

Wallin & Klarich DUI Client Homework – Allegations of DUI

1. Background & History

- a. Do you have a prior criminal record? Explain
- b. Are you currently on formal or informal probation? If so, out of what courthouse?
- c. Prior DUI(s)
 - i. Do you have any prior DUIs within the last 10 years?
- d. Employment
 - i. Will a conviction and/or loss of driver's license impact your employment?

2. Events Preceding Driving

- a. What did you eat and drink? Did you sleep? (throughout the whole day)
- b. Were there other persons present? Any witnesses?
- c. What alcoholic drinks did you have?
- d. When did you start drinking and at what point did you stop?

3. Initial Police Contact

- a. Why were you stopped? (Vehicle code violation such as speeding, accident, etc.)
- b. Location of stop
- c. Time of stop
- d. Condition, make and model of your car
- e. Were there any passengers or other witnesses?
- f. What was the officer's tone, attitude and demeanor towards you? Were weapons drawn?
- g. What did the police say to you and what did you tell them?
- h. Did you admit to drinking or drug use?

4. The "Crime Scene"

- a. Did you pull over safely?
- b. Exiting the car
- c. Field Sobriety Tests (FSTs)
 - i. Which tests did you perform? (walk-the-line, eye-test, etc.)
 - ii. What were the roadside conditions and weather like? Were there any distractions? What clothing were you wearing? Do you have any medical condition, mental or physical disabilities?
- d. Preliminary Alcohol Screening Device (PAS) – Did you blow into a portable alcohol device? If so, do you know the result?
- e. What was the length of your detention and DUI investigation?
- f. Approximate time of arrest (when you were actually handcuffed)

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5. Chemical Tests

- a. Did the officer advise you of the requirement to complete a chemical test?
- b. Did the officer give you the choice of either a blood or breath test?
- c. Which test did you choose and complete?
- d. What were the results? (Blood Alcohol Content – BAC?)

6. Goals and Concerns Regarding Your DUI & DMV Case

- a. If you have any major concerns or goals regarding your DUI & DMV case, please identify them.