

# The DWI Report

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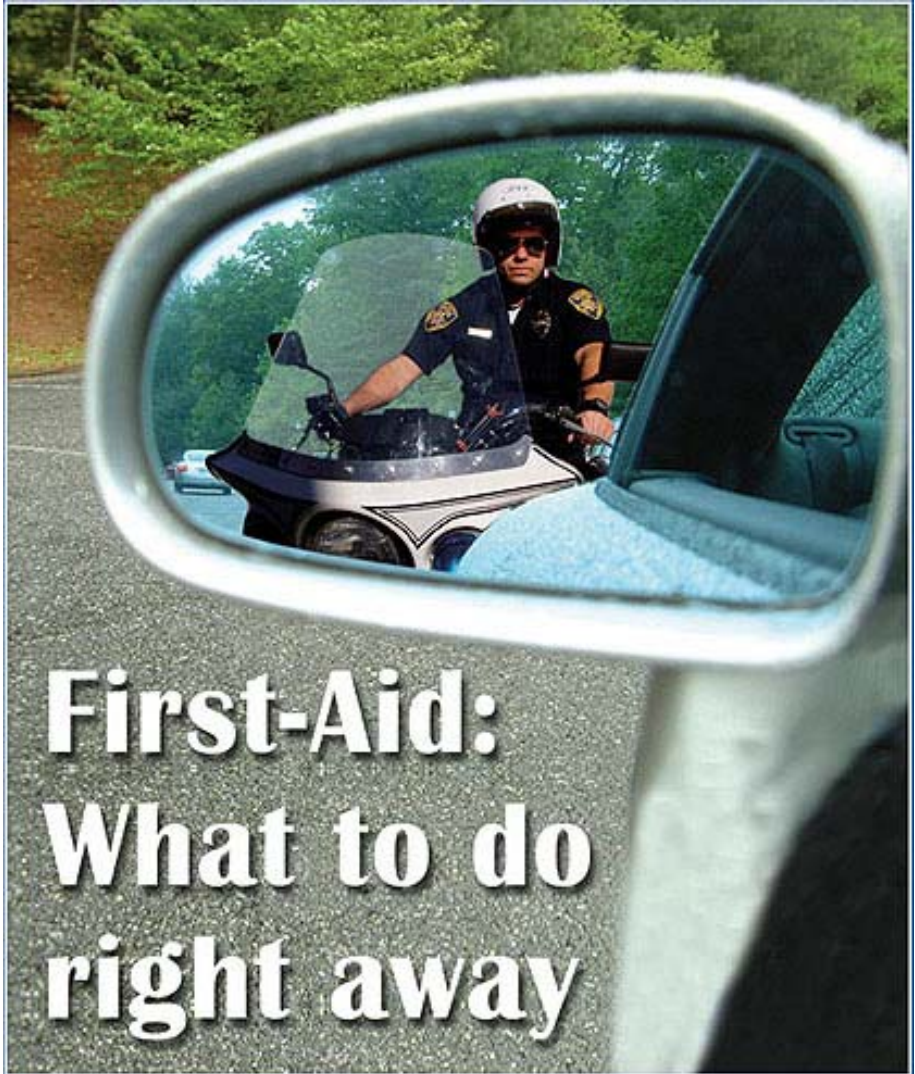
**Field Sobriety Test**

**What Happens After  
DWI Arrest?**

**Potential Sources of  
Error in Vreath  
Testing**



**Meet Evan Levow,  
A Nationally Renowned  
DWI Defense Lawyer**



**First-Aid:  
What to do  
right away**



**Why Fight My Case?**

**What Your Lawyer  
Must Know to Help You**

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## A few words from the Editor's desk...



Dear Readers,

If you are receiving this by mail, your name was obtained from a list pursuant to N.J. Court Rule 1:38. If you are already represented by counsel in this matter, please disregard this advertisement.

DWIs are different, and so is this issue of The DWI Report.

DWI charges are traffic offense charges. DWI is not a criminal offense. Therefore, jury trials are not available for a DWI in New Jersey. A DWI is, however, the most serious traffic offense, and it has far-reaching consequences. Because of the distinction between traffic and criminal charges, and because of the social and economic considerations of a DWI charge, many issues arise from these charges that are different from other interactions with the "criminal" justice system.

This issue of The DWI Report is also different. Instead of providing detailed technical articles on sometimes difficult scientific topics, this issue of The DWI Report is designed to provide practical help that can be immediately put to use if you were arrested for suspicion of DWI.

Of course, no issue of The DWI Report would be complete without an interview with an important person in the world of DWI enforcement or DWI defense. In this issue we were fortunate to have caught up with one of New Jersey's foremost

DWI lawyers, Evan Levow. Mr. Levow is regarded as a true DWI defense warrior, and he is held in high esteem by prosecutors, defense lawyers and judges. I'm certain you'll find this month's interview with Mr. Levow helpful and worth the read!

As Mr. Levow points out, many of his clients come to him with a sense of dread, mistakenly believing that there is no way to successfully defend a DWI case. They think that if the officer charged them with DWI, they will be found guilty and will have no recourse. Thankfully, our article, "Why Fight My Case?" thoroughly addresses these common, but incorrect, assumptions.

Drunk driving laws are often referred to as "Exceptions to the Constitution." DWI is an offense that is often enforced and prosecuted with political and financial motivation. Those who stand up and fight are truly liberty's last champions. I hope that, if nothing else, this issue of The DWI Report gives you courage. It takes courage to defend yourself. It takes courage to stand up in court and say "not guilty." It takes courage to fight. It takes courage to persevere.

If this magazine inspires just a little more courage in you, then we at The DWI Report will have been truly successful. I wish you well, and I wish you courage.

**Braden Pollock**  
Editor-in-Chief

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# FIRST-AID: What To Do Right Away

## You've just been arrested for DWI... Now what?

Your DWI arrest was a frightening experience. You were publicly humiliated and forced to perform Field Sobriety Tests in front of passing cars on the side of the road. You felt the handcuffs digging into your wrists, and your pleas to have them loosened were ignored. Finally, after dealing with the seemingly endless delays associated with the booking process and enduring the stench of the holding cell, you were released: sweet freedom, at long last. What can you do NOW to ensure that you never see the inside of a jail cell again? You must hire a qualified DWI defense lawyer.

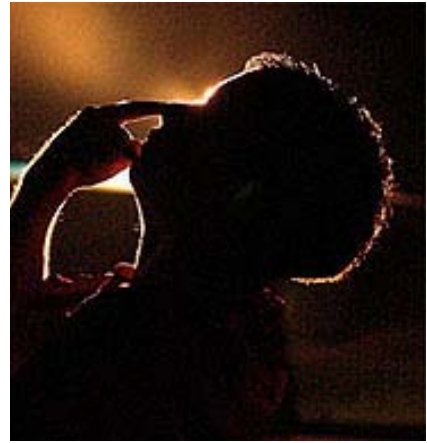
## Hiring a DWI Defense Lawyer

One of the most important decisions you will make about your case is your representation. The truth about legal representation is harsh: People accused of DWI get about as much justice as they can afford. As has been said for generations, "Good lawyers aren't cheap, and cheap lawyers aren't good." Many times, defense lawyers underbid each other to gain a client and find that their quoted fee cannot support the work necessary to successfully represent that client.

Generally, people who are arrested for suspicion of drunk driving are not DWI defense lawyers. They may be skilled in many things in life, but defending DWI cases is usually not one of them. Therefore, selecting a lawyer to defend your DWI case is similar to choosing a doctor to handle a necessary medical procedure: You hire the most experienced professional you can find. Once the doctor (or lawyer) is selected, you need to do nothing but relax and let the professional do his or her best to help.

