

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
Intoxilyzer Reliability	"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"
Conviction Language	"it is your duty to find the defendant GUILTY"	Coercive; misstates jury duty	"you may find the defendant guilty"
Officer Credibility	No instruction	Fails to address 24x arrest rate	Defense Instruction #6 (Confirmation Bias)
Scientific Standards	No instruction	Jury has no yardstick for 144-second deviation	Defense Instructions #7-8 (FST/Breath Test Protocols)
Stop Validity	No instruction	Defense's core theory excluded	Defense Instruction #10 (Initial Stop)

Authority	Key Principle	Defense Argument
<i>State v. Perea</i>	Confirmation Bias distorts evidence collection.	Officer ignored the impossibility of a 144s blow due to bias toward guilt; "tunnel vision" prevented recognizing machine failure.
Utah Admin. Code R714-500	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.
<i>Terry v. Ohio</i>	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).
SOP / Implied Consent	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.