

What is a Felony DUI in Arizona, #9, State v. White.

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, No. 1 CA-CR 14-0485 (8/20/15).

FACTS:

At approximately midnight on December 3, 2011, a Phoenix police officer observed defendant driving a vehicle the wrong way down a one-way street, without the car's headlights on. After the officer stopped the defendant's vehicle, the officer noticed that defendant had watery, bloodshot eyes and smelled of alcohol. The defendant admitted to drinking beer that night.

The defendant was then arrested and taken to another location where blood was drawn. The blood sample was tested at .203%.

The evidence was that time of defendant's arrest, his driving privileges had been suspended.

The defendant was charged with Felony Aggravated DUI.

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 two years supervised probation to begin upon his release from prison after serving the mandatory four months.

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

Gordon Thompson
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For more information about Arizona DUI and criminal law issues please contact Gordon Thompson who has used his experience to write a blog on topics of interest. You can also chat with Gordon about your specific questions.

Website: <https://GordonThompsonAttorney.net>