



TRAFFIC LAW NEWSLETTER Winter 2001

Changes For The New Year

Season's Greetings and
Happy New Year



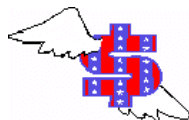
The New Year is a time for reflection on the past and on planning for the future. There are changes in store for my law firm and practice as well. Effective immediately I will no longer be the Judge for the City of Suwanee. I have had the honor of serving the City for 14 years, during which time I hope I have brought a degree of integrity and fairness to the office. I will miss many of the people who work for the City, I will not miss the politics.

So, no longer a part time judge, I will now devote all of my business time to aggressively defending those accused of traffic crimes, including DUI's, Vehicular homicide, and drug cases. I am firmly convinced that the only person standing between our sovereign rights as free citizens of this republic and an increasingly overzealous government are the Constitutional defense attorneys.

Clinton Signs New DUI Law

President Clinton signed a bill lowering the DUI blood alcohol legal limit to .08%. Under the bill, if a state does not lower its limit, it will lose federal highway construction funds. I recently heard a speech by Governor Burnes, who said he will present legislation this session to lower the limit so that Georgia will not lose its federal money. This federal law passed in spite of the fact that drivers with a BAC level of .08% account for only 20% of all alcohol related accidents. "The evidence does not establish that .08 BAC laws result in reductions of a number and severity of alcohol related crashes." 1999 GAO report.

A recent North Carolina study indicates no significant reduction of alcohol related accidents when the state's BAC level was lowered to .08. This study can be found on the NESTA website. In effect, this law will make criminals of more and more American citizens, all because of zealous groupd like MADD, SADD and their legislator buddies!



Operation Zero Tolerance A Bust

Operation Zero Tolerance is the year long crusade by police in this state to establish roadblocks ostensibly for the purpose of capturing drunk drivers. The state received millions of taxpayer's dollars from the feds to run roadblocks on Georgia citizens. If the Atlanta Constitution is correct, the net effect is that the roadblocks performed in the past 6 months resulted in only a little over 1 DUI arrest per roadblock! Who knows how many convictions have been obtained?

US Supreme Court Rules Indiana Roadblocks Illegal

In a decision good for the average citizen, on October 3, the US Supreme Court ruled that roadblocks run by the Indianapolis police to look for drugs was illegal. Under the 4th amendment to the US Constitution, it is unlawful for a government agent to perform an illegal search and seizure. Indianapolis police were stopping cars at a checkpoint, then having a drug dog sniff around the car for drugs. Indiana argued that the roadblocks had the same purpose of a DUI checkpoint, which has been held constitutional, but the Court did not buy it. As Justice o'Connor states, "If this case were to rest at such a high level of generality, there would be little check on the authorities ability to construct roadblocks for almost any conceivable law enforcement purpose." Also of interest is Justice Thomas' dissent. Justice Thomas, along with Chief Justice Rehnquist, are the most conservative of the justices: "I am not convinced that Sitz (DUI roadblocks) and Martinez-Fuentes (border roadblocks designed to capture illegal aliens), were correctly decided. Indeed I rather doubt that the framers of the 4th Amendment would have considered reasonable a program of indiscriminate stops of individuals not suspected of wrongdoing."

On November 29, the Indiana Court of Appeals ruled that DUI roadblocks are illegal because they are inherently "random, arbitrary, and capricious." So the stage may be set for the US Supreme Court to bring us back to the days when we don't have to be interrupted by the police to "show them our papers."

Why I Fight DUI Cases By Filing Motions

The people who hire me do so to represent them against the government. The Constitution provides protection for the citizen against unreasonable government intrusion.



My job as a Constitutional defense lawyer is to defend the Constitution against its attempted dismantlement by the government officers, police, prosecutors, and judges. When I file pleadings forcing the State to prove their case, several things can happen, most of them good: The officer must come into a court of law and prove he did not violate the Constitution; he must also prove my client guilty of the crime charged. The court, if it is doing its job, must uphold the Constitution. In my mind a defense lawyer is not doing their job if they don't fight the case with motions. Why should a person pay lots of money to simply have the lawyer not fight for them? In the past months, I have won 4 DUI cases because of motions asking the State to prove that the Constitution was not violated.

Remember, we are devoted to aggressively defending those accused of traffic law and related crimes!

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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