



TRAFFIC LAW NEWSLETTER August, 2007

GET READY FOR LABOR DAY MEDIA BLITZ

You may have recently noticed several articles in the newspapers regarding drunk driving. Labor Day is near, and the US Department of Transportation is beginning its annual media propaganda blitz regarding DUIs.



One headline the other day read "DRUNKEN DRIVING DEATHS RISE"; Today I saw "DEVICE CAN PREVENT DRUNK DRIVING."

You'll also hear radio ads that mention the phrase "Over the Limit, Under Arrest." According to Cox News Service, the US DOT is spending \$11 MILLION ON THIS ADVERTISING CAMPAIGN!!

Is that money well spent? According to the USDOT, there were 464 deaths in 2006 in Georgia associated with drunken driving, an increase of 34 from 2005. The overall total fatalities associated with drunk driving in the US were LOWER in 2006 from 2005 by about 180 fatalities.

Not to diminish the value of even one human life, but once again we need to ask whether our tax dollars are being wisely spent by our government. Couldn't they use the \$11 million more wisely than paying advertising firms and media outlets? Perhaps the money could have gone to law enforcement or rehab programs?

top traffic ticket myth (Adapted from article on yahoo.com)



Myth No. 1: If the officer makes a single mistake on your ticket, the case will be dropped.

A ticket should be seen as an accusatory instrument and a basis for prosecution that must be factually valid. Clerical mistakes, such as a wrong number or wrong order of a person's name, are usually overlooked. Material mistakes, like the identity of the driver, the direction of travel, the street where the citation occurred or the description of the vehicle, can help a driver win the case. (continued...)

top traffic ticket myth (continued)

Myth No. 2: If the officer doesn't show up in court, you automatically win.

While this may happen in many cases, there's nothing "automatic" about it. Most judges will drop a case if the officer does not appear in court because defendants have the constitutional right to question their accusers. However, in some jurisdictions, a case is scheduled at a time to help ensure the officer is present, or a judge will reschedule the case altogether. Most courts in Georgia do not require the officer to appear at the first court date. If you plead guilty then the case is over; if you plead not guilty, then in most instances you will be given a new court date and the officer must appear then.

Myth No. 3: Red cars get more tickets.

Forum posters on www.colormatters.com, a Web site that focuses on color theory and everything that color affects, say drivers of red cars get more tickets. There are no official studies to confirm that red cars do get more tickets, but some suggest the bold color tends to attract more attention from everyone -- including police officers. There is also a theory that red cars can create an optical illusion that makes them appear to be going faster than they really are. A similar myth says that insurance companies charge higher premiums for red cars. Allstate and Progressive have both reported that a car's color has no bearing on the premiums they charge.

Myth No. 4: You need a lawyer to beat a ticket.

You might expect most traffic ticket attorneys to say you can't beat your own ticket. My experience, both as judge and lawyer, is that most people do not have sufficient knowledge of the legal process to actually obtain a "not guilty" verdict from a judge. There are, of course, rare instances. Also, first-time offenders for minor offenses can usually strike a plea bargain in most jurisdictions. The key is to know what is a minor offense, and if you choose to represent yourself, don't go into court with an "attitude." Be nice to the court staff and prosecutor. What's the old adage, you catch more flies with honey than vinegar? That holds true when dealing with the court system. Also, keep in mind that an attorney's fee will often outweigh the fines and impact of a minor violation.

Myth No. 5: If you get a ticket in another state, your home state won't find out about it.

(continued....)

top traffic ticket myth (continued)

The Interstate Driver's License Compact is an agreement between participating states that share information regarding certain types of traffic convictions. Reports on traffic violations and suspensions are forwarded to the home state of the nonresident. There is also the National Driver Register, or NDR, a database of information about drivers who have had their licenses revoked and suspended due to serious traffic violations. States provide the NDR with information about these serious offenses, and those in the database can be denied licenses in other states.

Myth No. 6: You can make up an excuse to get out of the ticket.

Most police officers aren't interested in excuses. When an officer pulls you over, he already suspects you of an infraction. You'll have your day in court and many ways to fight the ticket. Remember: Any explanation you give about why you were speeding is an admission that you were speeding. If an officer logs those explanations in his notes, the statements could later be used against you in court. That's why, whenever an officer asks if you know why you've been pulled over, always answer "no" and just take the ticket.

Myth No. 7: You can beat a speeding charge if the police did not follow rules regarding radar or laser use.

While the results of such use may be inadmissible in court, all the officer has to prove for the court to find you guilty is "exceeding the speed limit." The officer does not have to prove the actual speed..

Myth No. 8: If you don't sign the ticket, it will be dismissed.

Signing a ticket is not an admission of guilt. The signature is merely an acknowledgement you received the ticket and a promise to appear in court. Refusing to sign the ticket -- there are drivers who think that if they don't sign, they can lie in court and say they weren't there -- will do nothing but agitate the officer and invite more scrutiny.

MY 4 SIMPLE RULES IF YOU ARE STOPPED BY POLICE

1. DON'T ADMIT DRINKING (OR ANYTHING ELSE)
2. DON'T DO ANYTHING ON SIDE OF ROAD
3. DO TAKE BREATH TEST IF YOU'VE REALLY HAD 2 DRINKS
4. DON'T TAKE TEST IF MORE THAN 2 DRINKS*



* Refusing to take the State test (at jail or hospital) could result in losing your license for a full year; the only way of getting the license back earlier is to win the DUI; on the other hand, if the officer does not try to suspend the license because of a refusal, the State does not have a blood alcohol level to use against you!

MY 1 SIMPLE RULE FOR PARENTS OF CHILDREN UNDER AGE 21

If your child gets a traffic ticket, regardless of how minor you may think it is, **DO NOT PAY TICKET WITHOUT CALLING ME!!!**

WHAT DO I DO IF STOPPED BY THE POLICE??

For the answer, [see my page on "your legal rights"](#) and [print out a copy](#) to keep in your car!



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Practice dedicated exclusively to defense of those accused of
DUI, serious traffic offenses, and drug offenses.
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