

**THIRD DIVISION
DILLARD, P. J.,
GOBEIL and PIPKIN, JJ.**

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<https://www.gaappeals.gov/rules>**

October 14, 2026

In the Court of Appeals of Georgia

A26A1480. THE STATE v. BRADLEY.

A26A1535. BRADLEY v. THE STATE.

DILLARD, Presiding Judge.

The State charged Austin Bradley (via indictment) with 24 counts of serious injury by vehicle, four counts of driving under the influence to the extent he was less-safe to drive (DUI less safe), and one count of failure to maintain his lane of travel. Bradley filed a pretrial motion to prohibit the State's forensic toxicologist from testifying as an expert on issues relating to pharmacology and a motion to suppress the seizure of his medical records (arguing the search warrant lacked the required particularity). After a hearing, the trial court granted Bradley's motion to prohibit the State's expert from testifying on pharmacological issues but denied his motion to suppress.

In Case No. A26A1480, the State contends the trial court erred in granting Bradley’s motion to exclude the forensic toxicologist’s testimony on pharmacological issues. More precisely, the State argues that—under OCGA § 24-7-702—the toxicologist was qualified to provide expert testimony on the general effects of various drugs on the average person. And in Case No. A26A1535, Bradley cross appeals, arguing the court erred in denying his motion to suppress the seizure of his medical records. For the following reasons, we reverse the trial court’s ruling in Case No. A26A1480 and affirm its ruling in Case No. A26A1535.¹

The record shows that, on April 13, 2023, Carol Fielder was driving her husband (Chris) and her sister-in-law (Janice) to Hiawasee in Towns County for dinner at a local restaurant. As they drove along State Highway 75, they saw a large pickup truck with a camper top traveling toward them in the opposite direction. As the truck rapidly approached, it crossed over the centerline into Carol’s lane of travel. Carol immediately swerved toward the right shoulder of the highway to avoid the

¹ Oral argument was held on June 9, 2026, and is archived on the Court’s website. See Court of Appeals of the State of Georgia, Oral Argument, Case No. A26A1480 (June 9, 2026), *available at* <https://vimeo.com/1200808788>.

oncoming truck; but she was unable to do so, and the two vehicles collided — with both sustaining significant damage.

After the collision, all three Fielders remained conscious; and while waiting for emergency services to arrive, they observed the driver of the vehicle — later identified as Bradley — exit his vehicle, declare that *they* hit *him*, and start chasing a dog that had also exited his vehicle. Law enforcement and EMTs then arrived, and all three Fielders were transported to the hospital to receive treatment for their injuries.

Bradley was also transported to the hospital; and while there, a Georgia State Patrol officer interviewed him. During the interview, the officer noted that Bradley repeatedly mumbled and closed his eyes, as if going to sleep. Bradley also admitted that he had taken several prescription drugs and some cocaine earlier in the day before the accident. But he added that cocaine had never made him “feel that way before.” At the end of the interview, the officer read the implied-consent notice to Bradley, who then consented to a blood draw, which the officer sent to the GBI for testing. The results of those tests indicated the presence of amphetamine, methamphetamine, cocaine, benzoylecgonine (a metabolite of cocaine), fentanyl, Gabapentin, promethazine, and mitragynine (a drug primarily used to help wean a person off

opiods) in Bradley's blood. Later, another Georgia State Patrol officer obtained a search warrant for medical records related to Bradley's treatment at the hospital immediately after the accident.

The State charged Bradley, via indictment, with 24 counts of serious injury by vehicle, four counts of DUI less safe, and one count of failure to maintain his lane of travel. More particularly, the indictment alleged that—while he was under the influence of different drugs—Bradley's vehicle crossed the center line on a state highway and collided with another vehicle, seriously injuring its three occupants. Bradley filed a pretrial motion to prohibit a GBI forensic toxicologist from testifying as an expert on issues related to pharmacology. Specifically, he argued that while the toxicologist could provide expert testimony about the drugs found in his blood, she was not qualified to testify about the physical effects of those drugs on an average person. Bradley also moved to suppress the seizure of his medical records, maintaining that the search warrant and supporting affidavit lacked the required particularity. And after a hearing on those two issues, the trial court granted Bradley's motion to prohibit the forensic toxicologist from testifying on pharmacological issues but denied his motion to suppress. These appeals follow.

Case No. A26A1480

1. The State contends the trial court erred in granting Bradley’s motion to exclude the forensic toxicologist’s testimony on pharmacological issues, arguing that—under OCGA § 24-7-702—the toxicologist was qualified to provide expert testimony on the general effects of various drugs on the average person. We agree.

