**SonomaCountyDUILawyer.com**
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# ANATOMY OF A SONOMA COUNTY DUI

## ARREST PROCESS

POLICE OBSERVE DRIVER COMMIT ANY LAW VIOLATION (USUALLY VEHICLE CODE)

POLICE OBSERVE SUSPICIOUS OR ERRATIC DRIVER BEHAVIOR, OR INITIATE A WELFARE CHECK

DRIVER-INVOLVED ACCIDENT

DRIVER APPROACHES OR CALLS POLICE; OR A WITNESS CALLS POLICE

POLICE ENCOUNTER DRIVER; SMELL ALCOHOL AND/OR OBSERVE OTHER SIGNS OF POSSIBLE DUI, DETAIN DRIVER & BEGIN DUI INVESTIGATION

UNDER AGE 21 DRIVER OR ON DUI PROBATION

POLICE CONDUCT DRIVER-VOLUNTARY:
- DUI INTERVIEW
- FIELD SOBRIETY TESTS
- PRELIMINARY BREATH TEST(S)

POLICE REQUEST DUI BREATH TEST

DRIVER BLOWS AT OR ABOVE .01, OR REFUSES TEST

SONOMA POLICE ARREST DRIVER FOR DUI

UNDER AGE 21 DRIVING PRIVILEGES SUSPENDED FOR AT LEAST 1 YEAR IF DRIVER LOSES OR FAILS TO REQUEST DMV HEARING BELOW; MAY OBTAIN WORK, SCHOOL, MEDICAL NEED LICENSE AFTER 30-DAY MANDATORY DUI SUSPENSION UNLESS 2ND SUSPEN. OR REFUSED TEST

DRIVER REFUSES TEST, DRIVING PRIVILEGES SUSPENDED FOR AT LEAST 1 YEAR (NO WORK/RESTRICTED LICENSE) IF FAIL TO REQUEST, OR LOSE, DMV HRG. BELOW

POLICE REQUEST DRIVER TAKE THE REQUIRED IMPLIED CONSENT BREATH TESTS (OR IF DRUGS SUSPECTED, OR IF BREATH MACHINE UNAVAILABLE THEN BLOOD OR URINE). POLICE REQUIRED TO OFFER BLOOD TEST FOR LATER RETESTING

DRIVER BLOWS .08 OR HIGHER, AND/OR TAKES BLOOD TEST

POLICE SIGN THE ADMINISTRATIVE PER SE SUSPENSION/REVOCATION ORDER AND TEMPORARY LICENSE. HAND PINK COPY TO DRIVER & SEND ORIGINAL TO DMV FOR REVIEW. OFFICER SENDS DUI POLICE REPORT TO DISTRICT ATTORNEY FOR REVIEW

## COURT PROCESS

SONOMA DISTRICT ATTORNEY REVIEWS CASE & FILES DUI CRIMINAL CHARGES IN COURT

SONOMA DUI LAWYER APPEARS FOR CLIENT IN COURT AND OBTAINS COPY OF DUI COMPLAINT, POLICE REPORT AND TEST RESULTS

LAWYER FIGHTS DUI CASE THROUGH PRE-TRIAL HEARINGS, & JURY TRIAL

LAWYER BARGAINS FOR DUI DISMISSAL, OR LOWER CHARGES OR SENTENCE

DISMISSAL OR LOWER CHARGES; OR DUI CONVICTION WITH POSSIBLE JAIL (OR JAIL ALTERNATIVE), WEEKLY DUI CLASSES, FINE, PROBATION, WORK LICENSE IMMEDIATELY IF 1ST DUI & NO INJURY TO OTHERS, & ENROLLED IN DUI CLASSES, FILED SR-22 INSURANCE & PAID DMV FEE (IF 2ND DUI, SAME REQUIREMENTS BUT IGNITION DEVICE ("IID") LICENSE AFTER 90 DAYS SUSPENSION & IF 3RD DUI, IID LICENSE AFTER 6 MONTHS SUSPENSION)

ACQUITTAL BEFORE OR AT TRIAL IN SANTA ROSA ON .08 OR .01 CHARGE

SONOMA DA DECLINES TO PROSECUTE OR DUI CHARGES DROPPED PROVIDES RENEWED RIGHT TO REQUEST DMV HEARING IN SANTA ROSA

## DMV PROCESS

SONOMA DUI LAWYER REQUESTS SANTA ROSA DMV HEARING WITHIN 10 DAYS OF DUI ARREST

AFTER HEARING DATE SET, SAN FRAN DMV SENDS NEW TEMPORARY LICENSE VALID UNTIL HEARING RESOLVED

DUI LAWYER OBTAINS DUI POLICE REPORT, EVIDENCE, SUBPOENAS OFFICER & WITNESSES, CHALLENGES DMV SUSP. AT SANTA ROSA HRG.

LOSE SANTA ROSA DMV DUI HEARING AND ANY APPEALS

WIN SANTA ROSA DMV HEARING, OR APPEALS, NO ADMINISTRATIVE SUSPENSION

DRIVER FAILS TO REQUEST DMV DUI HEARING WITHIN 10 DAYS OF ARREST

DRIVER LOSES DRIVING PRIVILEGES WHEN 30-DAY PINK TEMPORARY LICENSE EXPIRES

DRIVER SERVES REQUIRED 30-DAY SUSPENSION (NO WORK LICENSE) IF 1ST DMV SUSPENSION; 90 DAYS IF 2ND, 6 MOS. IF 3RD, 1 YEAR IF REFUSAL OR PROBATION VIOL, 2 YEARS OR MORE IF 2ND OR HIGHER WITH TEST REFUSAL

AFTER REQUIRED DMV DUI SUSPENSION, OBTAIN CALIF CLASS C WORK LICENSE (OR FULL LICENSE DEPENDING ON COURT RESULT) IF ENROLLED IN DUI SCHOOL, FILED SR22 INSURANCE AND PAID DMV FEE

COMMERCIAL LICENSEE MAY REAPPLY FOR CLASS A OR B LICENSE IN 1 YEAR IF 1ST SUSPEN.

ABOVE IS A SUMMARY OF A COMPLEX 2018 CALIFORNIA DUI STATUTORY SCHEME, GENERALIZED AND SIMPLIFIED FOR PRESENTATION & DISCUSSION PURPOSES, AND IS NOT LEGAL ADVICE. ALWAYS CONSULT WITH A SONOMA DUI ATTORNEY ABOUT YOUR INDIVIDUAL CIRCUMSTANCES WHICH MAY ALTER CERTAIN OUTCOMES DEPICTED ABOVE. © 2018 SONOMACOUNTYDUILAWYER.COM, DAVE JAKE SCHWARTZ. MAY NOT BE REPRODUCED WITHOUT PERMISSION. ALL RIGHTS RESERVED.