

5 Defenses Against A DUI Charge in Utah

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It is important to know your rights and have an experienced [Salt Lake City DUI defense attorney](#) available if you ever find yourself or a loved one dealing with a DUI. [Contact our DUI defense lawyers today](#) for a free and confidential consultation to see how we can help you.

Unreasonable Searches and Seizures

The Fourth Amendment to the United State Constitution “protects people from unreasonable searches and seizures.” A police officer must have “reasonable suspicion” or “probable cause” before pulling a vehicle over. The police officer must have more than a hunch that someone is committing a crime. Certain things constitute the right to stop someone for suspicion of DUI. A police officer also must show “just cause” that they suspected that you were driving while intoxicated before they can use the results from a breathalyzer test taken at the scene.

Improper Field Sobriety Protocol

There are national standardized sobriety tests created by The National Highway Traffic Safety Administration (NHTSA) for police officers to administer three field sobriety tests (FSTS). A police officer must adhere to specific sobriety test protocols at the scene. If these aren’t followed the test is considered “inappropriate” and inadmissible in court. Field sobriety tests are very subjective so if they are the only evidence their case against you is

weaker than if there is other evidence. They are The Horizontal Gaze Nystagmus Test, the Walk and Turn Test and the One Leg Stand test. Police officers rarely adhere to the national guidelines, which are not admissible in the court of law.

Not Reading You Your Rights

Police officers who stop you for a suspected DUI must read the Miranda Rights that include “you have the right to remain silent, the right to an attorney, and the right to court-appointed counsel if indigent and the fact that statements made hereafter may be used in a court of law by the prosecution.” They must read each and every one of these when you are in custody or before they interrogate you. Explaining everything that happened to your attorney during the stop is crucial for building your case because if the Miranda Rights aren’t followed, it can be omitted from evidence against you.

Improper Handling of Blood Samples

Police officers are required to ensure the blood samples taken at the scene are tested and stored as quickly as they can after the arrest. If there is delay getting the samples to the lab or if the samples are tested by untrained technicians, the samples could be contaminated, not labeled correctly, etc., resulting in being inadmissible in the court of law.

Medical Conditions

Sometimes drivers who have medical conditions appear to be driving under the influence. Fatigue and neurological issues can cause slurred speech, watery eyes, and an off balance gait. There are also some medications that result in an alcohol odor on the breath known as ketosis that can register as alcohol on a Breathalyzer.

Get a FREE DUI Case Review in Utah – Contact Wasatch Defense Lawyers Today