

CALIFORNIA DUI FORMS

Demurrers, discovery requests, discovery motions, motions to suppress, motions in limine, jury instructions, and DMV hearing forms

Turn to Ed Kuwatch, Paul Burglin, and Barry Simons' *California Drunk Driving Law* for a comprehensive collection of creative and well-supported DUI motions and other helpful forms. For example:

Over 120 forms

- Demurrer to multiple prosecutions, with points and authorities. *Form 2-1*
- Motion to strike prior conviction, with 3 alternate grounds. *Form 4-4*

Discovery

- Informal request for discovery from prosecution. *Form 5-3*
- Motion for discovery compliance. *Form 5-4*
- Discovery request—breath test records. *Form 5-7*
- Public records request—chemical test documents. *Form 5-11*

Search and seizure

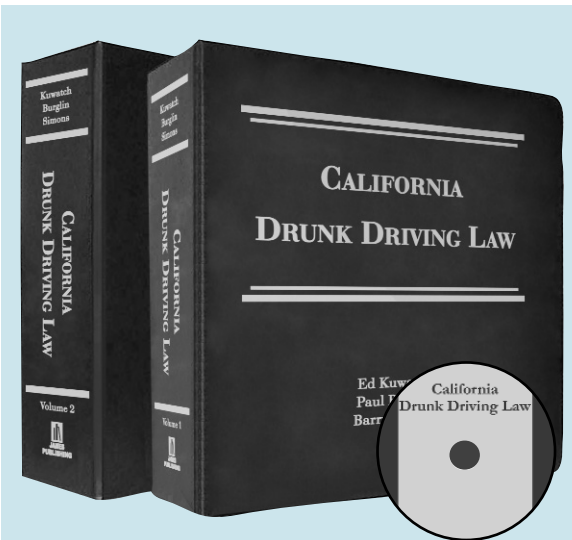
- Motion to dismiss—destruction of evidence. *Form 5-16*
- Motion to suppress—search and seizure, with 9 alternate grounds. *Form 7-1*
- Motion to dismiss because of speedy trial denial. *Form 9-1*
- Letter to hospital demanding patient confidentiality. *Form 9-2*
- 4 motions to exclude PAS results and PAS refusal. *Forms 9-3*
- 2 motions to exclude chemical test and refusal. *Forms 9-4*
- Motion in limine to exclude evidence of “tolerance.” *Form 9-6*
- Motion to preclude prosecutor from diminishing burden of proof in argument. *Form 9-19*
- Motion to exclude evidence of field sobriety exercises. *Form 9-20*
- Motion to exclude evidence of retrograde extrapolation. *Form 9-23*

Trial

- Motion to eliminate prosecutorial misconduct. *Form 9-18*
- Motion for voir dire. *Form 9-24*
- 35 custom jury instructions. *Forms 9-7 to 9-16, and Forms 9-22 to 9-50*

DMV proceedings

- Petition for writ of mandate on the failure to state the driver's right to a hearing within 10 days. *Form 11-2*
- Request for late hearing—DMV employee misconduct. *Form 11-4.1*
- Motion for set aside on the grounds that a continuance was granted without good cause. *Form 11-5*
- Motion for set aside for delayed hearing and decision. *Form 11-6*
- *Downer* Motion. *Form 11-8*
- Motion for acquittal on §23152(b)—*Helmandollar*. *Form 11-9*



Cutting-edge tactics, analysis, and tools for mounting a successful defense.

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Loaded with valuable tips

The book is filled with solutions to the challenges facing DUI practitioners. From arrest to punishment, and additional charges to DMV hearings, *California Drunk Driving Law* overflows with practice-tested strategies and arguments like these:

Pretrial

- How to deal with threats to punish the defendant for insisting on a trial. §3:56.4
- How to remind the prosecution of the police's potential civil liability for failure to turn over material evidence. §5:52.2
- Why you may not want to enter a general time waiver when setting trial for a defendant not in custody, but merely consent to a date certain. §3:11.2
- How to avoid half-day trials. §3:11.7

Continued inside...