How do you know whether or not a potential lawyer is well-qualified to handle your DWI case? While there are never any guarantees, you will generally have better luck if you inquire into some of the following areas:

- **Years of Experience:** You do not want a lawyer to be learning at your expense. A lawyer with at least a decade of experience will certainly be seasoned enough to handle your case.
- **Memberships in Professional Organizations:** Membership in groups dedicated to DWI defense is a strong sign of a potential lawyer's commitment to his or her practice. A particularly skilled attorney will be a member of the National College of DWI Defense.
- **Specialized Training:** Your potential lawyer should have completed advanced training in Field Sobriety Testing as well as breath and blood testing protocols. The best lawyers recognize the importance of good communication and make sure to address this issue. Many exceptional DWI defense lawyers actually own the different types of breath machines used in their jurisdictions.



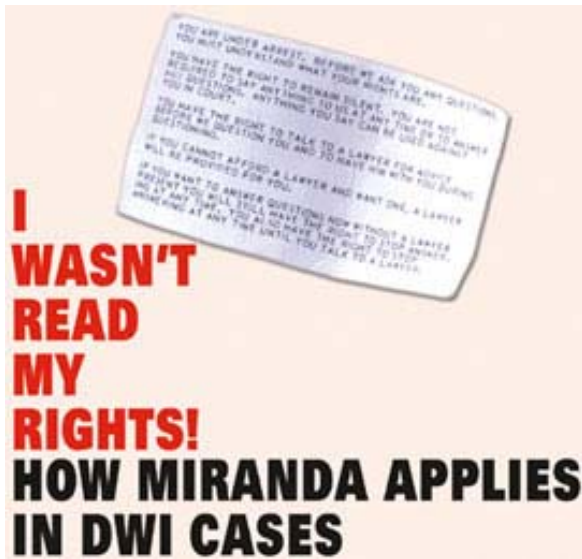
- **Track Record of Success:** Do not hesitate to ask a potential lawyer about how many cases they have successfully handled (keep in mind that success can mean different things in different cases).
- **Lecturing to Peers:** Successful lawyers have experience teaching other lawyers at various seminars and workshops. You would be well-served to know if your potential legal counsel is in the category of lawyers who are qualified to teach peers how to excel in their chosen profession.
- **Communication and Response Time:** This may be the most important factor of all. How quickly does your potential attorney return your phone call or email? It is vitally important that you reach your lawyer in your time of need, whenever that time happens to be.

## CDL commercial driver license Drivers

As of September 30, 2005, the laws in New Jersey dramatically changed for those with a commercial driver license. In order to comply with the federal Motor Carrier Improvement Act, New Jersey amended the penalties for CDL holders who get a first or subsequent DWI even when a non-commercial vehicle was driven during the DWI.

If you are convicted of a first DWI and you have a CDL, in addition to the penalties you will receive under the DWI statute, you will lose your CDL for one year. Upon conviction of a second DWI you will lose your CDL for life, although you may apply for reinstatement after 10 years.

Out-of-state convictions also trigger this provision. If you are convicted of DWI in another state, that state will report the conviction to New Jersey. If you have a CDL but were not driving a commercial vehicle in that other state, New Jersey will suspend your CDL for one year, and for life on a second conviction. You must contact a skilled DWI attorney to discuss your options and the best defenses for your case.



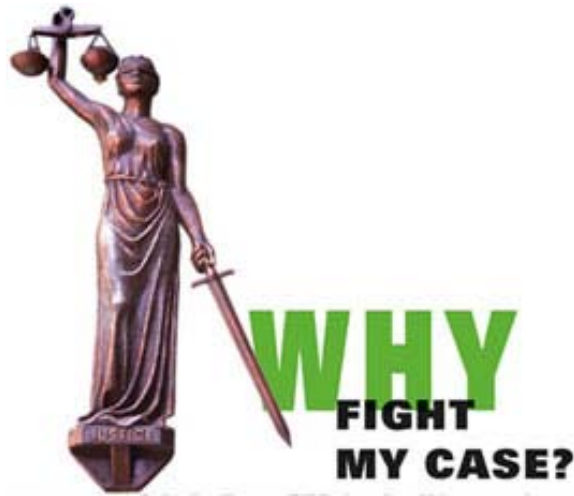
Thanks to shows like “Dragnet,” “Adam-12” and “Law & Order,” just about everyone is familiar with Miranda warnings. “You have the right to remain silent. Anything you say can and will be used against you. You have the right to an attorney. If you cannot afford an attorney, one will be provided for you free of charge prior to questioning. Having these rights in mind, do you want to talk to us?”

Many people complain that they were never given these Miranda warnings when they were arrested for DWI. Unfortunately, the arresting officer’s failure to read you your rights will not result in dismissal of the case.

Miranda warnings are designed to prevent overreaching by police in situations that are inherently coercive, specifically where there is “custodial interrogation.” Custodial means that the person is not free to leave or otherwise terminate the encounter. Interrogation refers to direct questions, or their functional equivalent, that are designed to elicit incriminating information.

While there is no debate that the questions asked by the officer constitute an “interrogation,” it has been held by the courts that most of the questions that are asked of suspects in a DWI case are asked before the person is technically in custody. This means that in most cases there is no legal obligation for the officer to advise the person of his or her Miranda rights. Where there is a Miranda violation, it will merely result in the suppression of statements obtained as the result of the violation.

Of course, this does not mean that there is no further discussion on this point. The reported cases that deal with the ability of police officers to ask limited investigative questions in a roadside scenario do not go as far as many police officers do. There are still legal challenges to be made, and a skilled DWI defense lawyer will know how to make the most out of an officer’s failure to warn a suspect of his or her rights. You must hire a lawyer who is qualified to help you and to answer that lawyer’s questions as accurately and honestly as possible.



If you go to court and plead guilty to a DWI, there is a 100 percent chance that the judge will find you guilty of DWI and a 100 percent chance you will have a DWI conviction on your permanent record. If you plead guilty, you are guaranteed to suffer every consequence the court imposes.

However, fighting your case with a qualified lawyer means that the lawyer should do everything possible to positively affect the outcome. Fighting your case means that the prosecutor may not be able to get all the witnesses or evidence he needs to convict you. Fighting your case means you have a chance.

There are significant legal reasons to fight your case. Perhaps the officer didn’t have a valid legal reason for stopping you in the first place and the evidence gathered should be suppressed. Perhaps the breath machine is out of calibration and your .09 is really a .07. Maybe your blood sample clotted or fermented and produced an inaccurately high reading. These things will only be known if you fight the pending charges.

You may choose to fight your case in an attempt to avoid the severe consequences of a conviction. New Jersey does not have a pre-trial diversionary program. If you are convicted of DWI, you will lose your license. You may also go to jail. Furthermore, the consequences of a DWI conviction may haunt you for many years to come. The 10 year “look-back period” may soon be a thing of the past, as legislators are currently working on bills that will do away with the “step-down” provision for prior DWI convictions. If this happens, it is possible you will have a priorable DWI conviction forever. Finally, you could face thousands of dollars in surcharges if convicted. For first and second offenders, a \$3,000 surcharge is levied against you. For a third offense, you will be surcharged \$4,500. (These surcharges are in addition to your insurance company’s surcharges.)

