

**THIRD JUDICIAL DISTRICT - SALT LAKE COUNTY DISTRICT COURT
SALT LAKE COUNTY, STATE OF UTAH**

**STATE OF UTAH,
Plaintiff,**

MOTION TO SUPPRESS STATEMENTS

v.

**PETER GOLUB,
Defendant.**

**Case No: 235900706
Judge: ELIZABETH A. HRUBY-MILLS
Date: October 10, 2025**

Defendant, Peter Golub, appearing pro se, moves this Court to suppress all statements obtained in violation of his Fifth Amendment rights during the encounter on September 6, 2023.

I. FACTUAL BACKGROUND

The video record shows a continuous, uninterrupted investigation lasting approximately 70 minutes from the initial traffic stop to the administration of *Miranda* warnings at the jail. During this period, Trooper Brock Ernstsen ordered Defendant from his vehicle, retained his documents, subjected him to a battery of field sobriety tests, then he and a second officer handcuffed him, and transported him to a separate location. The Trooper engaged in questioning designed to elicit incriminating information. The *Miranda* warnings were not provided until all substantive investigation and questioning were complete.

II. LEGAL STANDARD

The Fifth Amendment requires that any statements made during a **custodial interrogation** be suppressed unless preceded by *Miranda* warnings. *Miranda v. Arizona*, 384 U.S. 436 (1966). Custody, for *Miranda* purposes, does not require formal arrest. It begins when, under the

totality of the circumstances, a “reasonable person would not feel free to terminate the encounter and leave.” *State v. Mirquet*, 914 P.2d 1144 (Utah 1996). A routine traffic stop escalates to a custodial encounter once an officer’s actions restrain a suspect’s freedom to a degree associated with a formal arrest. *Berkemer v. McCarty*, 468 U.S. 420 (1984).

III. ARGUMENT & RELIEF REQUESTED

A. Custody Attached When the Encounter Transformed into a DUI Investigation.

From the moment Trooper Ernstsen ordered Mr. Golub out of his vehicle to perform field sobriety tests, the encounter was custodial. A reasonable person, commanded to exit their car and perform a series of roadside tests under the watchful eyes of two armed officers, would not believe they were free to leave. This was not a casual conversation; it was a formal assertion of police authority and a significant deprivation of liberty. At this point, the constitutional requirement for *Miranda* warnings was triggered.

B. All Subsequent Statements Were the Product of an Unwarned Custodial Interrogation.

Because Trooper Ernstsen failed to provide the required warnings, every statement elicited from Mr. Golub after custody attached is inadmissible. This includes, but is not limited to: any statements regarding his consumption of alcohol, his physical state, and his performance on the field sobriety tests. These statements were the direct product of an unconstitutional, unwarned custodial interrogation and must be suppressed.

WHEREFORE, Defendant respectfully requests that this Court suppress all statements made after he was ordered to exit his vehicle for field sobriety testing.

Judge Hruby-Mills Team

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Submission Date: October 10, 2025