

## Side-By-Side Comparison

State v. Golub

Peter Golub, pro se

January 6, 2026

### STATE'S PROPOSED INSTRUCTION vs. DEFENSE'S PROPOSED ALTERNATIVE

Issue	State's Language	Problem	Defense's Alternative
<b>Intoxilyzer Reliability</b>	"The Court has made affirmative findings concerning the Intoxilyzer machine"	Judicial comment; invades jury's role	"The jury shall determine from the evidence whether the device was functioning properly"
<b>Conviction Language</b>	"it is your duty to find the defendant GUILTY"	Coercive; misstates jury duty	"you may find the defendant guilty"
<b>Officer Credibility</b>	No instruction	Fails to address 24x arrest rate	Defense Instruction #6 (Confirmation Bias)
<b>Scientific Standards</b>	No instruction	Jury has no yardstick for 144-second deviation	Defense Instructions #7-8 (FST/Breath Test Protocols)
<b>Stop Validity</b>	No instruction	Defense's core theory excluded	Defense Instruction #10 (Initial Stop)

Authority	Key Principle	Defense Argument
<b><i>State v. Perea</i></b>	Confirmation Bias distorts evidence collection.	Officer ignored the impossibility of a 144s blow due to bias toward guilt; "tunnel vision" prevented recognizing machine failure.
<b>Utah Admin. Code R714-500</b>	Sample must be "Essentially Alveolar."	A 144-second sample exceeds human lung capacity (VC) by 400%, meaning it cannot be a valid alveolar breath; likely "ghost data" or contaminated.
<b><i>Terry v. Ohio</i></b>	Stop requires articulable reasonable suspicion.	If the officer's perception is proven unreliable in the lab (breath test), it is unreliable on the road (stop justification).
<b>SOP / Implied Consent</b>	Hierarchy of testing; blood as backup.	When the breath test failed (144s error), the officer had a duty to draw blood. Failure to do so was negligent.