Valuable tips

Continued from page one

Pretrial

- How to counter a discovery denial based on copyright infringement. §5:72
- How to overcome Lively's "could have been arrested for public intoxication" theory when the arrest is for attempted drunk driving. §7:46
- How to persuade a hospital not to disclose blood test results obtained during treatment, with model letter. §9:35

Trial

- Impeaching a cop's expert opinion on impairment by showing that the Federal NHTSA-recommended methods were not used. §9:50.4
- Proving a cop's method of administering the Horizontal Gaze Nystagmus test is not generally accepted. §9:50.5
- How to block prosecution experts from testifying in low BAC cases that the defendant was mentally impaired even though he or she showed no signs of physical impairment. §1:11.10
- Reviewing all of the prosecutor's Power-Point slides and animations before he begins closing arguments. §9:91.13
- Deciding between CALCRM and CALJIC instructions when a witness lies. §9:127

Punishment

- How to circumvent the court's lack of authority to grant a

second offender work/DUI Program restricted license. §10:263

- Obtaining an ignition interlock restricted license prior to the end of the full suspension or revocation period. §10:54.9
- Many attorneys mistakenly think the DMV is requiring completion of a DUI program prior to reinstatement of full driving privileges after a wet reckless conviction. §3:59.1
- Avoiding a controlled substance offense for an immigrant client. §11:111.3

Radar and Speed Defenses

- How and when to assert jurisdictional speed trap defects. §2:13.1
- What to discover when airplanes or helicopters are used for speed enforcement. §2:14
- How to challenge radar-based speed trap violations of prima facie speed limits. §2:15.4

DMV Proceedings

- What to do if the DMV fails to provide discovery at least 20 days before a scheduled hearing. §11:61.1
- Representing a client in a CVC §23136 refusal action, and making a Due Process argument. §11:145
- How to contest the constitutionality of a DUI checkpoint or other roadblock detention. §11:122.2.4

Helpful charts.

Address directories, dozens of checklists of additional cases, and this 7-page punishment chart quickly answer common questions.

10-19 Punishment §10:23.2

§10:23.2 Figure 10-1.3: Drunk Driving Punishment Chart for Offenses After September 19, 2005 (continued)

CURRENT OFFENSE	SEPARATE* OFFENSES	WITHOUT PROBATION	WITH PROBATION FOR 3 TO 5 YEARS
§23152	1	§23540	§23542
Current offense date within 10 years of 1 convicted offense under §23101, 23102, 23152, 23153, or 23103 per §23103.5(c).	<ul style="list-style-type: none"> • \$300 to 1000 fine, plus assessments (§§23540, 23542(a)(b)(2)). • Refusal is additional 96 hours jail if pled and proven (§23577(a)(3)). • Any jail term must include 48 continuous hours jail or in-patient rehab, or 10 days community service not picking up trash (§23580), but see Pen. C. §2900.5(f). • Suspend DP 2 years (restriction eligibility for non-commercial privilege, per §13350(a)(3) after serving 1 year suspension period—credit from admin suspension arising out of same incident may be applied). Court may order no restriction eligibility per §23540(b) or 23542(d), and DMV bound by order. §§13350(a)(3) and 13352.5(g). • Minimum 18-month drinking driver program (§23542(b)(1)). • If under 14-year-old passenger pled and proven, additional 10 days jail (§23572(a)(2)), unless convicted of Pen. C. §27214. • Ignition interlock optional up to 3 years (§23575(f)), see §10:28, but required for restricted DP (§23550(f)(1)). • Mandatory car impound 1 to 30 days unless unusual circumstances, but only if prior §23152 or 23153 within 6 years (§23594). 	<ul style="list-style-type: none"> • 90 days to 1 year jail (§23540). • If prior within 10 yrs was punished as a felony (§2330.5, §1:15.2): Up to 1 yr jail or 16 months, 2 or 3 yrs prison, habitual traffic offender designation (Fig. 2-3), DUI Program (Fig. 10-3), 4 yrs DP revocation (§13350(a)(7)) with eligibility for IID restricted DP after 24 months and DUI Program (§10:53 and Fig. 10-3). 	<ul style="list-style-type: none"> • 10 days to 1 year jail (23542(a)(1A))[†] • OR • 90 hours to 1 year, with the 96 hours being served in two 48 hour increments of continuous confinement (23542(a)(1)(B)). The two 48 hour increments may be non-consecutive.* <p>Additional probation terms, see §10:25. Mandatory probation violation terms, see §10:93.2.</p>

DP means Driving Privilege.

* The minimum jail sentence option for second offenders of CVC §23152, who are granted probation, obviously makes no sense (96 hours vs. 10 days), particularly in light of CVC §1340 which mandates 48 hours confinement. This fine in CVC §23542 derives from its pre-9/20/05 version, which made the 96-hour minimum contingent on doing the multiple offender drinking driver program (DOP). Now that DOP is a mandatory condition for all probationers sentenced under §23142, the minimum is 96 hours (the legislature just neglected to delete the 10-day option).

