

Driver wins 'risky' DUII challenge

"He took a big risk," defense attorney Wes Williams said of his client, Eric Arntz of North Powder after a jury trial Monday.

Against the standard defense attorney advice, Arntz decided to contest his Nov. 3, 2002, charge of driving while under the influence of intoxicants.

The risk was worth it, Williams said. After listening to seven defense witnesses, including a medical professional, a six-person jury deliberated for only about 15 minutes before finding Arntz not guilty.

Williams said the case for Arntz was built carefully. Arntz had left a La Grande tavern.

Witnesses from the tavern testified later that he never had more than two beers because of the long drive ahead of him and he hadn't acted intoxicated that evening.

A UNION COUNTY deputy sheriff saw Arntz leave the tavern and followed him out onto the interstate, where he was stopped. The deputy, testifying for the prosecution, said the arrest was made in part because of Arntz' jerking eye motions.

A doctor testified Monday that Arntz' eye motions were within a normal, non-intoxicated range given the time of night and how tired Arntz was.

Two key pieces of evidence

came out of that traffic stop. First, Arntz refused to submit to a breathalyzer test, Williams said, claiming he didn't trust how the machine was calibrated or operated, especially since he didn't consider himself intoxicated.

Arntz also asked to use the deputy's cell phone to call a lawyer. He chose Williams' name from a phone book, the attorney said, and left a very coherent, detailed message on Williams' answering machine.

That message was played during the trial. "It was a crucial piece of evidence," Williams said.

Arntz, who works as a drafts-

man in La Grande, had had no previous arrests and didn't even have any traffic infractions, Williams added.

Williams noted that Arntz had been offered a diversion — going into a pre-arranged program that would have cleared his record after a year since this was his first DUII charge — an option attorneys usually encourage their clients to accept.

But Arntz could have lost his driving privileges for a year for refusing to submit to the breathalyzer.

The case was prosecuted by Deputy District Attorney John Ries before Judge Phillip Mendiguren.