

# TRIAL DECISION TREE

March 31, 2026 Trial — Page 1 of 3: Voir Dire, Opening & State's Case

## COLOR KEY:



Favorable / Granted



Unfavorable / Denied



Neutral / Delayed



Action Item



Verdict

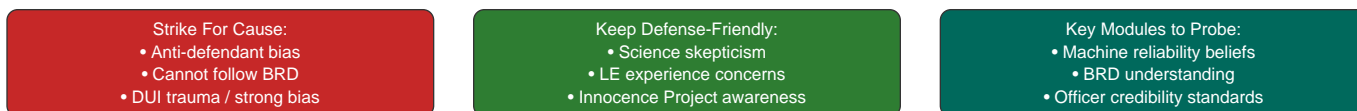


Appell

## JURY TRIAL — March 31, 2026



### PHASE 1: Voir Dire — Juror Selection

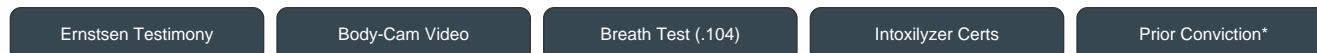


### PHASE 2: Opening Statement — Preview 4 Pillars



### PHASE 3: State's Case-in-Chief & Cross-Examination

#### State's Evidence:



#### Cross-Examination of Ernstsén — Key Lines:

<b>144-sec test:</b>	'Was the test done properly?' — Officer admitted 'improper'
<b>Missing officer:</b>	'Why is Carpenter not in your report?' — 3.5 hrs on video
<b>No video proof:</b>	'10 blocks followed, no signal violation captured on camera?'
<b>24x arrest rate:</b>	'Your DUI arrest rate is 24 times the state average?'
<b>One-leg stand:</b>	'0 out of 4 clues of impairment = perfect performance?'
<b>Miranda delay:</b>	'80+ minutes before Miranda warnings were given?'

#### BREATH TEST BATTLE (Central to Pillar 1)

If COBRA/Logs Produced & Show Issues → Attack with data: aborted attempts, error codes, maintenance problems

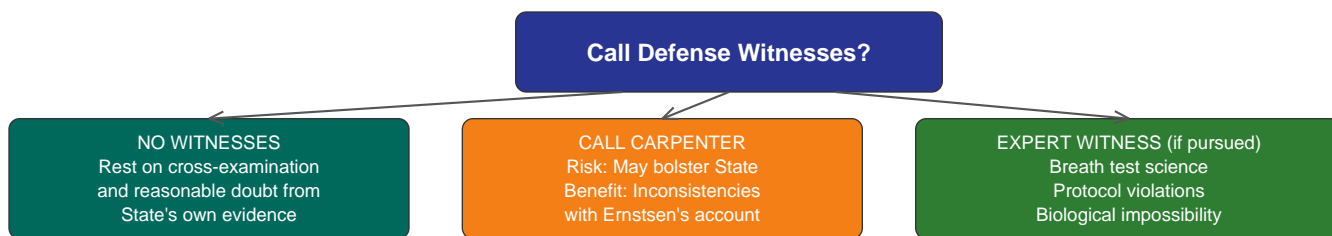
If COBRA/Logs NOT Produced → Attack with absence: State chose not to provide, undermines reliability, adverse inference

Core Arguments Regardless: 21.6L air vs 4.8L lung capacity • Single sample only • No blood draw • Protocol violations

