



**Client 1: Samuel Soledad**

Arrest Report:

**Report of Officer Jacobson:** At 7:38 p.m. on 3-5-25 the undersigned officer observed a red 2004 Saturn driving erratically on Alemany Blvd, just south of Ocean Ave. Upon making contact, the driver provided a valid drivers' license for Samuel Soledad. Undersigned radioed to dispatch and received vehicle registration information listing Lori Morris as the registered owner of the vehicle and the vehicle reported stolen. The subject was taken into custody, and the vehicle was transported to central impound. When Mr. Soledad stepped out of the car officers noticed two open beer cans on the car floor and an odor of alcohol coming from Mr. Soledad. Officers attempted FSTs but Mr. Soledad fell down and vomited a small amount on the ground. The breath test machine available on the scene was malfunctioning and Mr. Soledad was taken into custody without incident. A lawfully administered blood test later revealed a BAC of .11. Suspect was booked and charged.

**Procedural History Learned from Your Representation:**

Mr. Soledad is initially charged with violating Vehicle Code sections 10851 and 23152(a) and 23152(b). After consultation with the alleged victim of the car theft the theft charge is dropped and only the (a) and (b) counts for the DUI remain.

You successfully litigated the legality of the blood test after discovering that chain of custody cannot be proven for the sample. The BAC of the blood test is excluded, but the fact that blood was drawn and officers attempted to get a BAC is not. The (b) count is subsequently dismissed.

**Jury Instruction and Relevant Law:**

To prove that Mr. Soledad is guilty of this crime the Government must prove that:

1. Mr. Soledad drove a vehicle;
2. When he drove a vehicle, Mr. Soledad was under the influence of an alcoholic beverage or under the combined influence of an alcoholic beverage and a drug.



A person is under the influence if – as a result of drinking an alcoholic beverage and/or taking a drug – his or her mental or physical abilities are so impaired that he or she is no longer able to drive a vehicle with the caution of a sober person‘ using ordinary care‘ under similar circumstances.

The manner in which a person drives is not enough by itself to establish whether the person is or is not under the influence of an alcoholic beverage or a drug. However, it is a factor to be considered in light of all the surrounding circumstances in deciding whether the person was under the influence.

It is not a defense that Mr. Soledad was legally entitled to use a prescription drug, if he otherwise meets the elements of the offense.

**Information From Investigation and Client Meeting:**

- Lori Morris is the mother of Samuel Soledad. She is white. Mr. Soledad identifies as a Latino male of Mexican decent (on his father's side). His skin is deeper toned. He is about as fluent in Spanish as English – though his only formal language learning is in English. His English speech has a clear accent. The arresting officer identifies as white.
- Mr. Soledad doesn't clearly recall the time he was arrested – or many of the details of his arrest – other than he borrowed his mom's car to go to a friend's house and ended up staying on his friend's couch for a few days. While he was there – he continued to go to work to his job at a 7-11. His mom was fed up and called the police just to get her car back – she never wanted him arrested.
- Mr. Soledad admits to you that he had been drinking that night – but says that he only drank two Bud Light 12 oz. cans. He is not sure why the BAC came back so high.
- Mr. Soledad reports he takes a non-narcotic prescription medication to address depression issues following the death of his father two years ago. Your investigator researches the medication and it has a well-documented effect of causing drowsiness and nausea.



After reviewing Officer Jacobson's body worn camera footage, the account mostly matches the arrest report with three notable exceptions that appear likely provable from the footage alone:

- Officer Jacobson did not administer the Field Sobriety Tests properly. He unnecessarily complicated the walk and turn test. It is arguable that this – rather than intoxication – caused the fall.
- At one point on the video, Jacobson says to Mr. Soledad, "All you people think it's okay to drink and drive but it isn't." His general demeanor towards Mr. Soledad is aggressive and might be seen as demeaning. He also occasionally uses Spanish words and phrases correctly even though Mr. Soledad never speaks Spanish on the video and understands English without issue.
- The camera is activated prior to the stop. During the minute that precedes the stop, Mr. Soledad's driving is relatively normal – though he does briefly cross the lane line – then corrects to his lane. He also changes lanes without signaling.

Assume from the above you have access to admissible evidence that:

1. The medication Mr. Soledad was prescribed causes drowsiness and nausea.
2. The field sobriety tests and field breath test were administered incorrectly.



**SAN FRANCISCO  
PUBLIC DEFENDER**

Greater than one.

**Jury Selection Worksheet – Client 1 Samuel Soledad**

**Identify belief systems:** What juror beliefs would cause jurors to reject your Theory-of-the-Case? What biases or stereotypes would be harmful to your client?

**Draft Questions:** What questions will reveal belief systems inconsistent with you TOC? What are some questions or statements that would help us build a tribe in this case?