The hearing on Bradley’s motion was held in December 2025. Significantly, effective July 1, 2022, the General Assembly repealed OCGA § 24-7-707 and amended OCGA § 24-7-702 so that the latter statute now governs the admissibility of expert testimony in criminal as well as civil cases.² The current version of OCGA § 24-7-702(b) provides:

A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise, if: (1) The expert’s scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue; (2) The testimony is based upon sufficient facts or data; (3)

² See Ga. L. 2022, p. 201, § 1 (amending OCGA § 24-7-702 to apply “in all proceedings” rather than only “in all civil proceedings” and repealing OCGA § 24-7-707). See also OCGA § 24-7-702(a) (“Except as provided in Code Section 22-1-14 and in subsection (g) of this Code section, the provisions of this Code section shall apply in *all* proceedings. The opinion of a witness qualified as an expert under this Code section may be given on the facts as proved by other witnesses.” (emphasis added)).

The testimony is the product of reliable principles and methods; and (4)
The expert has reliably applied the principles and methods to the facts
of the case.

With this amendment, the General Assembly extended “to criminal cases the federal standard of admissibility of expert testimony articulated in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*[³] and its progeny.”⁴ And because Georgia’s Rule 702 is modeled after Rule 702 of the Federal Rules of Evidence, we “look to the decisions of federal appellate courts, especially the [Supreme Court of the United States] and the Eleventh Circuit, for guidance.”⁵ Under this standard,

a trial court must evaluate the reliability of the expert’s proffered testimony; proper considerations include whether a theory or technique

³ 509 U.S. 579 (113 SCt 2786, 125 LE2d 469) (1993).

⁴ *Smith v. State*, 315 Ga. 287, 300(2)(b) n.6 (882 SE2d 300) (2022) (punctuation omitted). Accord *Rijal v. State*, 367 Ga. App. 703, 713(3)(b)(ii) n.58 (888 SE2d 272) (2023).

⁵ *Wright v. State*, 374 Ga. App. 28, 31 (910 SE2d 839) (2024) (quotation marks omitted). See *Miller v. Golden Peanut Co., LLC.*, 317 Ga. 22, 28-29(1)(b) (891 SE2d 776) (2023) (noting when the “relevant Georgia evidentiary rule is materially identical to a Federal Rule of Evidence, we no longer look to those cases decided under our former Evidence Code for guidance, turning instead to where the General Assembly clearly directed us: decisions of the Supreme Court of the United States and the federal Courts of Appeals”).

can be tested, whether it has been subjected to peer review and publication, the known or potential rate of error for the theory or technique, the general degree of acceptance in the relevant scientific or professional community, and the expert's range of experience and training.⁶

A trial court has broad discretion, then, when “accepting or rejecting the qualifications of an expert witness, and we review a trial court’s ruling on both the qualification of an expert and the admissibility of that expert’s testimony for an abuse of discretion.”⁷ Finally, as the party seeking to rely on the proffered expert, the State “bore the burden of establishing that the [expert’s] testimony was reliable within the meaning of Rule 702.”⁸ This, the State did.

As noted above, the State argues the trial court erred in disqualifying the GBI forensic toxicologist as an expert on pharmacological issues under Rule 702(b) and

⁶ *Smith*, 315 Ga. at 300(2)(b) n.6 (punctuation omitted). Accord *Rijal*, 367 Ga. App. at 713(3)(b)(ii) n.58.

⁷ *Garland v. State*, 361 Ga. App. 724, 732(2) (865 SE2d 724) (2021) (punctuation omitted). Accord *Flannigan v. State*, 305 Ga. 57, 60(2)(a) (823 SE2d 743) (2019); see also Ronald L. Carlson & Michael Scott Carlson, CARLSON ON EVIDENCE 385 (8th ed. 2023) (“While the trial court has authority to exclude expert testimony, it must exercise it carefully.”).

⁸ *Wright*, 374 Ga. App. at 32.

ruling that she was unqualified to opine on the pharmacological or toxicological effects of various drugs on the human body. And during the hearing on Bradley's *Daubert* motion, the GBI toxicologist testified that she had a degree in forensic chemistry, had been employed by the GBI for more than seven years, and completed the GBI's nearly year-long, in-house training program for toxicology, as well as another four months of supervised casework. She added that the program included a pharmacology component, which entailed learning about different classes of drugs, how to test for them, how they act on the body, and how the body metabolizes them. The toxicologist also confirmed that she previously testified as an expert in both toxicology and pharmacology in many jurisdictions throughout the state.

