



## TRAFFIC LAW NEWSLETTER Spring 2005

### “CIVICS 101”

Some thoughts on the recent Terri Schiavo matter, an extremely sad case that could have been avoided with proper estate planning.



We heard much from media types and religious zealots about “activist” judges. Most of the time when you hear that term being bandied about by such groups, what that really means is they are not satisfied with a court’s ruling. (or in this case the consistent rulings of several courts over at least 7 years) Maybe a quick civics lesson is in order:

Our government consists of 3, separate but equal branches: Executive (President, Governor); Legislative (Congress, Legislature), and Judicial (Courts).

The US Constitution provides that the President is Commander in Chief of our military; can appoint ambassadors; can make treaties; has the power to grant reprieves; shall give Congress information on the State of the Union;

The Congress has certain powers described in Section 8 of the Constitution, none of which enable Congress to pass such a law as “Terri’s law.”

The Federal judicial branch has power to hear cases involving questions arising under the US Constitution, certain disagreements between States, and between States and citizens of another state; (THAT is one reason the US Supreme Court consistently refused to hear matters involving the Schiavo case).

Regardless of how you feel about the Schiavo case, the facts of this case were heard by several judges from several courts over many years, ALL resulting in the same conclusion: That Michael Schiavo, as her husband, had the ultimate authority, based on her stated wishes, to have the feeding tube removed. Some may not like the rulings, but if we are to be a civilized society, we MUST eventually accept the rulings; otherwise, mob rule prevails.

PLEASE: GET A HEALTH CARE POWER OF ATTORNEY!!

### JURY TRIAL VICTORY IN GWINNETT

Earlier this year, I received a not guilty verdict in Gwinnett County. My client was hit in rear by a teenage driver, but when the cops came, they suspected my client of DUI; she admitted drinking, “failed” the field tests, and was arrested. She agreed to take a breath test, and also requested a blood test.



She was unable to blow a sufficient amount of air for the breath machine to give a reading; she suffered from asthma; the officer refused to take her to hospital for a blood test, which would have obviously revealed her blood alcohol level. Case took 2 days to try, jury was out only 20 minutes. A great win for a very nice client.

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**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.  
770-923-4948