# TRIAL DECISION TREE

March 31, 2026 Trial — Page 2 of 3: Defense Case & Closing Arguments

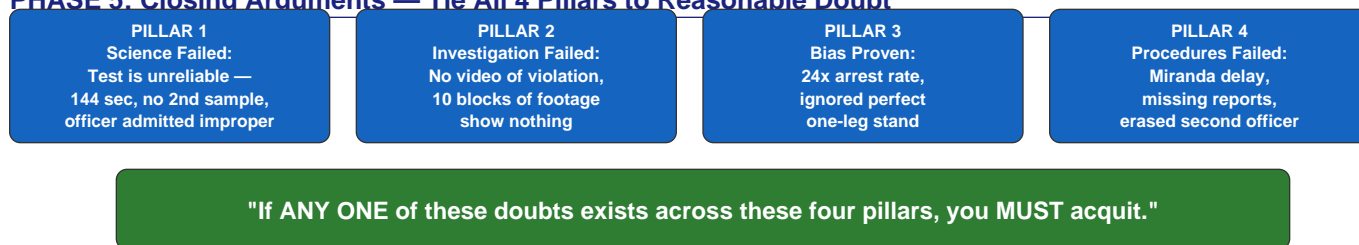
## PHASE 4: Defense Case



### Defense Exhibits:



## PHASE 5: Closing Arguments — Tie All 4 Pillars to Reasonable Doubt

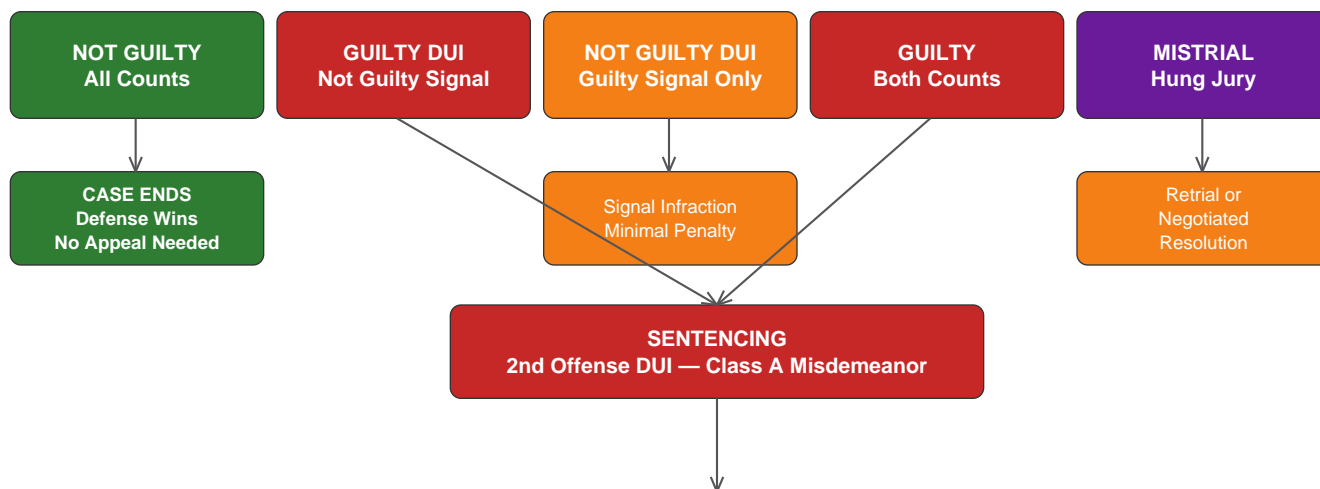


→ Continues on Page 3: Jury Deliberation, Verdicts & Post-Trial →

# TRIAL DECISION TREE

March 31, 2026 Trial — Page 3 of 3: Verdicts, Post-Trial & Appeal

## PHASE 6: Jury Deliberation & Verdict



## POST-TRIAL MOTIONS



## APPEAL TO UTAH COURT OF APPEALS

### Preserved Appellate Issues:

- |                                      |   |
|--------------------------------------|---|
| 1. <b>Brady / Rule 16:</b>           | Carpenter discovery denial — second officer materials never produced        |
| 2. <b>Intoxilyzer Foundation:</b>    | Discovery denial — COBRA data, maintenance logs, certification reports      |
| 3. <b>Improper Jury Instruction:</b> | State's 'affirmative findings' presumption shifted burden to defense        |
| 4. <b>Miranda Violation:</b>         | 80+ minutes of custodial interrogation before warnings given                |
| 5. <b>Sufficiency of Evidence:</b>   | No video of traffic violation; stop based on officer's uncorroborated claim |
| 6. <b>404(b) / Bifurcation:</b>      | Prior conviction prejudice if bifurcation was denied                        |

**KEY: Each appellate issue must be preserved on the record at trial.**

Object at the time, state the legal basis, and ensure the court rules. Renew all objections before jury instructions are read.