion that (challenged) the state's position. The state had nothing to come back," she said.

"We're simply not going to pay for a medical expert in municipal court cases."

Verno, who said this was first time in her 16-year career she encountered this situation, said Dare was treated just like any other defendant in a drunken-driving case.

McCann said State Police are also investigating his client, as is standard for incidents involving alcohol. Trooper Christopher Kay, a spokesman for the State Police, could not comment on Dare's status Friday.

Contact Joel Landau:

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