

**TRAFFIC LAW NEWSLETTER
Summer 2001**

LAND OF THE FREE??



This 4th of July I actually took a few moments after running Peachtree to ponder exactly what our Founding Fathers did to insure our basic human freedoms. Later, I had a chance to serve on a jury in an aggravated assault, kidnapping case, and got to see that our jury system works because of the dedication of American citizens to seek the truth (guilty).

Later in the month, I went to New York and visited the Statue of Liberty and Ellis Island, and again I thought about what those symbols mean to us as Americans today.

Then, as I went back to work and began to see once again how our government and courts erode on a daily basis our basic, Constitutional rights, I began to wonder whether Americans actually care more about security than freedom. Because it seems that very few Americans care enough to complain to their elected officials about what is going on not just in Washington, but in their local towns and cities, when it comes to police-State intrusion into our daily lives.

Examples:

1. A Massachusetts man was found guilty of wiretapping after he secretly recorded police during a traffic stop; he used the tape to prove he was harassed, and instead wound up sentenced to a fine and 6 months probation.
2. The mere odor of alcohol gives an officer the right to detain you and ask for a breath test in Georgia. (Appeals case 6/13/01)
3. The GBI does not have to publish any rules or get legislative approval for its rules on chemical tests for DUI, even though the same tests are used extensively to convict citizens of DUI. (Appeals 6/4/01).
4. Evidence that a person refuses to take the on site field sobriety tests (ABCs, Heel to Toe, etc) can be used against that person at trial, even though they are "voluntary". (Appeals 4/30/01)
5. A DUI suspect does not have to be informed that breath test results can be used against him at trial, even though he is told that if he refuses the test, the refusal can and will be used against him at trial. (Appeals 6/11/01)
6. A police officer has unfettered discretion to stop whomever he pleases, regardless of ulterior motive!! (US Supreme Ct. 5/29/01)

"He who would sacrifice freedom for security deserves neither."
Ben Franklin

MORE NEW LAWS

Last newsletter I listed several of the new laws effective 7/1. Following are two more:
Hunting and fishing are "rights" in this State! a driver's license is not. (huh??)

If you purchase a keg of beer, you must identify yourself as the purchaser, and a registration label is placed on the keg

SUWANEЕ ROADBLOCKS



EDITORIAL:

The paper reports that Suwanee police will begin road checks of drivers to check "proper documentation." Police claim this is necessary to make the streets of Suwanee safer from accidents.

I really love Suwanee, know many of the officers there, have strong community ties there, and while Suwanee is not alone in running roadblocks, there really isn't any relation to the number of accidents in Suwanee and a driver's having "proper documentation." Police there used to take pride in primarily patrolling subdivisions making sure Suwanee was safe from burglars. Now, a Court session will have hundreds of residents in court for minor violations (tag lights, illegal tint, cracked windshields, etc.) It saddens me to see so many Suwanee residents hauled into court for very minor traffic infractions. The only thing the road checks will do is expand the coffers of the City treasury.

"The Constitution is a limit on government, not on individuals; it prescribes the conduct of government, not individuals; it is not a charter for government power, but of the citizen's protection vs. government."
Ayn Rand

**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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