

**TRAFFIC LAW NEWSLETTER
Winter 2004**

"DID YOU REALLY SAY THAT?"



I was recently minding my own business one evening at a Suwanee restaurant, when one of Suwanee's finest approached and asked that I step outside to talk. Being the accommodating sort, I gladly left my friends and spoke to the officer; it seems he was upset with me because of a recent speech I gave to a senior class at Peachtree Ridge High School.

After answering the usual questions about income and the type of car I drove, these students asked my advice on what they should do if stopped by the cops. My advice was plain and simple: Give the officer your license, then do nothing else; do not admit anything nor agree to do field sobriety tests or breath tests nor consent to a search of the car.

Of course I also told these students not to drink alcohol, and not to drink and drive; the officer was upset because in effect he thought I was somehow encouraging these students to break the law; quite the contrary, I told them to obey the law, both in regards to not drinking and in regards to what they legally could do when stopped by the police; Why was the cop upset? Because, in my experience, the local police no longer treat teens (nor adults for that matter) the same way as before MADD's war on DUIs; Citizens are indeed the enemy no matter whether they really are impaired or not; Citizens are not informed that the roadside tests are voluntary; and requests to search cars are often made without any reason to believe that alcohol or drugs are in the car. In fact, officers now are specifically seeking evidence to use AGAINST a person; the questions asked are not out of any disposition towards friendliness.

I just finished a DUI in Forsyth County where video revealed my client to be sober; yet because he admitted to drinking a beer after work and his jeep weaved a couple of times, the officer arrested my client for DUI; the prosecutor agreed to dismiss the DUI after looking at video. The officer had been indoctrinated to believe that the smell of alcohol with driving was indeed a DUI, which of course it is NOT!

So, again, here is my advice to you if you are stopped by the police:

Give the officer your license; if he asks you to step out and perform some field tests, politely decline; also politely decline any breath test on the side of the road.

If arrested for DUI, do you take the state breath, blood or urine test?

If you are OVER 21 and have not been convicted of a dui in 5 years, agree to take the state test and ask for an INDEPENDENT BREATH TEST;

IF YOU ARE UNDER 21 OR have a DUI conviction in the past 5 years, refuse to take any tests at all!



TEEN DRIVER'S CHECK LIST

1. 16-17 yr. olds: Class D license; first 6 months: Cannot drive car with passengers other than immediate relative; after 6 months, cannot have more than 3 passengers who are not immediate relatives; curfew is from midnight until 6 a.m.; license is suspended for 6 months if they accumulate 4 or more points in a 12 month period;
2. 18-20 yr. olds: Class C license; License suspended on any violation that carries 4 or more points, as well as other suspendable offenses like DUI, Racing, Hit and Run, etc.
3. Licenses can also be suspended for certain school violations and for absence from school.
4. No school or work permits available for 16-20 yr olds. Parents, remember that people under 21 are treated differently

**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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