

What is a Felony DUI in Arizona, #5, State v. Flores

The purpose of this series of podcasts is to discuss the facts, legal issues and sentences imposed in Arizona Felony DUI cases so people can have an understanding of how individuals can be found guilty of Felony DUI and what sentences can be imposed.

The cases discussed in this series are primarily based on memorandum decisions issued by the Arizona Court of Appeals. Memorandum decisions are only binding on that individual case and are not legal precedent for other cases. However, their discussion of the facts, legal issues presented and sentences imposed are a good guide for what it takes to be found guilty of a Felony DUI in Arizona, and what the sentences imposed could be. Keep in mind almost all of these cases arose from the defendant's appeal after a Felony DUI trial. Sentences for Felony DUIs which are resolved by plea agreement are often less than those imposed after a jury trial.

State v. Flores, No. 1 CA-CR 14-0468 (6/23/15).

FACTS:

A police officer observed the vehicle the defendant was operating swerve between traffic lanes. The defendant stopped his vehicle and after making contact with the defendant the officer observed that the defendant had bloodshot and watery eyes, an odor of alcohol emanated from his breath and speech was slurred. After exiting the vehicle the defendant swayed while standing. After performing field sobriety tests, the officer noted the defendant exhibited cues of impairment on all tests. The defendant was arrested and consented to having his blood drawn. The results of the blood draw were 0.158%.

The State then charged Flores with (1) aggravated driving while under the influence of intoxicating liquor and (2) aggravated driving while under the influence of intoxicating liquor (blood alcohol concentration of 0.08% or more), class four felonies.

The State also alleged a historical prior conviction of driving under the influence of an intoxicating liquor. The defendant was found guilty in a jury trial.

LEGAL ISSUE:

No legal issues were discussed in the decision.

SENTENCE:

The defendant was sentenced to four months concurrent sentences.

The memorandum decision is available by link, along with the [transcript/podcast of this recording](#).

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