



TRAFFIC LAW NEWSLETTER Summer, 2005

"OPINIONS ARE LIKE...."

You know the saying, "Opinions are like belly buttons. Everyone has one. Same is true about a DUI. Did you know that DUI is considered an "opinion" crime? That is, an opinion (from a police officer) is formed that a person is incapable of driving safely due to alcohol consumption.



Opinions are generally based on facts AS WE PERCEIVE THEM TO BE. Sometimes it is easy to form an opinion based on what we see or know; other times it is not so easy. For example, it is easy to know someone should not drive, when their speech is slurred, they are fumbling with things, unsteady on feet, and we know they have drunk several alcoholic beverages. However, what if we see the same symptoms without alcohol consumption?? Perhaps that person is a diabetic suffering from a hypoglycemic attack.

Likewise, how many beers does it take for you to feel "tipsy"? one, two, five? Alcohol affects different people differently.

I thought about these things last week during the selection of a jury in Gwinnett County. One juror said that 2 beers would definitely make someone a less safe driver; others disagreed, saying you also had to take into account the size and height of the person and that person's tolerance to alcohol. I watched the judge cringe at these latter opinions; I know for a fact that the judge buys into MADD's propaganda that even one beer makes a person less safe to drive. Now of those 2 opinions, one from the common every day juror, the other from a government employee, who is right? What's your OPINION?

LEGISLATORS ARE ON THE PROWL

Even though not in session, you need to know that some powerful big wigs are meeting with prosecutors to bring back the proposed law that says if you refuse to take the state breath test, your license should be suspended **EVEN IF YOU ARE FOUND NOT GUILTY OF DUI!!**

Why should you think of not taking the state breath test? See below.

170 CASES DROPPED IN PALM BEACH OVER BREATH TESTS

Over 170 DUI cases were dropped in Palm Beach, Florida because lab techs working on the machines were not available to testify that they actually calibrated the machines. Under a recent US Supreme Court ruling, the defense has an absolute right to cross examine the tech as to how they actually calibrate these machines. After all, the Intox is a machine, and under any scientific standards, machines should be calibrated on a regular basis to make sure they are working. The Georgia "calibrations" are performed every 3 months, and are not calibrated according to any reliable scientific method. Unfortunately, most Ga. judges refuse to follow the US Supreme Court ruling.

**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!



© Mickey G. Roberts, P.C.

Practice dedicated exclusively to defense of those accused of
DUI, serious traffic offenses, and drug offenses.
770-923-4948