

OFFICE OF THE
DISTRICT ATTORNEY
COUNTY OF SANTA BARBARA
JOYCE E. DUDLEY
District Attorney



DA 04-153

RELEASE NUMBER

April 11, 2013

RELEASE DATE

APPROVED BY *Joyce E. Dudley*, DISTRICT ATTORNEY

Kelly Scott, Chief Deputy District Attorney

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***** PRESS RELEASE *****

April 11, 2013

Re: People v. Tony DeNunzio

Santa Barbara County District Attorney Joyce E. Dudley announced that earlier today Superior Court Judge James Rigali ruled that the evidence that Mr. DeNunzio's blood alcohol content (BAC) of .09% at the time his blood was drawn was irrelevant to a determination of whether he was driving under the influence of alcohol.

As a result of that ruling this office has determined that we have insufficient admissible evidence to retry this case.

A Department of Justice (DOJ) expert testified in the first trial that Mr. DeNunzio's BAC was .09% at the time of the blood draw after his arrest. This scientific evidence is needed by the DOJ expert as a basis for any opinion that Mr. DeNunzio was driving under the influence of alcohol. During the first trial the DOJ expert testified that he determined Mr. DeNunzio's BAC was .09% and the jury hung 8-4 in favor of guilt.

Chief Trial Deputy Kelly Scott stated, "The People cannot prove beyond a reasonable doubt that the defendant was driving under the influence of alcohol without the DOJ's expert testimony regarding the defendant's blood alcohol content. It is unlawful to drive while under the influence of alcohol. It is also unlawful to drive while having a blood alcohol content of .08% or higher. This office will continue to work with our esteemed colleagues in law enforcement to support public safety, uphold the law, and prosecute offenses whenever we have admissible evidence that we can present to a jury which we believe proves each charge to the standard of beyond a reasonable doubt."

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