

The state must prove your blood alcohol content at the time you were driving. Your breath reading an hour or two later is not what proves you guilty of DUI. Your breath test results at the time you were driving are what are important. Your breath test results at the time you were driving had a lot to do with how much you weigh, your metabolism, what you ate, how much you ate, when you ate, what you drank, how much you drank, when you started and when you stopped drinking.

In order for the state to prove that you were over the .08 legal limit at the time you were driving, they will have to “extrapolate”, or estimate, what your breath alcohol reading was at the time you were first stopped