The State moved that the toxicologist be allowed to offer expert testimony on issues of toxicology. In response, Bradley's counsel stated that, while he had no objection to her testifying on toxicology issues, he did object to her qualifications to testify on issues of pharmacology. The State responded that the toxicologist was qualified to testify on issues of pharmacology under Rule 702, and it also argued that while she would not be able to testify about how the drugs found in Bradley's blood sample affected *him*, she was qualified to opine on how such drugs affected people

generally. The trial court stated that the toxicologist was prohibited from testifying about the effects of drugs on Bradley or the human body generally, but the State was allowed to elicit additional information about the toxicologist's qualifications. The toxicologist then testified that her training related to understanding the effects of drugs on the human body included lectures from other experts, videos of individuals under the influence of various drugs and the resulting physical effects, peer-reviewed journal articles, scientific studies, and authoritative textbooks discussing such effects. Moreover, on cross-examination, the toxicologist acknowledged that she could only testify about the effects of drugs generally and not as to how the drugs in Bradley's blood sample affected him. Even so, the court reaffirmed its decision to prohibit any such testimony and issued an order to that effect several weeks later.

In light of this record, the trial court abused its discretion in ruling that the toxicologist was not qualified to opine on the pharmacological effects of drugs on the human body generally. As this Court recently explained, "pharmacology is the study of how drugs produce their effects, including not only the methods by which drugs produce their effects and side effects, but also how drugs are absorbed, metabolized,

excreted and distributed in the body.”⁹ At the same time, we also explained that “[t]oxicology is *similar* to pharmacology but focuses on the *toxic or adverse events* of drugs and chemicals.”¹⁰ But in ignoring the considerable overlap between the two fields, the court below seemingly determined that the toxicologist was unqualified to testify even as to the *general* effects of various drugs on the human body because she did not possess a specific degree in pharmacology and had not engaged in her own clinical studies—instead relying on lectures, journals, and authoritative texts. In doing so, it erred. The factual basis of an expert opinion “goes to the credibility of the testimony, not the admissibility, and it is up to the opposing party to examine the factual basis for the opinion in cross-examination.”¹¹ Moreover, a court may not

⁹ *Wright*, 374 Ga. App. at 29 (quotation marks omitted). See The Oxford English Dictionary Online <https://www.oed.com> (October 14, 2026) (defining “pharmacology” as “[t]he branch of medical science that deals with drugs and their uses”).

¹⁰ *Wright*, 374 Ga. App. at 29 (quotation marks omitted) (emphasis added). See The Oxford English Dictionary Online <https://www.oed.com> (October 14, 2026) (defining “toxicology” as “[t]he science of poisons; that department of pathology or medicine which deals with the nature and *effects* of poisons” (emphasis added)).

¹¹ *Wright*, 374 Ga. App. at 33–34 (quotation marks omitted). Accord *Emory Univ. v. Willcox*, 355 Ga. App. 542, 543(1) (844 SE2d 889) (2020). See *Smith v. Ford Motor Co.*, 215 F.3d 713, 718(II)(A) (7th Cir. 2000) (“The soundness of the factual underpinnings of the expert’s analysis and the correctness of the expert’s conclusions

exclude an otherwise sufficient expert opinion “simply because it believes that the opinion is not—in its view—particularly strong or persuasive.”¹² Rather, the weight to be given to admissible expert testimony is “a matter for the jury.”¹³ The trial court, then, abused its discretion in ruling that the GBI forensic toxicologist was not qualified to testify on the effects of drugs on the human body generally.¹⁴ So, we reverse the

based on that analysis are factual matters to be determined by the trier of fact[.]”).

¹² *Wright*, 374 Ga. App. at 34 (quotation marks omitted). Accord *Willcox*, 355 Ga. App. at 543(1).

¹³ *Wright*, 374 Ga. App. at 34 (quotation marks omitted). Accord *Willcox*, 355 Ga. App. at 543(1).

¹⁴ See *Wright*, 374 Ga. App. at 33–35 (holding that the trial court erred in excluding testimony of expert in toxicology and pharmacology as to drugs’ effect on defendant because the fact that expert had not engaged in “studies, field tests or direct evaluations concerning the effects of drugs on the ability of a human being to operate a motor vehicle safely” went to credibility of expert’s opinion but not its admissibility); *Bocanegra v. Vicmar Servs., Inc.*, 320 F3d 581, 588–90 (5th Cir. 2005) (ruling that the toxicology expert’s testimony regarding the effect the driver’s earlier marijuana use had on his driving ability on the night of fatal accident was reliable and relevant, and therefore admissible); *United States v. Tsosie*, 791 FSupp2d 1099, 1111–16(I) (explaining that the toxicologist’s testimony regarding defendant’s blood-alcohol level and assumptions about impairment was admissible under Rule 702 and “objections to the speculative nature of such testimony go to the weight, and not the admissibility, of the evidence”).

court's ruling in this regard and remand the case for further proceedings consistent with this opinion.