There are emotional reasons to fight, too. As any boxer will tell you, it is better to go down swinging than to back down from the fight. Shrinking from the battle, whether in the courtroom or elsewhere in life, can bring emotional wounds that are far more hurtful than anything the judge can do to you. Sometimes it is important to know you did everything in your power to help the situation. To not do so is to carry emotional baggage for a lifetime.

Whether you are convinced of your own innocence or you feel it is better to play for fumbles than not to play at all, there are good reasons to fight. Hire a DWI attorney who will fight with you and for you.

# DOUBLE CONVICTION

# Refusals

If you are arrested for DWI, the arresting officer will request that you submit to a chemical test. If you refuse, the punishment can be severe. You will typically be punished for the refusal and the DWI. As a result, you face a potential double conviction, and the courts can sentence concurrently (at the same time) or consecutively (in addition to one another). In addition, a current rule prevents the dismissal of the refusal charge in first offense cases. This means that if you refuse a test and you are later convicted of a DWI, you may be convicted of a refusal as well. Both convictions will show on your driving record.

A conviction for refusal carries a seven to 12 month license suspension for a first offense, two years for a second and ten years for a third. If you have prior DWI convictions, a current refusal conviction will count as a subsequent offense.

If you have been charged with refusing to take a breath test, there are defenses to that charge including a probable cause challenge and challenges to field sobriety tests. In addition, you **MUST** be read the following statements exactly as they are set forth below once you are in custody. The state must prove that you were read this form; otherwise, the refusal charge cannot stand.

## **THE ARRESTING OFFICER MUST READ THE FOLLOWING TO THE DEFENDANT:**

1. You have been arrested for operating a motor vehicle while under the influence of intoxicating liquor or drugs or with a blood alcohol concentration at, or above, that permitted by law.

2. You are required by law to submit to the taking of samples of your breath for the purpose of making chemical tests to determine the content of alcohol in your blood.

3. A record of the taking of the samples including the date, time and results will be made. Upon your request, a copy of that record will be made available to you.

4. Any warnings previously given to you concerning your right to consult with an attorney do not apply to the taking of breath samples and do not give you the right to refuse to give or to delay giving samples of your breath for the purpose of making chemical tests to determine the content of alcohol in your blood. You have no legal right to have an attorney, physician or anyone else present for the purpose of taking the breath samples.

5. After you have provided samples of your breath for chemical testing, you have the right to have a person or physician of your own selection and at your own expense take independent samples and conduct independent chemical tests of your breath, urine or blood.

6. If you refuse to provide samples of your breath you will be issued a separate summons for this refusal.

7. Any response that is ambiguous or conditional in any respect to your giving Consent to the taking of breath samples will be treated as a refusal to submit to breath testing.

8. According to law, if a court of law finds you guilty of refusing to submit to chemical tests of your breath, then your license to operate a motor vehicle may be revoked by the court for a period of no less than seven months and no more than 20 years. The Court will also fine you a sum of no less than \$300 and no more than \$2,000 for your refusal conviction.

9. Any license suspension or revocation for a refusal conviction will be independent of any license suspension or revocation imposed for any related offense.

10. If you are convicted of refusing to submit to chemical tests of your breath, you will be referred by the Court to an Intoxicated Driver Resource Center and you will be required to satisfy the requirements of that center in the same manner as if you had been convicted of a violation of N.J.S.A. 39:4-50, or you will be subject to penalties for your failure to do so.

11. I repeat, you are required by law to submit to the taking of samples of your breath for the purpose of making chemical tests to determine the content of alcohol in your blood. Now, will you submit the samples of your breath?

You must answer the officer at this point in the questioning. If you do not answer or you answer ambiguously, the officer must continue this process as follows.

## **(ADDITIONAL INSTRUCTIONS FOR THE POLICE OFFICER)**

If the person remains silent, or states or otherwise indicates that he/she refuses to answer on the grounds that he/she has a right to remain silent; or wishes to consult an attorney, physician or any other person; or if the response is ambiguous or conditional in any respect whatsoever then the police officer shall read the following additional statement:

“I previously informed you that the warnings given to you concerning your right to remain silent and your right to consult with an attorney do not apply to the taking of breath samples and do not give you a right to refuse to give or to delay giving samples of your breath for the purpose of making chemical tests to determine the content of alcohol in your blood. Your prior response, silence or lack of response is unacceptable. If you do not agree, unconditionally, to provide breath samples now, then you will be issued a separate summons charging you with refusing to submit to the taking of samples of your breath for the purpose of making chemical tests to determine the content of alcohol in your blood. Once again, I ask you, will you submit to giving samples of your breath?”

You must answer the officer at this point. If you refuse to answer, you will be charged with refusal in addition to DWI. If you were arrested for suspicion of DWI, you must seek counsel. Only an experienced DWI attorney will be able to guide you through this process.

# BREATH TESTING

*in New Jersey*

## TOP 10 QUESTIONS TO ASK WHEN INTERVIEWING A DWI LAWYER

Alcohol is absorbed into the blood stream through the walls of the stomach and small intestine. As alcohol enters the blood, it passes through the heart, the lungs and the brain. When blood is processed in the lungs, carbon dioxide is expelled through the lungs, and the blood supply is replenished with oxygen. Along with the carbon dioxide, the alcohol molecules pass into the lungs. The presence of alcohol molecules in this exhaled air is measured in breath testing.



Breath testing machines generally measure ratios of alcohol based on the deep lung air of the average person. The machines' readings are supposed to approximate the alcohol level in your blood. Unfortunately, the machine does not decipher between the molecules of alcohol in the deep lung air and the alcohol molecules that are trapped in the mouth in dentures, bridges and other dental work. Alcohol molecules can also be in your mouth if they are brought up from the stomach due to a belch or esophageal reflux episode.



There are many defenses to breath testing including machine malfunction or unreliability, lack of proper observation or medical or environmental issues that may affect breath testing. You must hire an experienced DWI attorney to help raise every breath test challenge possible.

**You were either tested on the new Alcotest 7110 MK III-C ® or the Breathalyzer (TM) machine. Results from either machine are challengeable with good counsel.**

1. How much of your practice is dedicated to DWI defense?
2. What percentage of your cases is successfully resolved without having to go to trial?
3. How many trials did your firm handle in the last year? How many were won?
4. Do you own any breath-testing equipment?
5. Are you a NHTSA-certified Field Sobriety Test Instructor?
6. To what DWI defense organizations do you belong?
7. Have you lectured at any DWI defense seminars?
8. Have you authored any DWI defense publications?
9. Do you maintain a library of DWI materials, such as scientific studies, police training manuals and the like?
10. Have you received any special training in forensic toxicology (the scientific aspect of DWI cases)?

**BONUS QUESTION: Have you ever been interviewed for TV or radio on DWI defense issues?**

**Don't skimp when  
selecting a surgeon,  
buying a parachute  
or hiring a lawyer.**

## Meet Attorney Evan Levow

### What inspired you to defend DWI cases?

“I used to have a more general criminal defense practice. I would handle DWI cases, but I’d also take on every other type of criminal case from petty theft to murder. The thing that struck me about DWI cases is that they are totally different than any other type of case. The system is more unfair to those accused of DWI than any other kind of case.”

