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On February 15, 2011, a jury convicted Joseph Gerard Luther, 43, of McKinleyville, of misdemeanor driving under the influence and driving with a blood alcohol concentration above .08 percent. Luther was also found to have refused a blood alcohol test as required by law.

On November 25, 2009, while pulling out of his parking space at the Six Rivers Brewery in McKinleyville, Luther collided his vehicle into the vehicle parked in the adjacent space. Officers of the California Highway Patrol responded to the scene and conducted a DUI investigation. According to the investigating officer, Luther exhibited signs and symptoms of alcohol intoxication including red watery eyes, slow speech and a slow gait. Luther also performed poorly on the field sobriety tests administered to him as part of the officer's DUI investigation.

Based on the results of the investigation, Luther was arrested for driving under the influence and driving with a blood alcohol concentration above .08 percent. After being advised that he was legally required to submit either a blood or breath sample to measure his blood alcohol levels, Luther refused to comply. He was subsequently transported to the Humboldt County Correctional Facility.

Luther's trial commenced on Feb. 10, 2011 and lasted four days. The jury deliberated for approximately fifteen minutes before finding him guilty of the charges.

On Thursday, February 17, 2011, Luther was sentenced to ten days in county jail for refusing to submit a blood or breath sample. For the other charges, he received three years probation and was fined \$2,523 for court fees, a \$196 booking fee and \$2,015 to reimburse the court for the cost of court appointed counsel. His driver's license is also suspended pending successful completion of a three-month Department of Motor Vehicles First Offender DUI program.

"Unfortunately, as this case shows, some people are willing to go against their better judgment and drive intoxicated," noted District Attorney Paul Gallegos. "Hopefully, if common sense and concern for the safety of others doesn't stop them, the fact that driving under the influence can cost thousands of dollars in fines and the loss of driving privileges will."

Gallegos attributed the conviction to a successful collaboration between CHP officers, the California Department of Justice and Deputy District Attorney Ben Mainzer. "I also want to recognize the members of the community who took the time to serve as jurors in this case," he added. Judge Timothy Cissna presided.

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