



## Legal Defense Checklist: Challenging the Seated SFST

If you have been charged with a BUI after a day on the Indian River or the Atlantic, your defense begins with a microscopic look at how the seated field sobriety test was administered. Use this checklist to identify potential procedural errors.

### 1. The "Standardization" Threshold

**NASBLA and NHTSA guidelines state that if any element of the test is changed, the validity is compromised.**

- Did the officer provide a 15-minute "rest period" ashore? The USCG recommends 15 minutes on stable ground before testing to allow "sea legs" to dissipate.
- Were instructions given twice? Officers are required to ask, "Do you understand?" and clarify instructions if you are confused by wind or engine noise.
- Did the officer demonstrate? Every seated test (Palm Pat, Hand Coordination, Finger-to-Nose) requires a physical demonstration by the officer.

### 2. Finger-to-Nose (FTN) Administration Errors

**The FTN is highly technical and prone to errors in officer scoring.**

- The "Dime-Sized" Rule: Did the officer count a "miss" if you touched your nose but weren't perfectly on the tip? (Technical error: they must allow for a dime-sized area).
- Head Tilt: Did the officer ensure your head was at a specific 45-degree angle? If they didn't specify the angle, the "clue" for moving your head is invalid.
- The Sequence: Did the officer call out the correct sequence (Left, Right, Left, Right, Right, Left)? Any deviation by the officer invalidates your "wrong hand" clues.

### 3. Palm Pat & Hand Coordination Flaws

**These tests measure "divided attention," but environmental factors often interfere.**

- The 180-Degree Rotation: In the Palm Pat, did the officer allow 4–5 seconds for you to increase speed? Rushing this phase is a common administrative error.
- Parallel Hands: Did the officer observe from an angle where they could actually see if your hands remained parallel?
- The "Memorized Position": In the Hand Coordination test, were you penalized for returning your fists to your chest in the "wrong" order? If you corrected yourself, no clue should be assessed.

### 4. Environmental & Physical "False Positives"

- Optokinetic Nystagmus: Were there flashing blue lights or passing boat wakes in your field of vision during the HGN test? This causes involuntary eye jerking unrelated to alcohol.
- Sun and Wind Exposure: Dehydration and "sun-glare fatigue" can cause sluggish pupil response and cognitive delays that mimic intoxication.
- Pre-existing Conditions: Do you have back, neck, or inner-ear issues? Even seated tests can be impacted by physical limitations that the officer may have failed to document.