

## **Understanding Arizona DUI Law**

Changes to DUI law are infinitely important to understand. A change in Arizona DUI law that you may not be aware of is the fact that you can be charged with an aggravated DUI offense...without actually driving your car.

### **Adding to the Law**

Arizona DUI law, along with laws in many other states, has been edited to reflect situations in which an intoxicated driver is not technically “driving under the influence”, but is instead “in control of” a vehicle. In a classic explanatory situation, a car stopped in the middle of an intersection with its driver passed out drunk at the wheel is likely to be charged with a DUI offense. As you can imagine, however, this change can lead to many different situations and interpretations of the new DUI law.

What if an intoxicated individual has the sense enough to sleep in his or her car until the effects of alcohol have worn off? What about an individual who is resting in his or her car, but has left the keys in the car’s ignition? Would these situations still be defined as DUI offenses? As any experienced DUI attorney in Arizona will tell you, a recent 2008 case has clarified the finer aspects of the law’s caveats.

### **State v. Zaragoza**

In the case of State v. Zaragoza, Zaragoza was convicted of aggravated DUI when he was found in an apartment complex in his car with the engine off, hand on the wheel, keys in the ignition, and alcohol in his system. In his defense, Zaragoza stated that he had had no intention of driving, and that his keys were in the ignition because he had wanted to lower the car’s windows before going to sleep in his seat. Despite this, however, Zaragoza was charged with a DUI offense because he had been in control of his vehicle to the point where he was a danger to himself and others.

In this case, the definition of the law’s “in physical control” phrase was defined to have nothing to do with the intent of the driver to move and use the vehicle. Rather, it was likened to the driver causing actual imminent danger to himself and others at the time he was reported to have been in control. Following this line of reasoning, Zaragoza’s conviction makes sense. In any case in which the driver is not technically driving, but is still intoxicated, it is important to consider and examine all of the facts during a conviction.

### **New Instructions**

While the Arizona Supreme Court upheld the case’s end result, it also crafted a new set of jury instructions that include factors for a jury to consider during the conviction process. These factors include the more obvious deal-breakers, such as whether or not the vehicle was running or the ignition was on, but also include more abstract factors based on the weather and time of day.

So, your best bet to give yourself the best possible chance of reducing or dismissing a DUI charge? Be sure that you are in contact with a reputable DUI attorney in Arizona. Only then will your case have a fighting chance.