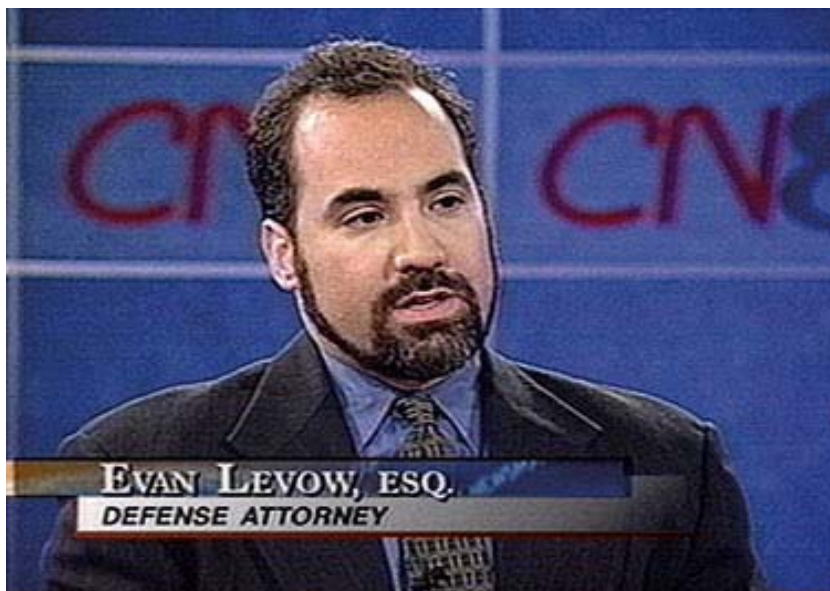
### How are DWI cases different?

“Most cases turn on whether the facts are true or not. In a drug case, either the defendant possessed the drugs, or he or she didn’t. In a murder case, either the defendant pulled the trigger, or he didn’t. In a theft case, either the defendant stole the stuff or he didn’t. A DWI case is totally different. It is based entirely on the officer’s opinion. It is the officer’s opinion that the person was under the influence based on such ridiculous things as the Field Sobriety Tests, which aren’t really tests at all. My experience is that when I thoroughly press these officers on the bases for their opinions, they are not well-founded. I saw people who were railroaded based on a poorly-trained officer’s opinions, and I’ve dedicated myself to turning that around, one client at a time.”

### I’ve heard that Field Sobriety Tests are not entirely fair. Is this true?

“Look, when we went to school as kids, we had tests. We received the material in advance, and the teachers told us what to study. We were told when the tests were going to happen. We all took those tests under exactly the same conditions, in a familiar place, with good lighting and without distractions. There weren’t any cars whizzing by the classroom. Objective criteria are used to score those tests. With Field Sobriety Tests, it is totally different.”

“On Field Sobriety Tests, the person tested gets no advance notice of what will be required. Sometimes the conditions are good, but more often than not the tests are performed



in lousy conditions, on slanted streets, with cars whizzing by and poor lighting. Can you imagine how nerve-racking these tests are if you know you’ve had something to drink, you are standing outside your car on the side of the road, you are answering to an officer with a badge and a gun and red and blue lights are flashing your face?”

“The anxiety level of someone being subjected to a roadside DWI investigation is off the charts. And, to make matters worse, the tests conducted by the officer are not objectively measured. Most of the time, there is no videotape so we can all look at the person’s performance. It is just what the officer jotted down, usually on his or her hand, that later gets put into a report and parroted back as if it were gospel. That’s just one of the frightening aspects of these so-called ‘investigations.’ And, when I get done cross-examining these officers on the stand, what we end up learning is that even where the subject performed 90 percent of the tests correctly, the officer’s opinion is that the person still failed the tests.

Schools may have changed a bit since I was a kid, but I think 90 percent should still be a passing score. But, since these officers aren’t trained to assign a score, they still inevitably reach the conclusion that...”

### The person failed?

“Exactly. Now you are starting to understand what drives me. I think this is incredibly and unacceptably unfair.”

### But what about the machine? What about someone who gives a blood test that shows he or she is above the legal limit?

“The critical questions in a DWI case are whether the accused was impaired as it’s legally defined and whether the person’s blood or breath alcohol level was above the legal limit. Of course this assumes that the breath test machine is working properly, or that the blood sample was properly drawn and properly preserved. These forensic tests raise more questions than they answer.

### **What do you mean by that? Aren't these tests reliable and accurate?**

"You may like to think so, but it isn't true. With breath machines, there are many sources of contamination and error. They usually don't test the temperature of the person's breath, even though elevated temperature can cause a higher reading. These tests are all based upon a fictitious 'average' person, which none of us are. There's a long list of problems, longer than we've got time to talk about, but this is something that I spend a considerable amount of time and energy studying."

### **What about the blood test? Is that accurate?**

"Sometimes yes, sometimes no. The biggest problem in forensic blood testing relates to the integrity of the blood sample. Most people submitting blood for tests don't notice, but there is supposed to be a white powder in the base of the test tube into which the blood is drawn. That powder is an anti-coagulant and preservative. The problem is that the powder is placed in the test tube by the factory that makes the tube, and it is never checked by anyone on the prosecution team. If the amount of powder in the tube isn't precisely measured, or if the powder is not properly mixed in with the blood; there will be big problems with the accuracy of the test. You've also got to take into account that in many areas, it is often a week or two before the blood sample is even tested. Just like grape juice ferments and turns into wine, that blood sample can ferment and create artificially high alcohol levels."

"There are other problems with blood, too. You'd like to think that the crime labs are nice and clean and look like something out of CSI: Miami. That's just not the case. There are mix-ups, and there are documented cases of blood samples coming back from the lab with a different blood type than the supposed test

subject's blood. Recently, there was a case where DNA testing was done and proved it wasn't the person's blood the lab thought it was. It's not as simple as some would have you believe."

### **What should people look for in choosing a good DWI lawyer?**

"I tell people all the time to make sure they are comfortable with their lawyers. Everyone should choose an attorney who truly concentrates on DWI defense, seems competent and makes him or her feel comfortable."

"Hiring a lawyer to defend you is not hiring a one-trick pony. It is not a single transaction; it is a relationship. You need to feel comfortable in that relationship. The average shelf life of one of these cases is several months. You've got to feel good about the person with whom you are entrusting your case. No one needs several months of dealing with an attorney he or she doesn't trust and doesn't like."

"Also, responsiveness is key. You should be able to quickly reach your attorney in a time of need. I forward my office phone to a monitored messaging service after hours. If you leave a message, I'm paged immediately—no matter what time of the day or night. I would ask any potential lawyer if I will be able to speak with them after hours. The response will be very telling."

### **You're so dedicated to what you do.**

"My social life suffers a little from time to time for talking to clients at all times of the day and night, but it's the only way I can do what I do and practice law consistently with my beliefs. I don't want my clients sitting around worrying about something when they could speak to me for 30 seconds and get answers. I want to be accessible and available to address my clients' concerns."

### **That kind of service sounds expensive.**

"There are lawyers out there who have less experience and who will gladly plead you guilty for far less money than I charge. But legal emergencies are just like medical emergencies, and a trained professional can be life-saving. I heard it said that there are three things in life that you never want to skimp on: picking a brain surgeon, buying a parachute and hiring a lawyer. You'll never catch me jumping out of a plane with a parachute from the half-off bin!"

### **Who would you hire to represent you if you were accused of DWI?**

"Well, they say that a lawyer who represents himself has a fool for a client. I've never had to cross that bridge, but if I had to gamble on anyone, I'd gamble on me!"

