

TRAFFIC LAW NEWSLETTER
Winter, 2005



HAPPY HOLIDAYS

The New Year always brings many changes, and the next year will be no different. The biggest change early in the year will be a move to a new office.

After 13 years I will be moving my office to the Horizon Bank Building on Sugarloaf, next to the Gwinnett Arena. My phone number will remain the same, but the address and fax will be different.

2005 also is my 25th year in the legal profession! I was fortunate enough to pass the Bar in June, 1980, and immediately set up shop in an office center on Lawrenceville Hwy. in Lilburn. Gwinnett County was certainly much different in 1980, and so was the legal profession.



Many lawyers still addressed each other as "colonel", a throwback to Civil War times when lawyers were automatically a colonel in the Confederate Army. There were only 2 Superior Court judges, compared to 8 now; Gwinnett was still mostly rural back then, and most lawyers had a general practice. I handled everything from divorces to criminal to real estate and wills. Nowadays it is extremely difficult, if not impossible, to adequately handle every type of case. So, about 8 years ago I decided to handle any case involving a traffic stop, including DUIs, drug cases, and drivers license suspensions. And I have loved every minute!

So as I enter year 25, let me thank all of for supporting my practice. Here's to a healthy, happy, prosperous, and safe Holiday Season!

BEST GA. DUI CASES OF 2004



State v Gray: There must be some evidence that person's driving ability is actually impaired due to alcohol to convict that person of DUI. In fact, a person can even be intoxicated, but if the State cannot prove impaired driving ability, the person is not guilty of DUI.;

State v. Hester: Police did not have a reason to stop Hester, even though he made a U Turn before approaching a road block.



WORST GA. DUI CASES OF 2004

State v. Palmaka: Even though the police admitted not following the State's rules in administering the breath test, the Court of Appeals says the breath test can be used against Palmaka anyway!

State v. Pierce: Even though the police admitted not administering one of the field tests correctly, the Court of Appeals says the officer can still use the field test "results" against Pierce.



Here's my Christmas Wish List:

I wish someone would invent something for a car which would prevent anyone from driving drunk;

I wish for the day when no one drives drunk, and there are no DUI arrests. (Believe me, I can always find other things to do.)

I wish we had laws against true "drunk" driving, instead of laws against driving with some unverifiable level of alcohol in your system at some unverifiable time;

I wish that Federal money given to local police budgets was not tied to the number of DUI arrests made by such local police.

I wish there were no need for local police to use tax payer money for Intox machines, roadblocks, drug dogs, heat seeking missiles, etc.

I wish the Ga. Legislature would mandate videotaping EVERY traffic stop.

(continued...)

Here's my Christmas Wish List: (continued)

I long for the day when political groups like MADD no longer have any need to exist.

I wish we had politicians who stood for something other than getting reelected; meaning, politicians who had the kahunas to pass the Fair Tax (see www.fairtax.org), abolish the IRS along with other worthless government bureaucracies (Dept. of Education?), and maybe agree that a doctor could prescribe marijuana to a patient just as they would prescribe other medication.



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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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!!!**