Over 120 Forms

Drunk Driving Offenses

"Curbside to Courtroom" Chart

Additional Charges

Demurrer to Multiple Prosecutions, Photo Red Light Discovery Request, Jury Instruction—Non-Resident Licensed Driver, Electric Bicycle Regulations

Arraignment and Pretrial

Demurrer to Bare Allegation of "Forbidden Act" and "Neglected Duty," Defendant's Rejection of Prosecution's Plea Bargain Offer and Court's Indication of Intended Sentence

Prior Convictions of Separate Offenses

Letter Requesting Conviction Records, Convic-

tion Record Checklist, Allegation in Support, Alternative Allegation in Support, Motion to Declare Prior Conviction Constitutionally Invalid, No Advice or Knowledge or Waiver of Constitutional Rights, No Verbatim Record, No Inquiry and Finding that Rights Waiver Was Knowing and Voluntary and Intelligent, Constitutional Invalidity Order

Discovery

Jury Instruction—Biased Cop Refused to Discuss Case with Defense Attorney, Informal Request for Discovery from Prosecution, Motion for Discovery Compliance, Discovery Request—Blood and Urine Records Request, Letter Requesting Retest Sample,

Breath Test Records Request, Letter Requesting Chemical Test Documents, Itemized Request for Discovery Items, Declaration for Subpoena Duces Tecum, Public Records Request—Chemical Test Documents, Motion for Discovery (*Pitches/Brady*), Sealed Affidavits, Motion to Dismiss—Destruction of Evidence

Search and Seizure

Motion to Suppress—Pen. C. §1538.5

Trial

Motion to Dismiss (*Speedy Trial Denial*), Letter to Hospital Demanding Patient Confidentiality, 5 Motions to Exclude PAS Results and PAS Refusal, 2 Motions

(continued on next page)

Best starting point.

California Drunk Driving Law will answer 95% of your questions. When it does not, its extensive cross-references and citations will tell you where to look next.

