

COLLATERAL DAMAGE FROM DUI CONVICTION



I recently was in Boulder, Colorado attending the UGA Colorado football game.

Several times during the game, a public service announcement came over the jumbo screen encouraging fans to not drink and drive. The message said that a DUI arrest could cost over \$10,000! Based on information I gathered several years ago, even that number may be too low.

I have found that attorney's fees, fines, probation supervisory fees, mandatory alcohol and drug class fees, and license reinstatement fees alone could reach \$5000 easily. People often fail to realize the **collateral damage** that a DUI plea or conviction can bring. For instance, take a look at the following:

1. **Insurance:** Most preferred carriers, such as State Farm, Allstate and Travelers will cancel your insurance if they pick up your DUI conviction. Normally, they look at driver's records for the past five years for DUIs and all major violations (including reckless driving). Preferred carriers look at the conviction date, while other carriers such as Progressive and GMAC look at violation date (Perhaps a good reason to continue the case as long as possible?). One other note: Apparently, Progressive accepts people who have DUI convictions (and hence license suspension).
2. **Pilots:** According to FAA regulations a DUI arrest triggers a 60 day time limit during which the pilot must notify the FAA of the arrest. Historically, the occurrence of a first offense DUI does not result in suspension of pilot privileges, although failure to report the arrest will result in at least a 30 day suspension.
3. **Professional licenses:** While a first DUI conviction normally does not result in prohibiting someone from obtaining a license to practice medicine or law, it can affect the ability to actually sit for the license exam.
4. **Employment:** Although I have no way of confirming, over the past couple of years more and more folks have informed me that they have been denied employment because of either a pending DUI or a DUI conviction. This especially applies to employment where the employee is either driving a company car or is using his/her personal car while in the scope of employment.

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5. **Time:** How much of our time is wasted as the result of a DUI conviction? This is time spent away from work or family. You might spend countless hours waiting in a courtroom for your hearing or trial. Then throw in several trips (as many as 12) to the probation office. How about 40 hours of community service (the minimum), not including drive time. Then factor in any DUI School (3 days) and any alcohol classes (possible 17, 2 hour classes). I would calculate, for a first DUI conviction, at least **one month** of time spent fulfilling your sentence obligations!

Mickey Robert's 2010 Wins (as of Oct.)

**Wins - 36
Guilty Verdict - 0
Pleas - 28**



In spite of the DUI Defendant's rights being severely limited, there are still ways to successfully defend a DUI case, provided you have the right lawyer.

As my DUI attorney friend Bubba Head says, "*CHEAP LAWYERS AREN'T GOOD, GOOD LAWYERS AREN'T CHEAP!*"

Here are a few examples of recent wins:

Case 1:

Charges: Client charged with DUI Drugs

Situation: The client was stopped by a Johns Creek officer for weaving all over the roadway. Client appeared impaired on the video. The Client failed the field tests and then refused a blood test. The officer found a prescription drug bottle in client's car, but was unable to articulate at trial exactly what the prescription drug was or how it had affected my client's driving ability.

Outcome: A Fulton State Court judge returned a verdict of not guilty.

Case 2:

Charges: Client charged with DUI in Duluth at a roadblock

cont. Mickey Robert's 2010 Wins

Situation: My client was stopped by a Norcross officer who was helping run a roadblock in Duluth. After being directed by the Norcross officer to drive over to a Duluth officer, my client refused the fields and registered a .07 on the State breath test after arrest. Duluth would not agree to dismiss the charges, so I transferred the case to State Court. The Duluth Police report never mentioned the name of the Norcross officer and the Norcross officer did not appear at trial. State Court solicitor offered a reckless, which we declined to accept.

Outcome: Since the State could not prove the Norcross officer was sufficiently trained to determine that my client may have been DUI, the charges were totally dismissed by the Gwinnett State Court judge.

Case 3:

Charges: Client charged with DUI prescription drugs

Situation: My client, an 18 year old female, blew a tire on I-85, and ran into the median wall. A Gwinnett DUI Task Force Officer was called to the scene. After my client told him that she was on prescriptions, he immediately began field evaluations and of course formed an opinion that my client was DUI. Thankfully there was a video, because the video shows that my client appeared normal, although nervous, and showed that the officer failed to administer the field tests correctly. In this case my client agreed to take a blood test, which came back positive for one of her prescription medications.

Outcome: Client was found NOT guilty in Recorders Court of Gwinnett County.



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Info and Podcasts in my blog
defendingdriversrights.com

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YOUR ACTIONS CAN MAKE A DIFFERENCE



If you are like me, most of the time we go about our day kind of on "automatic pilot". Most of the time, we are not mindful of how our actions, and especially our speech, can really make a difference in people's lives.

A few weeks ago, I was reminded of how much influence a judge can have on someone's life. I ran into a lawyer in Forsyth County, who reminded me of something I had done while Municipal Judge in Suwanee. In fact, I did not remember what I had done, but here is the story:

This lawyer represented a young man who had been arrested for DUI. He was apparently causing real trouble for himself and his family, who thought that the military might be a way for him to change his life. His lawyer requested that I would dismiss or dead docket the DUI, which would allow the man to enter the military. I, of course, was skeptical, thinking that this would be a way for the man to get out of the DUI. In fact, I really thought that if I dismissed the DUI, the young man would probably go into the military for a short period of time and then get out of the military. Apparently, I required the young man to perform community service and attend alcohol programs and so forth, and at some point I agreed to dead docket the DUI, and he entered the military.

Apparently this young man turned his life around while in the military. He eventually went to Afghanistan where he earned several medals for his courage and valor under fire. He now is an officer in the military, and now he is making a difference in other people's lives.

I mention this story not to pat myself on the back. I honestly had no recollection of this man or his story, but it appears that by my actions, I made a difference in one person's life, which made a difference in other people's lives. This is a significant lesson for anyone, but judges especially should keep it in mind: when ruling cases, ruling, sentencing, words, and actions do have a tremendous affect on people's lives, either negatively or positively.