*Evan Levow, Esq. can be reached at (877) EVAN LEVOW, (877) 382-6538; cell phone (856) 889-5181; via email at [evanlevow@dwi-nj.com](mailto:evanlevow@dwi-nj.com); or online at [www.dwi-nj.com](http://www.dwi-nj.com).*

*Mr. Levow handles cases throughout the entire state of New Jersey.*

**Hire the best lawyer you can afford.  
Good lawyers aren't cheap, and cheap lawyers aren't good.**

# PROCESS

## What happens after a DWI arrest?



**T**he time period following your arrest for DWI can be uncertain. If you have never been arrested, you will undoubtedly wonder about the process you must complete. Your very first step should be to hire an experienced and knowledgeable DWI attorney. He or she can assist you every step of the way by offering solid legal advice and by understanding your personal situation. There is no substitute for having an excellent lawyer on your side.

**Arraignment:** An arraignment is a proceeding that usually occurs within a few days of your arrest. If you hire an attorney prior to your arraignment, you may not need to be present for the appearance. (Keep in mind that some judges require your presence whether you have a lawyer or not.)

### **Pre-trial Conference:**

You may have only one court date after your arraignment to decide whether you will go to trial or resolve your case by entry of a plea. This court date, called a pre-trial conference, is typically within three or four weeks of the date of your arrest. If the police reports are available to your attorney before the pre-trial conference and all of the defenses to the charges are determined, you will either set your trial date or enter a plea. However, most of the time, a postponement is required to obtain all the information about your case, determine your best defenses and consult with potential experts. The next court date will likely be within about seven weeks of your arrest.

**If possible,  
get documentation  
for *what* you drank  
and *when* you drank.**

### **Suppression Hearing:**

The Court may suppress some or all of the evidence against you if your constitutional rights have been violated. Your attorney may file motions to suppress after receiving the "discovery" (documents and other information regarding your arrest) or police reports regarding your arrest. The motion is often heard just before the trial.

### **Trial:**

New Jersey does not allow for jury trials in DWI matters. Your case will be heard before a Municipal Court judge. Resolution of your case, whether by trial or plea, is supposed to happen within 60 days after your arrest. There are variations to this, but the courts attempt to strictly follow this rule.

### **Sentencing:**

The Court imposes a sentence after a conviction at trial or after a plea is accepted and entered. In addition to license suspension, fines and alcohol classes, sentences may also include jail time and community service.

### **Appeal:**

Cases that go to trial in the Municipal Court may still be successful on appeal. You have 20 days from a negative ruling to appeal to the Law Division of the Superior Court in the county where you are convicted.

### **Post Conviction Relief:**

If you are now facing a second or greater conviction, you may wish to challenge a prior conviction after you are arrested for a new DWI. If you didn't have a lawyer in your previous case, or were not properly represented by your attorney, you can attempt to make a challenge to that original court to have that conviction overturned. If you are successful the possible penalties in your current case become significantly reduced.

**DMV REPORT**

Do you know what your driving record says? Most driving records contain inaccuracies, that could cause you to pay hundreds of dollars more per year in auto insurance!

**ORDER YOUR DRIVING RECORD ONLINE!**

**[www.DMV-Report.com](http://www.DMV-Report.com)**

## There is No Plea Bargaining in New Jersey

The Supreme Court has precluded any plea bargaining regarding DWI or refusal charges. However, if you can show that there are good reasons to reduce your charges or dismiss your case, you may resolve your case without going to trial. (Please note that some counties or courthouses have local customs that vary from the plea scenarios described here.) It is vital that you consult with a qualified DWI defense attorney to discuss the practices and procedures in your area.

**DWI with Negotiated Consequences.** The first possible outcome in a DWI case is to plead guilty to the charge and then negotiate the consequences for such a plea. There are some cases where this is appropriate, although it is always wise to consult with a lawyer before entering such a plea. Every case is different, and there are some circumstances such as having additional charges like possession of drugs or leaving the scene of an accident, where admission of guilt to the DWI charge is in your best interest.

**Traffic Infractions.** In some cases, it is possible to have DWI charges reduced to simple traffic infractions such as speeding or unsafe lane change. Obviously, this is of significant benefit and may even allow the accused to go to traffic school to keep his or her record pristine. Be sure to thank the lawyer who negotiated this plea!

Whether either of these negotiated resolutions is possible in a given case requires the analysis of many factors including driving patterns, field sobriety test performance, chemical test results and more. Anyone who stands accused of DWI should immediately consult with a lawyer.

## Worse Yet ...

There are certain "aggravating factors" that can happen in a DWI case. If proven, these factors may dramatically increase the punishment sought by the prosecutor or imposed by the court. The following factors could increase your punishment:

- Refusing to provide a chemical breath test when lawfully requested by an officer
- Having a blood or breath alcohol level that is above certain limits
- Having a child in the car while DWI
- Having prior DWI convictions within a specified period of time
- Driving above a certain speed and driving recklessly while DWI
- Driving within 1,000 feet of a school
- Causing injury to someone, other than the driver, as a result of a DWI

If any of these aggravating factors are present, the prosecutor may typically seek additional punishment such as more jail time, increased fines or longer loss of driving privileges. This increased punishment can be severe.

## How Will Prior Convictions for DWI Affect the Current DWI Charge?

If you were previously convicted of one or more DWIs and are now charged for a subsequent DWI, you may be facing enhanced penalties including loss of license, fines and incarceration. Even if your prior conviction(s) happened in another state, those "priors" may enhance your sentence in New Jersey. It is possible to avoid extra penalties resulting from your out-of-state prior convictions. An experienced DWI attorney will know how to address this issue.

Currently, if your prior conviction(s) happened more than 10 years before the date of your arrest, the additional penalties associated with multiple DWI convictions may not apply. In other words, if you were convicted in 1995 and you are now charged with DWI, the current DWI will be treated as a first offense for sentencing purposes. Likewise, if a third DWI offense occurs more than 10 years after the second offense, the third conviction will be treated as a second offense for sentencing purposes. Confusion occurs with older multiple convictions.

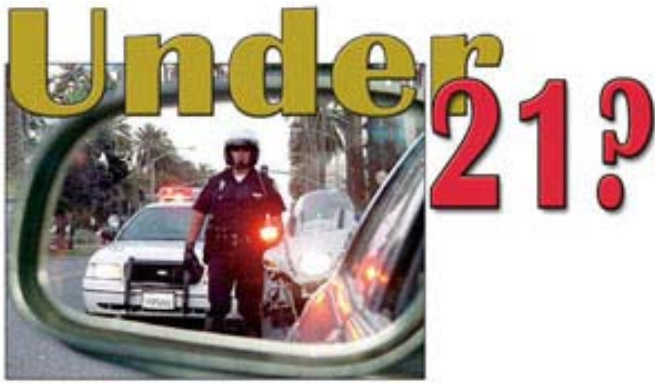
A fourth or greater conviction will always be treated as a third conviction for sentencing purposes regardless of dates of conviction. The penalties include loss of New Jersey driving privileges for 10 years, fines, surcharges and 180 days in county jail. (Ninety of these days must be served in jail. Serving time at an in-patient alcohol or drug rehabilitation facility will credit against the remaining jail time.)

As part of any DWI defense, prior convictions should be reviewed to see if they can be reopened, challenged and potentially overturned. If a conviction is overturned, a third offense may be treated as a second offense and a second offense may be treated as a first offense. This process is called post conviction relief. A skilled DWI attorney will be able to review your options.

HAVE YOU BEEN CHARGED WITH A DWI?  
DWI INSURANCE IS AVAILABLE

**FOR A FREE QUOTE**  
Logon To  
[www.DUIAutoInsurance.com](http://www.DUIAutoInsurance.com)

It is vital for anyone charged with any type of drunk driving offense to get expert advice regarding car insurance.



