

SUPREME COURT OF WISCONSIN
OFFICE OF LAWYER REGULATION

Public Reprimand With Consent

2015-OLR- 3

David Saldana
Attorney at Law

The Respondent, Attorney David Saldana (“Saldana”), age 59, was admitted to the practice of law in Wisconsin on June 19, 1984, and practices in Racine, Wisconsin.

On January 10, 2014, Saldana reported to OLR his conviction of Operating a Motor Vehicle While Under the Influence of an Intoxicant (“OWI”) (4th) in *State of Wisconsin v. David Saldana*, Racine County case no. 2013CM000232.

The ensuing OLR investigation brought to light additional criminal cases brought against Saldana. Saldana had an OWI (3rd) conviction on March 25, 1998, in Racine County, Wisconsin and an OWI (2nd) conviction that occurred on August 19, 1993, in Dane County, Wisconsin.

The facts with respect to Saldana’s OWI (4th) conviction are as follows. On October 13, 2012, at approximately 9:11 p.m., a Mount Pleasant Police Department Officer was dispatched to a restaurant to investigate a report of an intoxicated party who was sitting in a running vehicle. The Officer arrived at the scene, and observed a running vehicle in the restaurant parking lot. The Officer noticed a sleeping man, later identified as Saldana, in the driver’s seat. The Officer knocked on the window, Saldana awoke, and the Officer ordered him to roll down the window. Saldana was unable to find the window button. The Officer opened the door and ordered Saldana to turn off the vehicle.

The Officer observed that Saldana had food all over his lap and he noticed a slight odor of intoxicants. The Officer ordered Saldana to exit the vehicle. As Saldana exited the vehicle, the Officer smelled a stronger odor of intoxicants and noticed he had difficulty walking.

The Officer had Saldana perform some standardized field sobriety tests. The results of Saldana's preliminary breath test ("PBT") was .223 grams of alcohol per 210 liters of Saldana's breath. The Officer placed Saldana under arrest for OWI and transported him to Wheaton Franciscan Hospital. A blood sample was drawn from Saldana and sent to the State Laboratory of Hygiene in Madison, Wisconsin, for analysis, with said analysis resulting in .252 grams of alcohol per 100 milliliters of Saldana's blood. In a conversation with the Officer at the hospital, Saldana stated, "Five grand no questions asked, I am not trying to bribe you or anything." Additionally, in a conversation with a second Officer Saldana stated that he had \$1,000.00 or \$2,000.00 on hand. Saldana was charged with OWI (4th) and Obstructing an Officer in violation of Wis. Stat. §946.41(1) and §939.51(3)(a).

On January 7, 2014, pursuant to a guilty plea, Saldana was convicted of misdemeanor OWI (4th) in *State of Wisconsin v. David Saldana*, Racine County case no. 2013CM000232. The charge of Obstructing an Officer was dismissed, but read in. Saldana's sentence included 60 days in jail with Huber privileges, driver's license revocation for 24 months, and a fine.

The facts with respect to Saldana's OWI (3rd) conviction are as follows. On August 2, 1996, at approximately 2:45 a.m., a Racine Police Department Officer observed a suspicious vehicle with its engine running, the headlights on, and a flat right front tire that was no longer attached to the rim. The Officer approached the vehicle and noticed a male, later identified as Saldana, sleeping in the driver's seat. The Officer opened the driver's door, turned off the engine, and repeatedly attempted to wake Saldana. After approximately ten minutes, Saldana

awoke and was asked to exit the vehicle. The Officer noticed a strong odor of intoxicants on Saldana's breath and his eyes appeared bloodshot and glassy. Saldana failed three field sobriety tests. The Officer arrested Saldana for OWI (3rd). Saldana was taken to St. Luke's Hospital to obtain a blood sample. Saldana's blood sample was tested by a certified analyst and indicated the presence of .272 of one percent of alcohol by weight in Saldana's blood.

On March 25, 1998, pursuant to a no contest plea, Saldana was convicted of misdemeanor OWI (3rd) in *State of Wisconsin v. David Saldana*, Racine County case no. 1996CT000904. Saldana's sentence included 5 months in jail with Huber privileges, driver's license revocation for 30 months, and a fine.

The facts with respect to Saldana's OWI (2nd) conviction are as follows. On February 28, 1993, at approximately 2:32 a.m., a City of Madison Police Officer was traveling on East Johnson Street when she observed a vehicle drifting to the right and heading on a collision course with parked vehicles. The vehicle made a sharp swerve to the left to avoid an accident. The Officer observed the vehicle cross the center line and return to the middle of the traffic lane. The Officer again observed the vehicle begin a collision course with parked vehicles, but it made a sharp turn to avoid an accident. The Officer initiated a traffic stop. The Officer approached the vehicle and observed that the driver, later identified as Saldana, was looking down toward the control panel on the door attempting to unroll his window. Saldana eventually unrolled his window. Saldana had a strong odor of intoxicants on his breath, slurred speech, and red, glassy eyes. The Officer had Saldana perform three field sobriety tests, and then Saldana refused a chemical test of his breath.

On August 19, 1993, pursuant to a no contest plea, Saldana was convicted of misdemeanor OWI (2nd) in *State of Wisconsin v. David Saldana*, Dane County case no.

