

# COMPLETE CASE FLOWCHART: PRETRIAL THROUGH TRIAL

Page 1 of 4: Pretrial Conference (Feb 17) — Discovery & Instructions

COLOR KEY:  Favorable / Granted  Unfavorable / Denied  Neutral / Delayed  Action Item  Verdict  Appell

**STATE v. GOLUB — Case No. 235900706 — Judge Hruby-Mills**

**PRETRIAL CONFERENCE — February 17, 2026**

Carpenter Motion

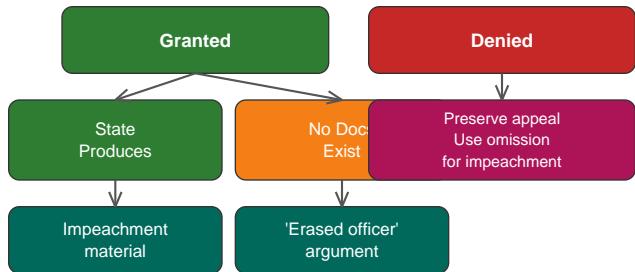
Intoxilyzer Discovery

Jury Instructions

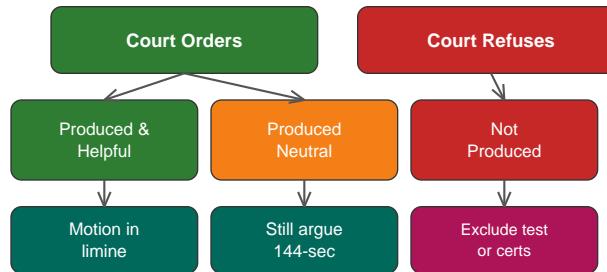
Enhancement Bifurcation

Logistics Voir Dire/Tech

## Carpenter Motion to Compel:



## Intoxilyzer Discovery:



## Other Pretrial Issues (Summary):

- |                           |  |
|---------------------------|--|
| <b>Jury Instructions:</b> | Presumption rejected → defense-favorable   Accepted → argue evidence overcomes, preserve appeal   Delayed → set conference |
| <b>Bifurcation:</b>       | Granted → no prior conviction before jury on guilt   Denied → limiting instruction, preserve 404(b) objection              |
| <b>Logistics:</b>         | Confirm Mar 31 date, set deadlines, approve PPT and voir dire time (request 45 min)  |

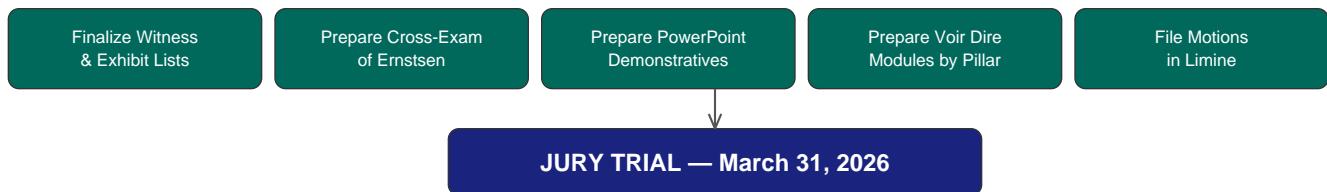
↓ ALL OUTCOMES FEED INTO TRIAL PREPARATION ↓

→ Continues on Page 2: Trial Preparation & Trial Phases →

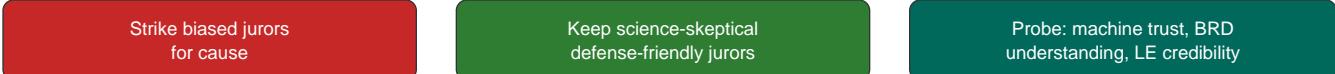
# COMPLETE CASE FLOWCHART: PRETRIAL THROUGH TRIAL

Page 2 of 4: Trial Preparation & Trial (Voir Dire through State's Case)

## TRIAL PREPARATION — March 2026



### Phase 1: Voir Dire



### Phase 2: Opening Statement — Preview 4 Pillars of Reasonable Doubt



### Phase 3: State's Case-in-Chief → Cross-Examination of Ernstsen

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

→ Continues on Page 3: Defense Case & Closing Arguments →

# COMPLETE CASE FLOWCHART: PRETRIAL THROUGH TRIAL

Page 3 of 4: Defense Case, Closing Arguments & Jury Deliberation

## Phase 4: Defense Case

Option A: No Witnesses  
Rest on cross-examination and reasonable doubt

Option B: Call Carpenter  
Risk: May bolster State  
Benefit: Inconsistencies

Option C: Expert Witness  
Breath test science  
Biological impossibility

### Defense Exhibits:

Carpenter Body-Cam (favorable clips)

GRAMA Data (24x arrest rate)

PowerPoint (demonstratives)

Intoxilyzer Slip (timeline analysis)