Motorists who are accused of DWI while they are under 21 face additional challenges and consequences. Just like those who are of legal drinking age, drivers under age 21 at the time of arrest face punishments and license suspensions. If you are under 21 and drive with any detectable amount of alcohol in your system (.01 BAC or above), you will be subjected to the following penalties

- Loss or postponement of driving privileges for 30 to 90 days
- 15 to 30 days of community service; and
- Participation in an alcohol education and highway safety program.

You can also be prosecuted for DWI even though your blood or breath alcohol level is less than 0.08 percent.

In addition, you can be in trouble even if you were not driving the vehicle! The law in New Jersey states that any person under 21 who knowingly possesses or who knowingly consumes an alcoholic beverage in a motor vehicle will lose his or her driver license for six months.

**Concentration is key:  
Hire a lawyer whose  
practice focuses on  
DUI defense.**

If you are not yet eligible for a driver license, the suspension starts when you are first eligible to receive a license. If you drive during this suspension period, in addition to penalties for driving with a suspended license, you may receive enhanced penalties because the license was suspended for an alcohol-related offense.

Cases involving drivers under age 21 can be especially tricky, and the consequences can be incredibly harsh. It is crucial that anyone under 21 consult with a skilled DWI lawyer as soon as possible following a citation or arrest.

**Were you Properly Observed  
FOR 20 MINUTES  
Prior to Your Breath Test?**

Almost every state has laws that compel police officers to observe you for a reasonable period prior to your breath testing. Some states require eye-to-eye observation, while others only require that the officers be near you to make sure that you have not put anything in your mouth during a "deprivation" period.

The New Jersey Attorney General stated that, "While at the law enforcement facility, the defendant should also be continuously observed." This indicates that there is an observation period at the station, and the officer must always maintain proper watch on you while you are in custody.

Were you left alone in the police car? Were you left alone at any time in the police station prior to the breath testing? If so, you may be able to prevent the breath testing results from being admitted into evidence.

In addition to hiring the most qualified DWI attorney you can, the most important thing you can do right now is to sit down and write out as much as you can remember about the events surrounding your arrest. Share this narrative with your lawyer, and add to it whenever you remember additional information about your arrest.

## First Offense DWI: What Tier Fits My Case?

For a first offense DWI, there are two tiers in which a defendant may be prosecuted.

A “Tier 1” offense happens where (1) the reading is less than 0.10 percent BAC (breath or blood alcohol content), (2) there is no breath test reading due to refusal or (3) an attorney can successfully argue that the breath or blood test reading is unreliable and should not be used as evidence against the defendant. In these situations, the state will seek to prove that you were operating a vehicle under the influence based on an “observation” case.

Even when there are no breath or blood test results, a conviction can be obtained on a DWI based on an officer’s assertion that the driver appears intoxicated or under the influence of drugs or alcohol. If a defendant is placed in the Tier 1 category, he or she will have a three-month license suspension, fines, penalties and surcharges.

Tier 2 offenses are based on breath or blood alcohol readings of 0.10 percent or greater. A Tier 2 charge means that the offender will have a seven to 12 month license suspension, fines, penalties and surcharges.

## DWI is Not a Criminal Charge in New Jersey

Driving While Intoxicated (DWI) is a traffic offense in New Jersey. It is not a criminal offense. You will not be fingerprinted, and your arrest record will not show up in any criminal database. If you are convicted in New Jersey of DWI, the conviction will only show up in the Motor Vehicle Commission records.

Therefore, if you live in another state and if you are convicted of DWI in New Jersey, the conviction will transfer to your home state administratively but not criminally. In other words, other than probable additional loss of driving privileges in your home state, you will not be prosecuted again for a criminal offense. However, a conviction in New Jersey will count in the future as an enhancing factor if you are charged in your home state with a subsequent DWI.

Please note that a DWI is a criminal charge in most other states.

## Restricted Licenses Not Allowed in New Jersey

If your driving privileges are suspended or revoked, you will not be allowed any work or temporary driving permits or licenses. There are no restricted licenses for any reason including work, religious observance, grocery shopping or doctor visits.

If you are licensed in another state, depending on the laws of each state, you may drive anywhere else unless or until your home state suspends your driving privileges based on the New Jersey conviction. A skilled DWI attorney can help you address these issues.

## Sentencing Alternatives

Jail means jail, right? Not necessarily. There are alternatives to serving time in county jail on first and second offenses. The alternatives available will vary from county to county and court to court within a given county. However, an experienced DWI defense lawyer will be familiar with these options, and he or she will be your only hope to negotiate an option that best meets your needs.

**Electronic Monitoring.** Electronic monitoring programs offer flexibility and allow you to leave home at authorized times for work, alcohol education programs, grocery shopping, religious services, etc. An ankle bracelet with a sensor detects alcohol consumption by monitoring excretions from the skin.

**Community Service.** Working in an approved program can be a substitute for jail or fines. Community service is generally not hard physical labor and is desirable for someone with injuries or other limitations.

**Highway Work.** This is more physically demanding work and may include picking up trash by the side of the freeway. Tough work? Sure. Going home afterwards, taking a hot shower, eating a good meal and sleeping in your own bed (with no unwanted roommates)? Priceless.

**Work Release.** If you are sentenced to work release you stay overnight in the jail, go to work during the day and return at night by a specified time. The only allowable release is for work; so your weekends are generally spent in the jail, too.

**Drug Rehabilitation/Sober Living Environments.** These environments offer an attractive alternative to jail for those struggling with alcohol or drug addiction. Sometimes, rehabilitation or sober living is ordered as a condition of release pending the resolution of the case or as part of a sentence. Time spent in rehabilitation can count as time spent in jail, but you will need an attorney to ensure that the proper credits are awarded.

Options and alternatives to jail are available. The first step in obtaining favorable results is to consult with an experienced lawyer.

**Anyone involved in your arrest  
(such as restaurant/bar personnel or a tow truck driver)  
is a potential witness.  
Write down their names,  
if you can!**



# Help With Alcohol and Drug Problems

Many people who are arrested for DWI have simply had bad luck. Perhaps they are falsely accused because of problems with a machine or an inadequately trained police officer. Perhaps they should not have been on the road and were just in the wrong place at the wrong time.

For other people, getting arrested for DWI is validation of something others (or they themselves) have suspected for some time: There is an underlying problem with alcohol or other drugs.

If you or someone you care about is struggling with such a problem, a DWI arrest may be a silver lining to an otherwise dark cloud. If a DWI arrest is the catalyst for an alcoholic to find long-lasting sobriety, it is well worth the cost.

There are many resources available to assist someone with an alcohol or drug problem. Certainly, an experienced DWI defense lawyer will be a compassionate and knowledgeable resource in this area. Online resources abound: The largest self-help group is Alcoholics Anonymous, which can be located online at [www.AA.org](http://www.AA.org). It is also possible to find an AA meeting easily by calling 411 and asking for Alcoholics Anonymous Central Office. There are AA meetings in nearly every city.

Whether yours is a situation that calls for help, is a decision for you and you alone to make. If you need help with an alcohol or drug problem, there are many people and resources available. There is simply no reason to suffer in silence and isolation. Help is there for you.

The following is reprinted from Alcoholics Anonymous: **Answer YES or NO to the following questions.**

**1 - Have you ever decided to stop drinking for a week or so, but only lasted for a couple of days?**

Most of us in A.A. made all kinds of promises to ourselves and to our families. We could not keep them. Then we came to A.A. They said, "Just try not to drink today." If you do not drink today, you cannot get drunk today.

