

# DUI Court Process

By: Tom Wallin

<http://www.californiaduiblog.com>

**THE DMV AND COURT PROCESS ARE SEPARATE! MAKE SURE AND CONTACT A DUI ATTORNEY IMMEDIATELY TO REQUEST A DMV HEARING TO SAVE YOUR LICENSE.**

After someone has been arrested for Vehicle Code Section 23152 (a) and or Vehicle Code Section 23152(b), commonly referred to as a DUI, they often have questions as to the Court Process:

**Arraignment :** when you appear in court for the first time on DUI charges, the charges against you will be read and you will answer to them – not guilty, guilty, no contest. The prosecuting attorney or judge will discuss whether bail should be required and how much. Both prosecuting and California criminal defense attorneys may make other motions at this time. In most misdemeanor DUI cases, if you have retained a DUI attorney or DUI lawyer, the DUI attorney can appear on your behalf without you having to be present. The DUI attorney can enter a plea of not guilty on your behalf or continue the arraignment depending upon the particular circumstances involved in each DUI case.

**Pretrial :** a pretrial hearing may also be set during the arraignment in misdemeanor DUI cases. The attorneys will discuss the case during the pretrial hearing, and may attempt to reach a settlement at that time. Further pretrial dates may be necessary. In most misdemeanor DUI cases, your attorney can appear on your behalf and you will not be burdened with the time and possible embarrassment of having to appear in court. If the case is not settled or dismissed, a date is set to begin the trial.

**PRELIMINARY HEARING:** A preliminary hearing may be set during the arraignment for felony cases. Most DUI cases are misdemeanors, however, if it is your 4<sup>th</sup> or subsequent DUI it can be charged as a felony. In addition, if you are charged with a DUI with injury VC 23153 where someone was injured or children were present (Child Endangerment), the cases can be filed as a felony. At this hearing, the attorneys present basic evidence and the judge decides whether to allow the case to go forward in court. The defense has the opportunity to cross examine prosecution witnesses, which can help determine whether the prosecution has a case against you.

If the judge decides there is enough evidence against you to proceed with the felony charges, you will be “held to answer” and a second arraignment will be set in the trial court about two weeks later where you will again enter your plea.

**DUI Trial :** there are certain time limits in which a case must be brought to trial. In misdemeanor cases, you have a right to go to trial within 30 days of your arraignment if you were in custody at that time, or 45 days if you were not in custody at your arraignment. In felony cases, you have

the right to go to trial within 60 days of the second arraignment. These time limits are minimums, but often the case requires additional investigation and research before going to trial. So, the attorneys may ask for a “continuance” and your case may not go to trial for several months.

The trial itself can take from days to weeks to conclude, depending on the complexity of the DUI case, number of witnesses and DUI experts the attorneys or lawyers call to the stand.

**Sentencing:** once the jury has entered a verdict against you, the sentencing phase of the trial begins. Your attorney may present evidence in your favor and argue for minimum or alternative sentencing. You could go to jail for up to one year for a misdemeanor charge, or more than one year for a felony. You may also receive probation instead of, or in addition to, jail time.

**Alternative Sentencing:** In many cases, several alternatives to jail or prison are available for defendants who are convicted of DUI or about to accept a plea bargain agreement in DUI cases. Unfortunately, inexperienced criminal defense attorneys are often unaware of most alternative sentencing options. Mr. Wallin has successfully obtained alternative sentences for clients, avoiding jail. Alternative sentencing options include:

- Community service
- An Alcohol Program or Drug Rehab Program
- City jail or "private" jail
- Counseling programs
- House arrest, also known as electronic monitoring
- Residential treatment
- Sober living programs
- Work furlough
- Probation

**Probation:** in misdemeanor cases, probation consists of either summary or supervised probation. Under summary probation, you do have a probation officer or anyone to report to; however, you must obey all the terms of your probation, which usually includes not violating any charges. So, any new misdemeanor or felony charge in any county or state will be considered a violation of your current probation which could then result in jail time in addition to the charges which may be entered against you on the new case.

In supervised probations, you are assigned to a probation officer who you must report to on a regular basis. Depending on the charges, the probation officer may require drug testing, anger management classes, or other drug rehabilitation classes. Probation can last from 12 to 60 months. The same consequences as above apply.

**Appeals:** you always have the right to appeal a DUI case or ruling, although you may have to start the entire trial process all over again, or even obtain new counsel who specializes in appeals.

**Expungement:** when you have been convicted or pled guilty or no contest to a criminal charge, an **Expungement** serves to “set aside” the charges and dismiss the case. You are completely

relieved of the penalties that were entered against you, and the misdemeanor will be erased from your criminal record so that you claim you were never convicted of any crime.

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## About Tom Wallin

Mr. Wallin is a previous Riverside County Public Defender who has represented hundreds of defendants in a wide variety of criminal matters, and successfully litigated drunk driving and driving under the influence cases throughout **Southern California**. Mr. Wallin is also an **active member of the National College for DUI Defense**, a select group of **DUI attorneys and lawyers** that are **dedicated to the defense of drunk driving cases**. In addition, DUI defense lawyer Thomas Wallin is also an **active member of the National Association of Criminal Defense Lawyers**, a group of criminal defense attorneys, including **DUI lawyers**, who are dedicated to protecting the rights of individuals accused of crimes. As a **California Criminal Defense DUI Attorney**, Mr. Wallin is known for his fair yet aggressive representation, always working toward the **best possible outcome** for his clients. He has extensive experience in jury trials, pre-trial negotiations and discovery, and is skilled in counseling his clients about the criminal trial process. View our [Case Results](#) and [Testimonials](#).

Mr. Wallin's education and years of experience have helped him gain extensive familiarity with local court rules and procedures. Mr. Wallin graduated from **University of California at Irvine, Cum Laude**. He went on to **Southwestern University School of Law** where he completed his law degree in a 23 month accelerated program, and was the recipient of the **Paul Wildman Scholarship**.

Mr. Wallin began his legal career practicing medical malpractice defense at Elliot Snyder & Reid, where he successfully represented many doctors in medical malpractice suits. Mr. Wallin also worked for the **Riverside County Public Defender**, where he handled hundreds of **driving under the influence** cases, with many successful results both as a Public Defender and a private **Riverside DUI attorney**.

He is an outgoing personable attorney who is **well-respected** by judges, district attorneys, police officers, expert witnesses, and private defense lawyers around southern California. Mr. Wallin personally handles every case, and works hard to secure the best possible outcomes for his clients.

Mr. Wallin's DUI law firm handles DUI criminal and DUI DMV matters in the following cities and counties in Southern California:

- Riverside County
- San Bernardino County
- Los Angeles County
- Orange County
- San Diego County