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PRESS RELEASE

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CITY ATTORNEY SECURES GUILTY VERDICT IN SAN DIEGO'S FIRST NITROUS OXIDE DUI JURY TRIAL



SAN DIEGO — A San Diego Superior Court jury has convicted a 34-year-old man on two misdemeanor counts stemming from an incident in which he drove while under the influence of nitrous oxide, San Diego City Attorney Heather Ferbert announced today. It is the first nitrous oxide DUI case tried to a jury in San Diego County.

The jury returned guilty verdicts on one count of driving under the influence of a drug (VC 23152(f)) and one count of possession of nitrous oxide with intent to inhale for purposes of intoxication (PC 381b).

Most commonly known for its legal uses during medical and dental procedures, nitrous oxide has recently become a popular recreational drug. Nitrous oxide is now sold in smoke shops and other stores as large, colorful canisters of flavored gas. A nozzle that is packaged with the canister allows users to easily inhale the drug. While the high produced by nitrous oxide lasts a matter of minutes, the drug deprives the brain of oxygen, making it highly dangerous.

"Impairment is impairment. It does not matter whether it comes from a bottle, a pill, or a canister. Even a few minutes behind the wheel while impaired is a few minutes too long. It takes just moments for an impaired driver to lose control and catastrophically harm someone. Impaired driving endangers everyone on the road." said **City Attorney Heather Ferbert**.

On March 10, 2026, a San Diego Police Investigative Service Officer (PISO) observed the defendant unlawfully stopped with one tire on the sidewalk. The defendant drove backward and forward several times and then struck a parked car. When the PISO approached the defendant, she observed him inhale from a canister of nitrous oxide. Sworn officers responded soon after and observed that the defendant was exhibiting signs of impairment consistent with nitrous oxide use. Following a comprehensive DUI investigation, the officers [recovered ten nitrous oxide](#) canisters from the vehicle.

Unlike alcohol cases, which often turn on a blood-alcohol reading, drug-impaired prosecutions rest on officer observations, field evidence, expert testimony, and the physical evidence recovered at the scene. The City Attorney's prosecutor assembled that record over several days of testimony, and the jury returned verdicts on both counts. This result was driven by the strong partnership between the City Attorney's Office and the San Diego Police Department in holding impaired drivers accountable and protecting public safety.

"This verdict sends a clear message that driving under the influence of any substance endangers our community and will not be tolerated," **Police Chief Scott Wahl** said. "I want to thank our officers for being observant in the field and completing a thorough investigation for the City Attorney's Office to prosecute this and keep San Diego's roads safe."

The defendant was sentenced to five years of probation. His sentence includes mandatory DUI education classes, standard drug and alcohol testing, and payment of restitution and fines. The defendant entered a treatment program shortly after the date of the offense and presented proof of his progress at the sentencing hearing, which the court considered in imposing sentence.

"Accountability and recovery are not opposites," **Ferbert** said. "This defendant is doing the work, and the court took that into account. Our job was to ensure accountability for the dangerous choice he made behind the wheel, and we're encouraged by his commitment to recovery."

The City Attorney's Driving Under the Influence of Alcohol and Drugs (DUID) Team prosecuted this historic first nitrous oxide DUI case, building on the comprehensive investigative work of the San Diego Police Department. The case was prosecuted by Lead Deputy City Attorney Lauren Holt.

Out of respect for the defendant's privacy and his ongoing work toward treatment, we ask that you keep his name anonymous in your reporting. For a copy of the Complaint in this case, please contact Ibrahim Ahmed at iaahmed@sandiego.gov.

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