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

PILLAR 1  
Science Failed  
Test unreliable

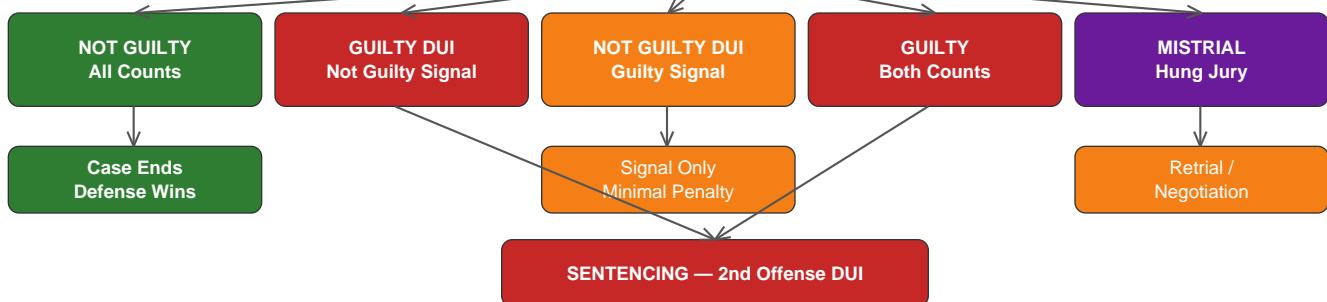
PILLAR 2  
Investigation Failed  
No video of violation

PILLAR 3  
Bias Proven  
24x rate, ignored FSTs

PILLAR 4  
Procedures Failed  
Miranda, missing reports

"If ANY ONE of these doubts exists, you MUST acquit."

### JURY DELIBERATION

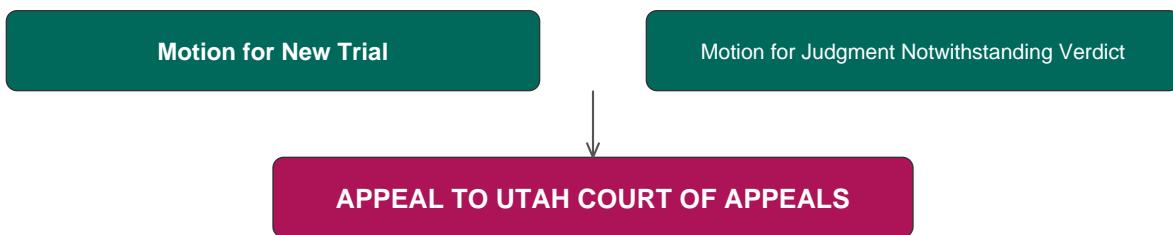


→ Continues on Page 4: Post-Trial Motions & Appeal →

# COMPLETE CASE FLOWCHART: PRETRIAL THROUGH TRIAL

Page 4 of 4: Post-Trial Motions & Appeal

## POST-TRIAL MOTIONS (After Any Guilty Verdict)



## Preserved Appellate Issues

### 1. Brady / Rule 16: Carpenter Discovery

Second officer present for 3.5+ hours, signed impound report, omitted from all written reports. Defense filed Motion to Compel. If denied or materials not produced, this is a Brady/Giglio violation and Rule 16 non-compliance. Carpenter's materials could contain exculpatory or impeachment evidence.

### 2. Intoxilyzer Foundation & Discovery Denial

COBRA data, maintenance/error logs, and certification reports (listed on State's Exhibit List) were requested but not produced. Without these, the breath test result lacks adequate foundation. The 144-second test anomaly and single-sample protocol violation compound the reliability issue.

### 3. Improper Jury Instruction (Affirmative Findings)

State's proposed instruction tells jury to presume the Intoxilyzer functioned properly, effectively shifting the burden to the defense. This conflicts with the presumption of innocence and the State's obligation to prove every element beyond a reasonable doubt. Objection filed January 2026.

### 4. Miranda Violation

Defendant was in custody from approximately minute 5 (ordered out of vehicle) but Miranda warnings were not given until minute 85 (at jail). Any statements made during this 80+ minute window were obtained in violation of the Fifth Amendment.

### 5. Sufficiency of Evidence (Traffic Stop)

Officer claimed failure to signal, but 10 blocks of body-cam footage show no traffic violation. The stop was based solely on the officer's uncorroborated claim from 100-125 feet away with an obstructed view. No independent video confirmation exists.

### 6. 404(b) / Bifurcation Prejudice

If bifurcation was denied, the jury heard about a prior conviction during the guilt phase, creating impermissible propensity inference. Note: the prior conviction was for reckless driving, not DUI, yet the State seeks a second-offense DUI enhancement.

## CASE TIMELINE SUMMARY

Sept 6, 2023: Arrest → Feb 17, 2026: Pretrial → March 2026: Trial Prep → March 31, 2026: Trial

If Convicted: Post-Trial Motions → Appeal to Utah Court of Appeals