

**TRAFFIC LAW NEWSLETTER
Holidays, 2005**

"Have Yourself A Merry"
The holidays are upon us again.
Time for reflecting and giving
thanks for our blessings, for
helping the needy, and yes, time
for holiday parties!!



Listen, other than my wife, I probably have as good a party reputation as anyone (just ask those who have experienced a UGA tailgate session with us); but seriously, we really need to be aware of just how our lives can change in a split second, all due to over indulgence of alcohol. Nothing dampens the holiday cheer more than spending a few hours in jail, spending vast amounts of money on the legal system, or worse, killing someone. So before we head to the party, think about this:

First: Can someone please be the designated driver? This is the easiest and cheapest way to avoid a DUI;

Second: Hire a taxi or limo before you go! I can assure you it is cheaper than the alternative.(See below)

Third: If you insist on driving, then you must know how much alcohol will get you above the legal limit of .08. Go to www.nd.edu/~aldrug/BAC.htm, which is a GREAT site for determining BAC using all different types of alcohol; READ it and learn it! Then, BE responsible enough to plan, before you go, on only drinking a minimum number (say, 2) of drinks at the party. The problem, of course, is that once you get to the point of drunk, you may not have the mental capacity to remember to call a cab, a limo or to simply stay put.

Fourth: As an incentive, remember the costs associated with a DUI:

1. Attorney: \$2500-\$10,000

2. Fines: \$1,000-\$1500

3. DUI School \$ 280

4. Alcohol program \$1665

5. Probation \$480

6. License Reinstatement: \$210-\$500

7. Insurance Cancellation/Increase \$unlimited

TOTAL: \$ 4,635 - \$14,425

**Florida police can't use
electronic breathalyzers as
courtroom evidence against
drivers unless the innards
are disclosed**



A three-judge panel in Sarasota County said that a defense expert must have access to the source code--the secret step-by-step software instructions--used by the Intoxilyzer 5000. It's a simple computer with 168KB of RAM (random access memory) that's manufactured by CMI of Owensboro, Ky.

"Unless the defense can see how the breathalyzer works," the judges wrote, the device amounts to "nothing more than a 'mystical machine' used to establish an accused's guilt."

The case, one of the first to test whether source code used in such devices will be divulged, could influence the outcome of hundreds of drunk-driving prosecutions in the state. So far, Florida courts have been split on the topic, with some tossing out cases involving breath alcohol tests and others concluding that the information about the machine's workings should remain a trade secret.

In one similar 1988 case, Florida defense attorneys discovered that the police had mechanically modified a breath test machine so much that its results were no longer valid and could not be admitted as evidence in a prosecution.

**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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