7-19

Search & Seizure

\$722

- One Printed Poster
Media Outreach Tools
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Camera-ready art for hand-out flier
Camera-ready logo sheet
- For more information:**
Bello, C., "More on Michigan v. Sitz and Roadblocks," *DWI Journal*, 5 No. 8, Aug. 1990 (Fairwood, NJ: Whitaker Newsletters) 7.
Bruce, T., "State v. White: Drunk Drivers, Roadblocks and the Fourth Amendment" (1988) 57 *UMKC L.Rev.* 29.
Chapter 8, "Sobriety Checkpoints," in *California Highway Patrol, Driving Under the Influence Enforcement Manual (HPPM 70-4)*, 700 ed. page 8-1. (See page 5-3 for more information on ordering CHP publications.)
City of Indianapolis v. Edmond (2000) 531 U.S. 32, 121 S.Ct. 447, 148 L.Ed.2d 333—City of Indianapolis drug enforcement roadblock found unconstitutional.
"Clearing the Roadblocks to Sobriety Checkpoints" (1988) 21 *U. Mich. J. L. Ref.* 489.
"Constitutional Law Conference Addresses Supreme Court's 1989-1990 Term" 48 *CrL (BNA)* 1152, 1153 (Nov. 14, 1990).
"Curbing the Drunk Driver Under the Fourth Amendment: The Constitutionality of Roadblock Seizures" (1983) 71 *Georgetown L.J.* 1457-1486.
Douglas, M., "Is the Use of Passive Alcohol Sensors at Sobriety Checkpoints an Unreasonable Law Enforcement Practice in the State of Delaware?" 12 *Criminal Justice Review*, No. 2 (Fall, 1987) 15-26—Summarized in *DWI Journal*, 5 No. 2, Feb. 1990 (Fairwood, NJ: Whitaker Newsletters) 15.
Havlena, Tom, "Suppression Motions in Sobriety Checkpoint Cases," Third Quarter 2000 (Sacramento, CA: C.P.D.A.) 83.
Hinson, John Henry, "The River of No Return," *the Champion*, XV No. 5, June 1991 (Washington, D.C.: N.A.C.D.I.) 31.
Jacobs & Strossen, "Mass Investigations Without Individualized Suspicion: Drunk Driving Roadblocks" (1985) 18 *U.C. Davis L. Rev.* 595.
Lyman, Morgan R., "Point—Checkpoint," *the Champion*, XIX No. 7, August 1995 (Washington, D.C.: N.A.C.D.I.) 47—Methods of attacking searches and seizures at I.N.S. roadblocks, on non-border search grounds.
Neary, B., "Sobriety Roadblocks Must Meet 3-Prong Test" (1989) 123 *N.J.L.J.* 103.
Oberman, Steven, and Cooper, Jonathan D., "10% Solution—Eviding Roadblocks On The Prosecution Highway [Part I]," *the Champion*, XVII No. 10, Dec. 1994 (Washington, D.C.: N.A.C.D.I.) 38.
Oberman, Steven, and Cooper, Jonathan D., "10% Solution—Eviding Roadblocks On The Prosecution Highway [Part II]," *the Champion*, XIX No. 1, January/February 1995 (Washington, D.C.: N.A.C.D.I.) 21.
Rocha, P., "Alter Ego: An Update On Sobriety Check Points," *DWI Journal*, 4 No. 1, Jan. 1989 (Fairwood, NJ: Whitaker Newsletters) 1.
Rocha, P., "How to Handle Roadblock Cases, Forms and Checklists (A Roadmap to Roadblocks)," *DWI Journal*, Vol. 2, Sep./Oct. 1986 (Fairwood, NJ: Whitaker Newsletters).
Rubin, Elizabeth F., "Trying to be Reasonable About Drunk Driving: Individualized Suspicion and the Fourth Amendment" (Winter, 1994) 62 *Un. of Cin. L.Rev.* 1105.
"Sobriety Checkpoint Roadblocks: Constitutional in Light of *Delaware v. Prouse*?" (1984) 28 *St. Louis U.L.J.* 813.
Tarrantino, John A., "The 10 Percent Solution, Roadblock Evidence," *the Champion*, XIII No. 10, Dec. 1980 (Washington, D.C.: N.A.C.D.I.) 23.
Tarrantino, John A., "The 10 Percent Solution, Warrantless Sobriety Checkpoints," *the Champion*, XII No. 1, Jan./Feb. 1988 (Washington, D.C.: N.A.C.D.I.) 39.
Tarrantino, John A., "The 10 Percent Solution, Vehicle Roadblocks," *the Champion*, XIII No. 4, May 1989 (Washington, D.C.: N.A.C.D.I.) 40.
Tarrantino, John A., "The 10 Percent Solution, Roadblocks," *the Champion*, XIII No. 9, Nov. 1989 (Washington, D.C.: N.A.C.D.I.) 32.
Tarrantino, John A., "Lights, Camera...Illegal Action: Televised Sobriety Checkpoints," *DWI Journal*, 9 No. 3, March 1994 (Fairwood, NJ: Whitaker Newsletters Inc.) 1.

Reader Comments

"In more than 30 years of DUI practice, I have found no more comprehensive, current or entertaining book on California DUI law. Simply the most comprehensive, up-to-date treatment of California DUI law ever written."

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"California Drunk Driving Law is a must for any criminal practitioner. I have used CDDL not only for DUI cases but in homicide cases, search and seizure cases and non-alcohol related traffic offenses. CDDL is a necessary book to anyone practicing criminal law—even if you don't get a lot of criminal cases."

William M. Thornbury, Office of the Public Defender, Los Angeles

"You can't expect even a chance at a fair trial for an accused drunk driver without this indispensable research tool on California law. Even experienced DUI lawyers will find that they consult it almost daily."

Richard Erwin, Carpinteria

About the Authors

Paul Burglin practices DUI defense in Marin, Napa, Sonoma, Tahoe, and the San Francisco Bay Area. He serves as a Regent with the *National College of DUI Defense* (NCDD), is Board Certified by NCDD (as recognized by the American Bar Association), and is a former Director of *California DUI Lawyers Association* where he continues to hold a Specialist Member status.



Known and respected by prosecutors and judges alike, he has 25 years of trial experience and holds an A-V rating with Martindale-Hubbell. A former journalist and graduate of U.C. Berkeley and Gonzaga University School of Law, Mr. Burglin brings his extensive research and writing skills to *California Drunk Driving Law*.

Barry Simons is a nationally known expert in DUI defense. He has specialized in DUI defense in Orange County for over 30 years. Mr. Simons is one of the founding members of the *National College of DUI Defense* and is a former Dean of its Board of Regents. He is Board Certified in DUI defense, and has served as Vice-Chair of the DUI Advocacy Committee of



the *National Association of Criminal Defense Attorneys*. He serves on the Board of Directors of the *California DUI Lawyers Association* (with *Specialist Member* status) and has been selected to *Who's Who In American Law*. Mr. Simons has multiple appellate victories, including the Ninth Circuit's *Nelson v. Irvine*, and he is a frequent lecturer at DUI seminars throughout the country.