Yes  No

**2 - Do you wish people would mind their own business about your drinking and stop telling you what to do?**

In A.A. we do not tell anyone to do anything. We just talk about our own drinking, the trouble we got into and how we stopped. We will be glad to help you.

Yes  No

**3 - Have you ever switched from one kind of drink to another in the hope that this would keep you from getting drunk?**

We tried all kinds of ways. We made our drinks weak, or just drank beer or we only drank on weekends. You name it, we tried it; but, if we drank anything with alcohol in it, we eventually got drunk.

Yes  No

**4 - Have you had an eye-opener upon awakening during the past year?**

Do you need a drink to get started or to stop shaking? This is a pretty sure sign that you are not drinking "socially."

Yes  No

**5 - Do you envy people who can drink without getting into trouble?**

At one time or another, most of us have wondered why we were not like most people who really can take or leave alcohol.

Yes  No

**6 - Have you had problems connected with drinking during the past year?**

Be honest! Doctors say that if you have a problem with alcohol and keep drinking, it will get worse -- never better. Eventually, you will die or end up in an institution for the rest of your life. The only hope is to stop drinking.

Yes  No

**7 - Has your drinking caused trouble at home?**

Before we came into A.A., most of us said that it was the people or problems at home that made us drink. We could not see that our drinking just made everything worse. It never solved problems anywhere or anytime.

Yes  No

**8 - Do you ever try to get "extra" drinks at a party because you do not get enough?**

Most of us used to have a "few" before we started out if we thought there may not be enough alcohol. If drinks were not served fast enough, we would go some place else to get more.

Yes  No

**9 - Do you tell yourself you can stop drinking any time you want to, even though you keep getting drunk when you don't mean to?**

Many of us kidded ourselves into thinking that we drank out of choice. After we came into A.A., we found out that once we started to drink, we couldn't stop.

Yes  No

**10 - Have you missed days of work or school because of drinking?**

Many of us admit now that we "called in sick" many times when the truth was that we were hung-over or on a drunk.

Yes  No

**11 - Do you have "blackouts"?**

A "blackout" is when we have been drinking hours or days that we cannot remember. When we came to A.A., we found out that this is a pretty sure sign of alcoholic drinking.

Yes  No

**12 - Have you ever felt that your life would be better if you did not drink?**

Many of us started to drink because drinking made life seem better, at least for a while. By the time we got into A.A., we felt trapped. We were drinking to live and living to drink. We were sick and tired of being sick and tired.

Yes  No

*Did you answer YES four or more times? If so, you are probably in trouble with alcohol. Why do we say this? Because thousands of people in A.A. have said so for many years. They found out the truth about themselves — the hard way.*

Only you can decide whether you think A.A. is for you. Try to keep an open mind on the subject. We will be glad to show you how we stopped drinking ourselves. Just call. A.A. does not promise to solve your life's problems. But we can show you how we are learning to live without drinking "one day at a time." We stay away from that "first drink." If there is no first drink, there cannot be a tenth. When we got rid of alcohol, we found that life became much more manageable.

ALCOHOLICS ANONYMOUS® is a fellowship of men and women who share their experiences, strengths and hopes with each other. They strive to solve their common problems and help others recover from alcoholism.

- The only requirement for membership is a desire to stop drinking. There are no dues or fees for A.A. membership: We are self-supporting through our own contributions.
- A.A. is not allied with any sect, denomination, political group, organization or institution; does not wish to engage in any controversy; neither endorses nor opposes any causes. Our primary purpose is to stay sober and help other alcoholics to achieve sobriety.



Medical conditions, prior injuries, dental problems: All of life's wear-and-tear can be important for your defense. If you are interviewing a potential DWI defense lawyer who does not use a questionnaire to elicit your prior medical history or ask probing questions about your physical condition, you may want to consider a different attorney.

Certain medical and dental conditions make a subject unsuitable for breath testing. Breath-testing machines are designed to "read" alcohol molecules that come from deep lung air. This "reading" is supposed to approximate the alcohol level in your blood. Unfortunately, the machine does not differentiate between the molecules of alcohol in the deep lung air and the alcohol molecules that are trapped in the mouth in dentures, bridges and other dental work. Alcohol molecules can also be in your mouth if they are brought up from the stomach due to a belch or esophageal reflux episode.

Other medical conditions are important for attacking supposedly poor performance on Field Sobriety Tests. These balance and coordination exercises, through which officers attempt to judge someone's natural abilities by asking him or her to perform unnatural maneuvers, can be greatly impacted by prior injuries or conditions. Being flat-footed, having torn cartilage in a knee or suffering from any number of other physical ailments can affect a person's ability to perform these roadside tests.

Whether or not you currently suffer from any medical conditions or ailments, you should list all prior injuries, significant illnesses, accidents or medical conditions for your lawyer to consider. While no one enjoys enduring life's hard knocks, all of us experience them. A condition you once thought was bad luck may hold the key to hearing the two sweetest words in the English language: Not guilty.



# FIELD Sobriety TESTS

The first thing to know about roadside testing is that these tests are completely voluntary. In other words, when you are stopped by police, you do not have to perform the tests! You can refuse to perform these tests, and you will not be given a separate ticket for refusing to perform them.

Unfortunately, police officers are not required to tell you that you do not have to perform these field sobriety tests. In addition, you do not have to be read your Miranda rights prior to performing the tests, even though your performance can be used against you in court.

If you perform the Field Sobriety Tests and fail, you will want to challenge the tests' validity. In order to challenge the Field Sobriety Tests, you and your attorney should consider the following factors.

- Do you have any injuries that would prevent you from performing the tests properly? Any injury to your back, legs, knees or feet may negatively affect your ability to stand on one leg or walk a line. As a result, the validity or reliability of the test performance is compromised.
- Do you have balancing problems, middle ear problems, vertigo or anything else that may cause a balancing problem while performing these tests?
- Are you 50 pounds or more overweight?
- Are you 65 years old or older?
- Were you wearing high heels, heavy boots, flip flops or sandals when you performed the test(s)?
- Were the tests performed on unusual terrain? The testing should be done on a well-lighted, dry, flat, hard, non-slippery surface with plenty of unrestricted space. Any other type of terrain could cause poor performance due to slipping or tripping.

You were probably given a variety of field sobriety tests. Many of these tests are designed to induce swaying and to make you fail. There are no set rules for these tests; the police officers can request you to do anything. However, there are three tests that are scientifically validated and may be reliable to predict that a person is legally impaired. (This validation study was set forth by the National Highway Traffic Safety Administration (NHTSA).) However, the eye test that some officers use is not admissible in court, since the New Jersey courts have not found it to be scientifically reliable.

- **One leg stand.** If instructed properly, the one leg stand is 65 percent reliable to predict that a person's BAC is 0.08 percent or greater. To ensure this level of reliability, the officer must demonstrate the test and must give you the following instructions:

1. Stand with your feet together and your arms at your side.
2. Keep that position until you are told to begin.
3. Raise the leg of your choice six inches off the ground while keeping your arms at your sides.
4. Keep watching the raised foot.
5. Count 1,001, 1,002 and so on until told to stop.

The officer must ask if you understand the instructions and receive an affirmative answer. This test can last no longer than 30 seconds. If you put your foot down three or more times, you are considered to have reached a "decision point" on the testing. If you stop at any point during the testing, you should be given the opportunity to resume the testing.

There are four scoring factors for the one leg stand test.

