



## TRAFFIC LAW NEWSLETTER Holidays 2008



### “HAVE YOUR SELF A MERRY...”

The Holidays are upon us. Time for giving thanks, buying presents, giving to the needy, and PARTIES! I have hosted and been to some great parties over the years, many involving fairly large amounts of alcohol; but seriously, we really need to be aware of just how fast our lives can change, all due to overindulgence of alcohol. Nothing dampens the holiday spirit 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 out to the party this year, think about this:

1. Plan ahead. Have someone be the designated driver; or if you can't find a designated driver, hire a limo service or taxi.
2. If you insist on driving, then you need to know how much alcohol will get you near the legal limit of .08; go to [this great site for determining Blood Alcohol Content \(BAC\) using different types of alcoholic drinks](#). Then be responsible enough to only have those 2 drinks!
3. Be aware that some police officers are now arresting folks who are BELOW the .08 limit; Gwinnett County has started arresting people as low as a .05 BAC.
4. As an incentive, know that the costs associated with a DUI arrest, including legal fees, fines, probation fees, alcohol programs, license suspension, and insurance are estimated in excess of \$15,000. That number doesn't take into account any job loss as a result of a DUI conviction.
5. Know that even though you may be driving in gated neighborhoods, you can still be arrested for DUI! Georgia law specifically allows for DUI arrests, even on private roads.
6. \*\*Finally, if you are stopped by the police, remember: If asked, admit drinking, but never specify the amount; NEVER do any field tests (including a breath test) on the side of the road; if arrested, take the State test if you have not had more than 2 or 3 drinks, then request both an independent blood and breath test; if you are really hammered, don't even take the State's requested test.

\*\* These are very general rules; for more specific advice, go to <http://www.mrgadui.com>, or visit my blog, <http://defendingdriversrights.com>

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### Atlanta Traffic Citations can be paid online

Did you know you can now pay many minor traffic tickets online? The Gwinnett County Court is now allowing payment of fines for some traffic violations. Those who use the service will be charged a 3 percent fee plus a \$5 fee for each transaction online.

The convenience is great, but please BE CAREFUL! Depending on your age (under 21) and driving record, paying the fine online MAY result in your license being suspended!

You know that you can either email me or call me and I can tell you how payment of the fine could affect your license. NO Charge for the phone consultation!

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### IF this year's DUI Appellate Decisions were a football game....



The score would be reminiscent of some of the college blowouts this year. Of the hundreds of cases appealed to the Court of Appeals and Georgia Supreme Court this year involving DUI cases, I could only find 3 cases where the Defendant won their case.

I plan on writing more about this on the blog, <http://defendingdriversrights.com>

But here is just one example: The Court of Appeals, in Thomas v. State, decided on October 17, says this: Thomas was stopped by a Henry County officer, who kept Thomas' license and keys for over 40 minutes; Thomas was not free to leave the scene; even though the officer did not read Thomas his Miranda warnings, any subsequent field sobriety evaluations were admissible against Thomas anyway.

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