Randy Moore, Don Bartell, Richard Hutton, Robert Wilson, and Jon Artz are contributing authors.

Prior editions of the book were written by Ed "Fast Eddie" Kuwatch, at one time the best-known commentator on drunk driving law in California.

(continued from previous page)
for Acquittal on §23152(b)—*Helmandollar*, Order of Acquittal of Veh. C §23152(b) Charge

Appeals

Notice of Appeal, Proposed Statement on Appeal, Opening Brief Title Page, Departmental Review Request, Transcript Request, Points and Authorities Regarding Making Your Record for Appeal, Points and Authorities Regarding Evidence Code §604 for Writ, Points and Authorities Regarding Independent

Judgment, Request for Attorney's Fees, Petition for Writ of Review, Points and Authorities for an Ex Parte Application for Stay, Alternative Writ of Mandate/Review, Judgment Granting Writ, Sample Supersedeas

Interstate Implications

DMV Forms DL 4006 and 4007, Checklist for Interstate Driver License Issues

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Abbreviated Contents

1. *Drunk Driving Offenses*

Basic Drunk Driving Offenses, Felony Drunk Driving, Vehicular Manslaughter, Commercial Vehicles and Common Carriers, Other Drinking/Driving Offenses, DUI on Federal Property, Federal Programs

2. *Additional Charges*

Infraction Traffic Offenses, Suspended/Revoked/Restricted License—Criminal Prosecution, Suspended or Revoked License—Civil Impoundment/Forfeiture, Reckless Driving, Driver's License Offenses, Hit & Run: CVC §§16025, 20001 & 20002, Other Charges

3. *Arraignment and Pretrial Matters*

Speedy Trial Rights and Continuances, Arraignment, Demurrer and Not Guilty Plea, Pretrial Conference/Plea Bargaining, Handling Multiple Pending Cases, Law and Motion, Guilty or Nolo Contendere Plea, Right to Counsel and Counsel of Choice

4. *Prior Convictions of Separate Offenses*

Motion to Declare Prior Conviction Unconstitutional, Prior Conviction Sentence Enhancement Law in General, Motion to Vacate Judgment, Writ of Error Coram Nobis

5. *Discovery*

Proposition 115, Direct Discovery From Law Enforcement, General Discovery Provisions, Discovery From the Defense, Discovery From the Prosecution, Informal Discovery Request, Motion for Compliance, Sanctions, Chemical Test Discovery, Discovery By Subpoena Duces Tecum, Records, Discovery of Cop's Personnel File and Citizen Complaints (*Pitchess*), Preservation of Evidence

6. *Other Pretrial Motions*

Time to File Pretrial Motions, Challenge to Judge, Statements of Defendant, Non-

statutory Motion to Dismiss, Motion for Court Appointed Expert, No Dismissal for State Prison Inmates, Substitution of Privately Retained Counsel

7. *Search and Seizure*

Detention and Arrest, Miscellaneous Detention Issues, Probable Cause, Arrestee's Presence Requirement/Exceptions/Effect, Authority and Jurisdiction to Arrest, Traffic Offenses, Illegal Search Issues, Pen. C. §1538.5: Motion to Suppress, Civil Remedies

8. *[Reserved]*

9. *Trial Defense of DUI in California*

Jury Selection and Opening Statement, Constitutional Trial Rights, Trial Procedure/Elements of Proof/Evidence and Objections, Scientific Evidence, Particular Types of Non-Scientific Evidence, Field Sobriety Tests, Opinion Testimony, Character Evidence, Affirmative Defenses, Misconduct, Trials on Prior Conviction (Separate Offense) Enhancement Allegations, Jury Instructions, Closing Argument, Mistrial and Retrial

10. *Punishment*

Effectiveness of Punishment, Punishment at Time of Sentencing, Residential Alcohol Treatment, DMV Sanctions for Conviction, Violation of Court Order, Interstate Implications of Drunk Driving Convictions, Driving-Under-The-Influence Program—(DUI Program), Probation Violation: Drunk Driving Issues, Juveniles and Persons Under 21, Consequences of Charges and Convictions on Professional Licenses