Case No. A26A1535

2. In his cross appeal, Bradley maintains the trial court erred in denying his motion to suppress the seizure of his medical records related to his hospital stay after the accident. More precisely, he argues the search warrant and supporting affidavit lacked the required particularity, and therefore authorized an impermissible general search. We disagree.

In reviewing a trial court's decision on a motion to suppress, we construe the evidence "most favorably to uphold the findings and judgment, and the trial court's findings on disputed facts and credibility of the witnesses are adopted unless they are clearly erroneous."¹⁵ And because the trial court is "the trier of fact, its findings are analogous to a jury verdict and will not be disturbed if any evidence supports them."¹⁶

¹⁵ *Jones v. State*, 313 Ga. App. 590, 593(2) (722 SE2d 202) (2012) (quotation marks omitted). Accord *Emumi v. State*, 315 Ga. App. 656, 657(1) (727 SE2d 257) (2012).

¹⁶ *Jones*, 313 Ga. App. at 593(2) (quotation marks omitted). Accord *Emumi*, 315 Ga. App. at 657(1).

That said, we owe no deference to “the way in which the court below resolved questions of law.”¹⁷

Turning to Bradley’s claim, under the Fourth Amendment to the United States Constitution (as well as its equivalent provision in the Georgia Constitution),¹⁸ a search warrant “may issue only upon facts sufficient to show probable cause that a crime is being committed or has been committed.”¹⁹ And when the judge who issues a warrant determines whether probable cause exists, he or she must

make a practical, common-sense decision whether, given all the circumstances set forth in the affidavit before [them], including the “veracity” and “basis of knowledge” of persons supplying hearsay

¹⁷ *State v. Blanchard*, 337 Ga. App. 130, 133 (786 SE2d 513) (2016) (quotation marks omitted). Accord *Ewumi*, 315 Ga. App. at 657(1).

¹⁸ See U.S. CONST. amend IV (“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated...”). See also GA. CONST. Art. 1, Sec. 1, Par. XIII (“The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue except upon probable cause supported by oath or affirmation particularly describing the place or places to be searched and the persons or things to be seized.”).

¹⁹ *State v. Yearwood-Cabbel*, 370 Ga. App. 471, 476(1) (897 SE2d 876) (2024) (footnote and quotation marks omitted). Accord *Whitfield v. State*, 337 Ga. App. 167, 169 (786 SE2d 547) (2016); *State v. Palmer*, 285 Ga. 75, 77 (673 SE2d 237) (2009).

information, there is a fair probability that contraband or evidence of a crime will be found in a particular place.²⁰

Our duty, then, is to review the issuing judge’s decision and “determine whether there was a ‘substantial basis’ for concluding that probable cause existed to issue the search warrant.”²¹ And as a reviewing court, we must give “substantial deference to the finding of probable cause.”²² Moreover, the test for probable cause is “not a hypertechnical one to be employed by legal technicians, but is based on the factual and

²⁰ *Bibbs v. State*, 375 Ga. App. 308, 313–14(2)(a) (915 SE2d 918) (2025). Accord *Taylor v. State*, 303 Ga. 57, 60(2) (810 SE2d 113) (2018). See, e.g., *Pugh v. State*, 318 Ga. 706, 714(2)(a) (899 SE2d 653) (2024) (“Considering the totality of the circumstances outlined in the affidavit, the magistrate was authorized to make certain common-sense conclusions about human behavior, and infer that [defendant] was somehow involved in [victim’s] murder, that evidence of his location and communications in the time surrounding the murder might be found in his cell phone records, and that the target phone number belonged to [defendant].” (citation and quotation marks omitted)).

²¹ *Bibbs*, 375 Ga. App. at 314(2)(a) (quotation marks omitted). Accord *Taylor*, 303 Ga. at 60(2).

