

VOIR DIRE IN DUI CASES

- 1. Understand difference between under-the-influence for purposes of driving a motor vehicle vs. having blood alcohol level .08% or higher?**
- 2. Understand that a person can be guilty of one while being not guilty of the other count? For example, a person could be driving around with a BAC of .10 and be guilty of VC23152(b) but might not be under the influence of alcohol. How do you feel about that?**
- 3. Understand that each count should be treated as a separate offense?**
- 4. Anyone familiar with term "divided attention?" How or why?**
- 5. Anyone have training in effects of alcohol on human body? How & when obtained? Understand that you cannot use that outside experience in this case? What would you do if the other jurors asked for your opinion of the case based on your outside experience?**
- 6. Self/family/close friend ever been stopped for suspected DUI and released at scene? Describe.**
- 7. Anyone disagree with law that person with BAC of .08% or higher is guilty of DUI, regardless if UI or not? Why? What do you think the law should be? Anyone agree with this juror?**
- 8. Ever had job selling or distributing alcohol? When & what?**
- 9. PAS/ALCOTEST/BREATH CASES: Self/family/close friends have any experience with devices used to measure alcohol in human body [tailor to conform to particular device in your case]? Describe. Any difficulty with dealing only with the particular device(s) in this case and not with your experience? Won't have machine broken down into smallest part or operation broken down into tiniest detail...any problems with that? Any juror distrustful of such machines? Why?**
- 10. An expert or experts in field of alcohol and effects of alcohol on person as it relates to driving a motor vehicle**

will be testifying. Any juror have issues in dealing with expert testimony in this area? Why? Anyone have trouble with expert testimony in general? Why?

- 11. Anyone in the jury distrust machines in general (or machines that test things)? If yes, why? Would that feeling affect your ability to judge the evidence of defendant's BAC obtained from the particular device?**
- 12. Anyone in the jury not drive a motor vehicle? Why? How long?**
- 13. Anyone ever been administered a field sobriety test? Describe. Ever observed FSTs in the field? Circumstances? Opinion about?**
- 14. Anyone ever been stopped at a sobriety checkpoint? When? What happened?**
- 15. Anyone ever read any literature about drunk driving or FSTs or the effect of alcohol on driving a motor vehicle? What impact did the article have on your thoughts?**
- 16. Refusals: how do you feel about the law requiring a person to submit to a blood or breath test? If you disagree, could you follow the judge's instructions on the law?**