11. *DMV Proceedings*

The Administrative Per Se (APS) Suspension Action, Procedure Prior to Administrative Hearing, Requesting the Hearing, The Renewed Right to a Hearing (or Second Hearing), Preparing for the Hearing, The

Hearing Procedure, Rules of Evidence, The Exclusionary Rule, Affirmative Defenses, Excessive BAC Hearing (.08% or Higher), Excessive BAC Hearing (.01% or Higher), Chemical Test Refusal Hearing, Refusal Hearing for Persons Under 21 and DUI Probationers, Hearing Officer's Decision, Findings and Conclusions, Relation to Criminal Case, Use by DMV of Out-of-State Prior Conviction in APS Action, A Practical Approach to APS Hearings and Appeals, Suspensions and Revocations Based on Other Grounds

12. *Criminal Appeals and Civil Writs*

Criminal Appeals From Misdemeanor Convictions, Writs in DMV Administrative Cases, Rehearing, Petition for Review, Requesting Publication of Unpublished Opinions, Requesting Depublication of Published Opinions

13. *Interstate Implications of Drunk Driving Convictions*

Interstate Consequences of Drunk Driving Convictions, Lawyers With Practical Experience

14. *Restitution*

The Remedy of Restitution Defined, The Victim's Right to Restitution, The Defendant's Right to Contest the Amount of Restitution and Right to an Evidentiary Hearing, Restitution as a Condition of Probation, Bankruptcy Discharges Fine—But Not Restitution, Attorney's Fees in Civil Action after Felony Conviction, Emergency Response Costs

Appendix A: Telephone Directory

Appendix B: DMV Forms and Codes

Appendix C: Title 17 Update

Appendix D: State and Federal Statutes, Regulations, and Codes

Appendix E: *California Drunk Driving Law's* Unpublished Case Digest

About the Book and CD

California Drunk Driving Law contains 1,700 letter-sized pages and 20 tabbed dividers in two sturdy 3-ring binders. The book cites over 2,700 cases, with each one personally read, analyzed, and explained by Paul Burglin, Barry Simons or Ed Kuwatch.

Included at no extra charge is a full-text, boolean-searchable, intuitive CD-ROM that requires no installation before use. If you would rather not use the CD's database, its 120 custom-drafted forms may

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GROUNDS TO FIGHT A DUI

Most attorneys do not realize how many solid DUI defenses exist, and so plead instead of fight their cases.

In *California Drunk Driving Law*, authors Paul Burglin, Barry Simons, and Ed Kuwatch provide the arguments, tactics, and forms to mount an aggressive defense. Here are a few examples of arguments detailed in the book. Examples of forms are listed on the front page of this brochure.

Grounds

- Affirmative defenses. §9:80
- Constitutional challenges to prior convictions. §4:10
- Crime lab's spoliation of evidence. §5:112.4.1
- Discovery of cop's personnel file and citizen complaints. §5:100

Search and seizure

- Detention vs. consensual contact. §7:11.2
- Anonymous tipsters and citizen informants. §7:20.1
- Slow driving, weaving, cracked windshield. §7:20.10
- DUI checkpoints and other roadblock detention. §7:20.31
- Arrestee's presence requirement. §7:40
- Illegal search issues. §7:70

Trial

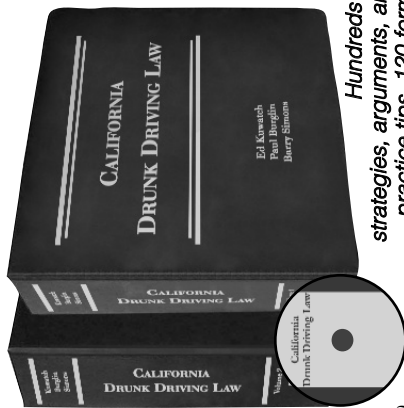
- Prosecutorial misconduct. §9:91
- Cop's failure to use NHSTA standardized field sobriety test battery. §9:50.4
- Cop's failure to properly administer the HGN test. §9:50.5
- Trial on prior conviction sentence enhancement allegations. §9:100

Additional charges

- Practice tips for fighting traffic infractions. §2:11.6
- Resisting arrest does not apply to campus security. §2:85

DMV proceedings

- Getting around the DMV's 10-day deadline for APS hearing request. §11:33.1
- Applicability of the exclusionary rule to APS hearings. §11:101
- Lawfulness of the initial detention. §11:122.2.1
- Tactics for successfully defending DUI refusal cases. §11:140



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Practice tips, sample pages, and table of contents inside...