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STAGES IN A SAN DIEGO DUI CASE

CALIFORNIA DMV

Stage 1: Request an APS Hearing

- MUST be done within 10 days of arrest
 - Can be done over the phone
 - Request a stay of the temporary drivers license
 - Request discovery
 - Inform DMV whether hearing will take place in person or over the phone
 - Get date and time of hearing
 - DMV/ APS hearing is separate and distinct from superior court

Stage 2: APS Hearing

- Administrative Per Se Hearing
 - Hearing is before a DMV Hearing Officer
 - Hearing officer acts as judge, jury, and prosecutor
 - DMV must find:
 - Peace officer had reasonable cause to believe you were driving a motor vehicle impaired.
 - You were placed under lawful arrest, and
 - You were driving a motor vehicle when you had .08% BAC
 - Standard of proof is “preponderance of the evidence”
 - Much lower standard than “beyond a reasonable doubt” which is used in the superior court case

SUPERIOR COURT

Stage 1: Arraignment

- Your First Court Appearance
 - Enter a not guilty plea
 - Demand discovery
 - Set date for Readiness Conference
 - Attorney can appear on your behalf

Stage 2: Readiness Conference

- Trial Setting Department (TSD)
 - Two weeks after arraignment if no time waiver
 - Negotiate the case with the prosecutor- possible plea bargain
 - Make sure discovery is in order

Stage 3: Motions

- Hearing on the Motions Filed
 - Argue Motion to Suppress
 - Argue Discovery Motions
 - Review trial strategy
 - Subpoena witnesses
 - Prepare for trial

Stage 4: Trial

- Jury Trial
 - Motions in Limine
 - Pick a jury (“voir dire”)
 - Opening statements
 - Prosecution puts on its case
 - Mid trial motions
 - Defense puts on its case
 - End of trial motions
 - Closing arguments
 - Verdict (Not Guilty!)