

CERTIFICATE OF ATTENDANCE FOR CALIFORNIA MCLE

Top portion of form to be completed by the Provider

It is preferred that the form is pre-printed with the attendee's name and bar number.

Provider Name: Ventura County District Attorney's Office

Provider Number: 1130

Title of Activity: DUI Prosecution Overview

Date(s) of Activity: October 10, 2018

Time of Activity: 9:00 a.m. to 10:30 a.m.

Location of Activity (City/State): Ventura, CA

This Activity qualifies for: Participatory Self-Study

Total California MCLE Credit Hours for the above activity: 1.50, including the following sub-field credits:

- Legal Ethics: _____
- Recognition and Elimination of Bias: _____
- Competence Issues: 1.50

Bottom portion of form to be completed by the Attorney after participation in the above-referenced activity

By signing below, I certify that I participated in all, or some*, of the activity described above and am therefore entitled to claim the following California MCLE credit hours:

Total California MCLE Credit Hours: _____, including the following sub-field credits:

- Legal Ethics: _____
- Recognition and Elimination of Bias: _____
- Competence Issues: _____

(You may not claim credit for the subfields above unless the provider is granting credit in those areas above.)

Print Your Name (clearly): _____

Your California State Bar Number: _____

Signature: _____

* partial participation hours must be pro-rated

ACTIVITY EVALUATION FORM FOR CALIFORNIA MCLE

Please complete and return to Provider (Please Print)

Provider Name: Ventura County District Attorney's Office Provider Number: 1130

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Please indicate your evaluation of this course by completing the table below

Question	Yes	No	Comments
Did this program meet your educational objectives?	<input type="checkbox"/>	<input type="checkbox"/>	
Were you provided with substantive written materials?	<input type="checkbox"/>	<input type="checkbox"/>	
Did the course update or keep you informed of your legal responsibilities?	<input type="checkbox"/>	<input type="checkbox"/>	
Did the activity contain significant professional content?	<input type="checkbox"/>	<input type="checkbox"/>	
Was the environment suitable for learning (e.g., temperature, noise, lighting, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	

Please rate the instructor(s) of the course below

Instructor's Name and Subject Taught	On a scale of 1 to 5, with 1 being Poor and 5 being Excellent, please rate the items below	Rate 1 – 5
Melissa Bohl / DUI Prosecution Overview	Overall Teaching Effectiveness	—
	Knowledge of Subject Matter	—

Instructor's Name and Subject Taught	On a scale of 1 to 5, with 1 being Poor and 5 being Excellent, please rate the items below	Rate 1 – 5
	Overall Teaching Effectiveness	—
	Knowledge of Subject Matter	—

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	Overall Teaching Effectiveness	—
	Knowledge of Subject Matter	—

DUI JURY TRIALS

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PREPPING YOUR FILE

- Confirmatory BAC packet (for blood cases)
- RN subbed?
- Civilian witnesses contacted?
- DUI Hypo
- MVARs / BWC / Audio recordings
- Certified vehicle registration?
- Certified DMV?
- Trial brief

TRIAL BRIEF

- Witness list
- Exhibit list
- Motions in limine
- File pre-trial if possible, especially if you have 1101(b) evidence

PRE-TRIAL MOTIONS

- Miranda motion
- Expert testimony
- Have solid contact with your witnesses

DUI VOIR DIRE

- Law enforcement
- Impairment -> have you seen someone impaired by alcohol?
How did you know? Did you have a BAC?
- FSTs -> any experience?
- Prior DUI arrest/convictions
- Video evidence
- Scientific expertise

OPENING STATEMENT

- Have a theme
- Roadmap of the facts of the case
- Own the negative facts

DIRECT EXAMINATION: INVESTIGATING OFFICER

- Background, training, and experience
- DUI specific training (ARIDE, SFST, DRE?)
- The incident
 - Driving pattern
 - Symptomology
 - Pre-FST Questions
 - FSTs
 - Chemical Test
 - Height, weight, sex & any other info you use in your DUI hypo
- Significance of every single objective sign/symptom

DIRECT EXAMINATION: CIVILIAN WITNESS

- Limited background
- The incident
- Why they called 911
- Have they seen impaired drivers before? Why did they think this person was impaired?
- Play the 911 call if possible

DIRECT EXAMINATION: REGISTERED NURSE

- This witness will not typically remember your blood draw.
 - Have the blood draw form marked as an exhibit and show your witness
 - Your witness may have a note regarding the blood draw
- Background, training, and experience
- Solution to clean the arm -> does it contain alcohol
- Who provides the blood draw kit -> law enforcement

DIRECT EXAMINATION: EXPERT

CLOSING ARGUMENT

- Theme
- Factual recap
 - Again, own your negative facts and talk about why they don't matter
 - Or, briefly mention it and rebut defense's argument in rebuttal
 - Think about "blood alcohol" versus "breath alcohol"
- The law
- Role of jury
- Burden of proof



~~Passion~~

~~Public
Opinion~~

~~Speculation~~

~~Sentiment~~

Common Sense

&

Logic

~~Sympathy
of Def.~~

~~Conjecture~~

~~Penalty &
Punishment~~

~~Prejudice~~

DUI REBUTTAL

- Theme
- Rebuttal chart (when circumstantial evidence is argued)

Evidence

Pedestrian at

2.40

not.

Lott Calling

VERDICT FORMS

- Request them from your secretary as soon as you know the case is going to trial -> give yourself time to edit them

JURY INSTRUCTIONS

- Standard set
- Consciousness of guilt instructions
- Voluntary intoxication
- Permissive inference(s)