

[In re: Rodweller](#) (2018) Judge Tsai authored the opinion.

Holding: The en banc Court held that Pennsylvania's revised DUI implied consent warnings are valid, motorists have no constitutional right to counsel or to refuse a blood test, refusal evidence is admissible, and suppression must be determined case by case under the totality of the circumstances.

Analysis: The Court reasoned that blood draws are searches, but consent is a valid exception if voluntary. The warnings correctly state no right to counsel, as none exists at this stage, and refusal is only a statutory right, not a constitutional one. PennDOT and police properly revised the forms after *Birchfield* to remove unconstitutional penalty language. Mass suppression was improper because each case requires an individualized voluntariness inquiry.

Background: After *Birchfield* (2016) struck down criminal penalties for blood-test refusals, Pennsylvania amended its DUI law and issued new warning forms. Philadelphia Municipal Court judges had suppressed blood-test evidence across dozens of cases, finding the warnings coercive. The Commonwealth appealed, leading to this en banc decision.