What is a DUI in Arizona, #6, State v. White Eyes

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. White Eyes, No. 1 CA-CR 14-0162 (5/19/15).

FACTS:
A Maricopa County Sheriff's Office detective responded to a noise complaint at a bar. As the detective was leaving the bar his attention was drawn to a blue vehicle in the parking lot. He engaged in a conversation with Defendant, who was sitting in the driver's seat, and learned her driver's license was suspended. The detective advised Defendant not to drive, and proceeded to leave the area. Approximately five minutes later, that detective observed the defendant driving the vehicle and initiated a traffic stop. The detective immediately noticed the odor of alcohol emanating from the defendant and she had bloodshot, watery eyes, slurred speech, and swayed while speaking. The defendant admitted having consumed two pitchers of beer earlier in the evening. During the HGN test, Defendant exhibited six of six signs of impairment. The detective also asked Defendant to perform additional field sobriety tests, but she refused because of a knee injury. The defendant was arrested and submitted to a blood draw, which indicated a blood alcohol concentration of 0.07%.

The defendant was charged with Aggravated DUI and was found guilty of the offense at trial.

LEGAL ISSUE:
No legal issues were discussed in the decision.

SENTENCE:
The trial court ordered Defendant to be incarcerated for four months, which she satisfied with her presentence incarceration credit. The trial court also placed Defendant on supervised probation for a period of three years following her release from custody.

The memorandum decision is available by link, along with the transcript/podcast of this recording.

Gordon Thompson
https://gordonthompsonattorney.net/
https://gordonthompsonattorney.net/blog/