

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

**STATE OF UTAH**

**Plaintiff,**

**DEFENDANT'S FINAL  
PROPOSED JURY INSTRUCTIONS**

v.

**PETER GOLUB,  
Defendant.**

**Case No: 235900706**

**Judge: ELIZABETH A. HRUBY-MILLS**

**Date: October 10, 2025**

**(1) THE DUTY OF THE JURY**

Members of the Jury, you are the sole and exclusive judges of the facts in this case. It is your duty to determine the credibility of each witness and the weight to be given to the evidence. You are to perform this duty with a mind free of bias, sympathy, or prejudice, and your verdict must be based solely on the evidence presented in this courtroom and the law.

**(2) PRESUMPTION OF INNOCENCE AND BURDEN OF PROOF**

The defendant is presumed innocent of the crimes charged. This presumption is a cornerstone of our justice system and follows the defendant throughout every stage of this trial. The presumption of innocence is not overcome unless and until the prosecution has proven each and every element of the crime charged beyond a reasonable doubt. The defendant is not required to prove his innocence or produce any evidence.

*Authority: Utah Code Ann. § 76-1-501; State v. Robison, 2006 UT 65.*

**(3) REASONABLE DOUBT STANDARD**

The prosecution bears the burden of proving the defendant's guilt beyond a reasonable doubt. This burden never shifts. Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant's guilt. If, after your careful consideration of all the evidence, you think

there is a real possibility that he is not guilty, you must give him the benefit of the doubt and find him not guilty.

*Authority: State v. Reyes, 2005 UT 33.*

#### **(4) ELEMENTS OF DRIVING UNDER THE INFLUENCE**

Before you may find the defendant guilty of Driving Under the Influence, you must find that the prosecution has proven each of the following elements beyond a reasonable doubt: (1) The defendant, Peter Golub; (2) Operated a motor vehicle; AND (3) At the time of operation, the defendant either: (a) was under the influence of alcohol to a degree that rendered him incapable of safely operating a vehicle; OR (b) had a breath or blood alcohol concentration of .05 grams or greater. If you find the prosecution has failed to prove even one of these elements, you must find the defendant not guilty.

*Authority: Utah Code Ann. § 41-6a-502.*

#### **(5) CONSUMPTION VERSUS IMPAIRMENT**

The mere consumption of alcohol is not a crime. It is not illegal to operate a motor vehicle after consuming alcohol. The law only prohibits operating a motor vehicle while being impaired to a degree that renders one incapable of safe operation, or while having an unlawful alcohol concentration. The prosecution must prove actual impairment or an unlawful alcohol concentration beyond a reasonable doubt.

*Authority: Utah Code Ann. § 41-6a-502; State v. Hernandez, 2011 UT 70.*

#### **(6) EVALUATING LAW ENFORCEMENT TESTIMONY**

The testimony of a law enforcement officer should be evaluated in the same manner as the testimony of any other witness. You should not give an officer's testimony any greater or lesser weight simply because of their employment. In evaluating an officer's testimony, you may consider Golub (case no. 235900706) DEFENDANT'S FINAL PROPOSED JURY INSTRUCTIONS 2

any potential for **confirmation bias**, which is the tendency to seek out and interpret evidence in a way that confirms one's pre-existing suspicions.

*Authority: State v. Perea, 2013 UT 68, ¶ 32, 322 P.3d 624.*

## **(7) SCIENTIFIC EVIDENCE: FIELD SOBRIETY TESTS**

Field sobriety tests are not scientific tests for intoxication; they are divided-attention exercises of coordination and balance. For the results to be considered reliable, they must be administered in strict compliance with standardized procedures. If you find that the officer deviated from these procedures, you may find the results to be unreliable.

In evaluating the defendant's performance, you must consider the totality of the circumstances. This includes not only any indicated signs of impairment, but also any evidence of the defendant's successful performance demonstrating balance, coordination, and the ability to follow instructions. You should also consider whether external factors could have affected the results, such as the lighting, road surface, and the defendant's physical condition, including stress, nervousness, or fatigue.

*Authority: Authority: State v. Layman, 953 P.2d 782 (Utah 1998); State v. Homan, 732 N.E.2d 952 (Ohio 2000).*

## **(8) SCIENTIFIC EVIDENCE: BREATH TESTING**

For the result of the Intoxilyzer 8000 breath test to be considered reliable, the prosecution must prove beyond a reasonable doubt that: (1) The device was properly calibrated and certified as accurate **on the date of the test**; (2) The officer administering the test was properly trained and certified; AND (3) The officer followed all required procedures in administering the test, **including the proper collection of a deep-lung breath sample within the recommended duration**. If you have a reasonable doubt about the reliability of the device or the manner in which the test was administered, you must determine what weight, if any, to give that evidence.

*Authority: Utah Admin. Code R714-500; Murray City v. Hall, 663 P.2d 1314 (Utah 1983).*

## **(9) ALTERNATIVE EXPLANATIONS FOR PHYSICAL INDICATORS**

The presence of physical indicators such as the odor of alcohol or bloodshot eyes, standing alone, is not sufficient to establish impairment beyond a reasonable doubt. You should consider whether there are other innocent explanations for these indicators, such as fatigue, stress, nervousness, or allergies.

*Authority: State v. Clopton, 2009 UT 84.*

## **(10) VALIDITY OF INITIAL TRAFFIC STOP**

Before you consider any other evidence, you must first determine whether the initial traffic stop of the defendant's vehicle was lawful. An officer may only initiate a traffic stop if they have a reasonable, articulable suspicion that a specific traffic violation has occurred. An officer's hunch, guess, or bias is not enough. If you have a reasonable doubt that the officer had a lawful basis for the initial stop, then all evidence obtained after that stop must be disregarded.

*Authority: Terry v. Ohio, 392 U.S. 1 (1968); State v. Bello, 871 P.2d 584 (Utah Ct. App. 1994).*

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/s/ Peter Golub

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