



TRAFFIC LAW NEWSLETTER September, 2007

“NOT GOING BACK TO ATHENS TOWN”

There's a song some older UGA alums sing, "Goin back to Athens Town." I never really liked the song, but I do like going to Athens, especially on college football gameday. I may be changing my mind, however.



First, tailgating on campus has become increasingly difficult; my group tail gated on Green Street for years, only to be summarily booted out of our space last year. Now we tail gate on North Campus, but because of parking limitations, I have to park in Athens and walk to the UGA campus.

Before the South Carolina game, I was walking on Jackson Street, coming from Athens Municipal Court parking lot, with my wife and 2 friends. These friends have been going to UGA games for at least 25 years. We were 4 "50 year olds" walking toward campus, when my friend was accosted by an Athens cop, on a bicycle as follows: "Sir, is that a beer you have in your hand? (Yes) is it open? (Yes) well that is against the law in Athens, and I'm going to have to give you a ticket. The fine will be \$75, which you can pay before court. Oh, by the way, if you had been on the sidewalk across the street, on UGA property, you could not have been cited."

My friend was not drunk, not disorderly, not using profanity. He was simply walking down the street with a beer in his hand. I did a little research and according to Athens PD, they have made the following "open container arrests this year: Oklahoma State: 307; South Carolina: 435; West Carolina: 108 TOTAL FOR # SATURDAYS: 850 TOTAL REVENUE: \$63,750!!

The Athens ordinance allows people to drink alcohol on bar patios which are located on the sidewalks; the ordinance has been in existence for several years, but there are, to my knowledge, no signs warning people of this ordinance. While IT IS NOT AGAINST THE LAW IN OTHER PARTS OF THIS STATE TO WALK ON A STREET WITH AN OPEN BEER, Athens has chosen to enact and enforce such a law, so if you go to Athens be aware!

My friends if you do not think we are on the verge of becoming a police state in this country, you are sadly mistaken. Before long I may be singing a new song of "never going back to Athens, aka Myanmar, town"

DRUNK DRIVING DEATHS RISE

According to a recent article in the AJC, Georgia had the nation's fifth largest increase in the number of drunken driving deaths last year.



Georgia had 464 deaths last year, an increase of 31 from the prior year. However, DUI arrests are actually down from last year, at least in Gwinnett County. Gwinnett recorded 2,262 DUI arrests in 2006, as opposed to 2,530 in 2005.

OFF TOPIC: GEORGIA ADVANCE DIRECTIVE LAW

On July 1, 2007, the Georgia Advance Directive for Health Care Act went into effect. Basically this was a law enacted in response to the Teri Sciavo case in Florida.



The law provides all sorts of options for a person to specify, in writing, what they want to happen in the event they are incapacitated and unable to direct a doctor as to their medical attention. This includes providing, in advance, that the person does not want life sustaining procedures, including nourishment or hydration. (Remember that was an issue in the Sciavo case, because she was being kept alive by feeding tube) **EVERYONE SHOULD HAVE BOTH A WILL AND A DURABLE POWER OF ATTORNEY FOR HEALTHCARE!!**

Having recently handled the estate of my wife's parents, I personally saw the need for full estate planning, from dealing with Medicaid, hospice, advance directives and wills and probate.

I believe this is so important that I will make it easy for you; I will prepare both a simple will and the Durable Power for you; all the information can be transmitted to my office by phone or email, and you will only have to come to my office once!! Call me!!

**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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