²² *Bibbs*, 375 Ga. App. at 314(2)(a) (quotation marks omitted). See *Taylor*, 303 Ga. at 60(2) (“A magistrate’s decision to issue a search warrant based on a finding of probable cause is entitled to substantial deference by a reviewing court.” (quotation marks omitted)).

practical considerations of everyday life on which reasonable and prudent men act.”²³ So, in making this determination, the judge “may draw reasonable inferences from the material supplied by applicants for a warrant.”²⁴ Significantly, even “doubtful cases” should “be resolved in favor of upholding a warrant.”²⁵

Here, the officer’s affidavit in support of the search warrant and the warrant itself noted that the items to be seized were “medical records, lab reports, films, papers, charts, summaries, and other documents relating to the treatment of” Bradley on April 13, 2023 (the day of the accident) through the end of his hospital stay, which only lasted a few hours. The affidavit and warrant also added that the items to be seized were believed to contain evidence related to Bradley committing the offenses of driving under the influence, failure to maintain lane, and serious injury by vehicle. Additionally, the affidavit explained that there was probable cause to seize the medical

²³ *Bibbs*, 375 Ga. App. at 314(2)(a) (quotation marks omitted). Accord *Taylor*, 303 Ga. at 60–61(2).

²⁴ *Bibbs*, 375 Ga. App. at 314(2)(a) (quotation marks omitted). Accord *Taylor*, 303 Ga. at 61(2).

²⁵ *Bibbs*, 375 Ga. App. at 314(2)(a) (quotation marks omitted). Accord *Taylor*, 303 Ga. at 61(2).

records given the nature of the accident and Bradley’s admission to using cocaine and Gabapentin earlier in the day.

Even so, Bradley contends the search warrant was unconstitutional because it lacked sufficient particularity. And to be sure, the Fourth Amendment provides that “no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the ... things to be seized.”²⁶ Indeed, as we have explained, while a warrant “cannot leave the determination of what articles fall within its description and are to be seized entirely to the judgment and opinion of the officer executing the warrant, the degree of specificity in the description is flexible and will vary with the circumstances involved.”²⁷ But the “particularity requirement” only demands that “the executing officer be able to

²⁶ *Bibbs*, 375 Ga. App. at 316(2)(b). Accord U.S. Const. Amend. IV. See also Ga. Const. Art. I, § I, ¶ XIII (“The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue except upon probable cause supported by oath or affirmation particularly describing the place or places to be searched and the persons or things to be seized.”).

²⁷ *Bibbs*, 375 Ga. App. at 316–17(2)(b). Accord *Serdula*, 356 Ga. App. 94, 111(3)(b) (845 SE2d 362) (2020).

identify the property sought with reasonable certainty.”²⁸ Simply put, in addition to “requiring that officers have enough guidance to locate and seize only those items the warrant authorizes them to seize, this particularity requirement also prevents general searches—that general, *exploratory rummaging in a person’s belongings* by the government that has been rejected since the founding as a violation of fundamental rights.”²⁹

Thus, contrary to Bradley’s assertions, the warrant here was narrowly drafted to seize only his medical records from the hospital that were specifically related to his treatment on the day of the accident, the limited time he spent there, and the offenses for which he was charged. And those records were relevant—as noted in the affidavit supporting the warrant—as evidence of whether or not Bradley was under the

²⁸ *Bibbs*, 375 Ga. App. at 317(2)(b) (quotation marks omitted). Accord *Serdula*, 356 Ga. App. at 111–12(3)(b).

²⁹ *State v. Wilson*, 315 Ga. 613, 614 (884 SE2d 298) (2023) (citation and quotation marks omitted) (emphasis added). Accord *State v. Black*, 370 Ga. App. 18, 24(2) (893 SE2d 517) (2023).

influence of drugs at the time of the accident. The trial court did not err, then, in denying Bradley's motion to suppress.³⁰

For these reasons, we reverse the trial court's grant of Bradley's *Daubert* motion in Case No. A26A1480, and we affirm the trial court's denial of his motion to suppress in Case No. A26A1535.

Judgment reversed in Case No. A26A1480 and affirmed in Case No. A26A1535.

Gobeil and Pipkin, JJ., concur.

³⁰ See *Bowling v. State*, 289 Ga. 881, 887(2)(c) (717 SE2d 190) (2011) (holding that search warrant for murder defendant's medical records from hospital regarding his examination, treatment, and care on date of shooting, was not overbroad as warrant was narrowly drafted to seek only the medical records related to the treatment of defendant on that specific date); *Jones*, 313 Ga. App. at 593–94(2) (determining that warrant, which was narrowly drafted to seek only blood samples and medical records from hospital where defendant was treated on night of accident was not unlawfully broad). Cf. *Wilson*, 315 Ga. at 615–16 (affirming grant of defendant's motion to suppress because search warrant that authorized the seizure of “*any and all* stored electronic information” on the defendant's phones was overbroad and, thus, unconstitutional (emphasis added)).