1. Sways while balancing
2. Uses arms for balance
3. Hopping
4. Puts foot down

• **Walk and Turn Test.** If properly administered, the walk and turn test has a 68 percent reliability of predicting that a person's BAC is 0.08 percent or greater. In order for the test to be reliable, the officer must demonstrate the test and you must be told the following:

1. Place your left foot on the line.
2. Place your right foot on the line ahead of your left foot with the heel of your right foot against the toe of your left foot.
3. Keep your arms to your side.

Keep this position until you are told to begin. The officer must ask if you understand the instructions and receive an affirmative answer. When you are told to start, take nine heel-to-toe steps, turn and take nine heel-to-toe steps back. To turn, keep the front foot on the line, and take a series of small steps with the other foot. While walking, keep your arms at your sides, watch your feet at all times and count each step out loud. Once you start, don't stop until the test is completed.

The officer will grade your performance based on eight scoring factors.

1. Cannot keep balance while listening to instructions
2. Starting before instructions are finished
3. Stopping while walking
4. Does not touch heel-to-toe (more than 1/2 inch on any step)
5. Steps off of the line
6. Uses arms for balance
7. Improper turn
8. Incorrect number of steps

• **Horizontal Gaze Nystagmus (HGN)** The courts in New Jersey have excluded this test because it has not been proven scientifically reliable in court. Therefore, it cannot be used as proof that you were under the influence of alcohol or drugs.

Any test can be used by an officer on the roadside. However, the testing must be fair. You must hire a skilled DWI attorney to challenge the validity and reliability of field sobriety tests.

## Driving Under the Influence of Drugs



In New Jersey, cases involving driving under the influence of drugs are prosecuted in much the same way as DWI cases involving alcohol. The key is whether the drug causes a sufficient level of mental or physical impairment at the time of driving.

Being under the influence of either alcohol or drugs is defined as physical or mental impairment such that the driver is not able to drive with the same caution as a sober person of ordinary prudence under the same or similar circumstances.

Depending on the case, it may not matter whether the drug is legal or illegal, prescribed or over-the-counter. It is possible to be convicted of driving under the influence of cold medicine, cocaine or any other substance (whether legal or not) that causes impairment. Many people mistakenly believe that if a doctor prescribes a drug, they are allowed to drive while taking this drug. This can be a mistake with rather severe consequences.

Unlike DWI alcohol cases, there is no numerical blood measurement ("per se" limit) involving drugs. The prosecutor will try to prove the motorist was driving under the influence of drugs by introducing evidence related to driving patterns, physical signs and symptoms, Field Sobriety Test performance and chemical test results, if available.

There are certain law enforcement officers who have received training to assist in determining whether or not someone is under the influence of drugs. They are called DREs, or Drug Recognition Evaluators. DREs are brought in to examine a suspected motorist and are supposed to follow certain protocols in their evaluations. A skilled DWI defense lawyer is often able to demonstrate that proper evaluation procedures were not followed, that the supposed signs and symptoms of impairment were ambiguous or that the signs and symptoms examined by the DREs were just as consistent with non-impairment as they would be with impairment.

Being convicted of driving under the influence of alcohol or drugs can have serious and lifelong consequences. The first step in avoiding these consequences, or cushioning their impact, is consultation with a DWI defense lawyer who is skilled in shielding his or her clients.

## Integrity: The Key Issue in Blood Testing

The key issue in any blood test case is the integrity of the blood sample. Blood samples can ferment, clot or be rendered unreliable due to bacterial growth. The end result is a reported alcohol level that is higher than the true alcohol level.

The state must show that the blood sample was not contaminated from the time it was drawn from your body until the time it was tested at the lab. Contamination can occur if the blood is not drawn and preserved in a medically acceptable manner. The only way to determine whether the draw was done properly is to cross-examine the phlebotomist who performed the procedure. Did the phlebotomist properly prepare the sample tube prior to giving it to the police officer?



Next, it must be shown that the blood was properly preserved at the time of the draw and during transportation of the blood sample to the police station and the state lab. Your attorney will want to know if the sample was sealed properly, so that no bacteria entered the test tube. He or she will also explore whether the sample was refrigerated properly or if it was exposed to heat, which can cause fermentation.

**Write down everything  
that happened while the events  
are still fresh in your mind.**



# DID You Know?

- The Court could order you to have an ignition interlock device installed in your car.
- Body temperature can affect the breath-test results.
- Field Sobriety Tests are optional. If you took them, it's only because you "consented" to do so.
- Blood samples can ferment and create artificially high alcohol readings.
- The court fees, state surcharges and insurance surcharges resulting from a DWI conviction may add up to more than \$10,000 over the next three years.
- There are alternatives to some jail sentences.
- If you're under 21, you face losing your license.
- Each shot of liquor, glass of wine or mug of beer raises your BAC an average of .02 percent.
- It takes one hour for each standard drink to be eliminated from your body.
- Even if your prior conviction is more than 10 years older than your current charge, you may still face enhanced penalties.
- There is no requirement to complete a DWI school if your case resolves for a charge lesser than DWI.
- Not all DWI arrests result in DWI convictions.
- According to the breath machine manufacturer, there is a margin of error in breath-testing equipment.
- The arresting officer must continuously observe you for 20 minutes immediately before the breath test to make sure that you don't burp or vomit, which could cause a high alcohol reading.
- The legal limit used to be .15 BAC before it was dropped to .10 BAC and then reduced again to .08 BAC.
- A refusal charge does not apply to blood testing.
- No work license or hardship permit is available in New Jersey once you lose your license for DWI.
- Tongue piercings and dentures can cause inaccurate breath test readings by trapping alcohol in the mouth.
- Ninety-eight percent of all DWI cases are "breath test cases." "Blood cases" are very rare.
- You have no choice between taking a blood test and taking a breath test.
- Field Sobriety Tests are, at best, only 68 percent reliable in predicting that someone has a breath alcohol reading of 0.08 percent or higher.

## Potential Sources of Error in Breath Testing

- **Inaccurate calibration of the breath machine**
- **Alcohol trapped in the mouth**
- **Belching or burping within 20 minutes of being tested**
- **Failure, by the arresting officer, to properly observe the potential defendant for 20 minutes prior to breath testing**
- **Medical conditions that make the defendant an improper subject for breath testing**
- **Machine malfunction**
- **Breath test machine operator error**
- **GERD: Gastro Esophageal Reflux Disorder**
- **Improper testing protocols**
- **Elevated body temperature**
- **Improper breath test operator training**
- **Mechanical fundamental assumptions based on inapplicable "averages"**
- **Other compounds on the breath inaccurately "read" as alcohol**
- **On many machines, the harder you blow, the higher you go!**

Before making your choice of attorney, you should give this matter careful thought. The selection of any attorney is an important decision.

If the representations made in this publication are inaccurate or misleading, you may report this to the Committee on Attorney Advertising, Hughes Justice Complex, P.O. Box 037, Trenton, NJ 08625.

# GET THE LEGAL HELP YOU NEED

Don't Let Your New Jersey DWI Ruin Your Life



**I will fight  
to save your license  
... and freedom!**

## **DWI DEFENSE**

**EVAN M. LEVOW, ATTORNEY AT LAW**  
**PRACTICE LIMITED TO DWI DEFENSE**

- National College of DUI Defense
- National Association of Criminal Defense Lawyers
- Association of Trial Lawyers of America
- American Bar Association
- Licensed to practice law in New Jersey and Pennsylvania

Appeared on *The John Walsh Show* and *It's Your Call* on CN8

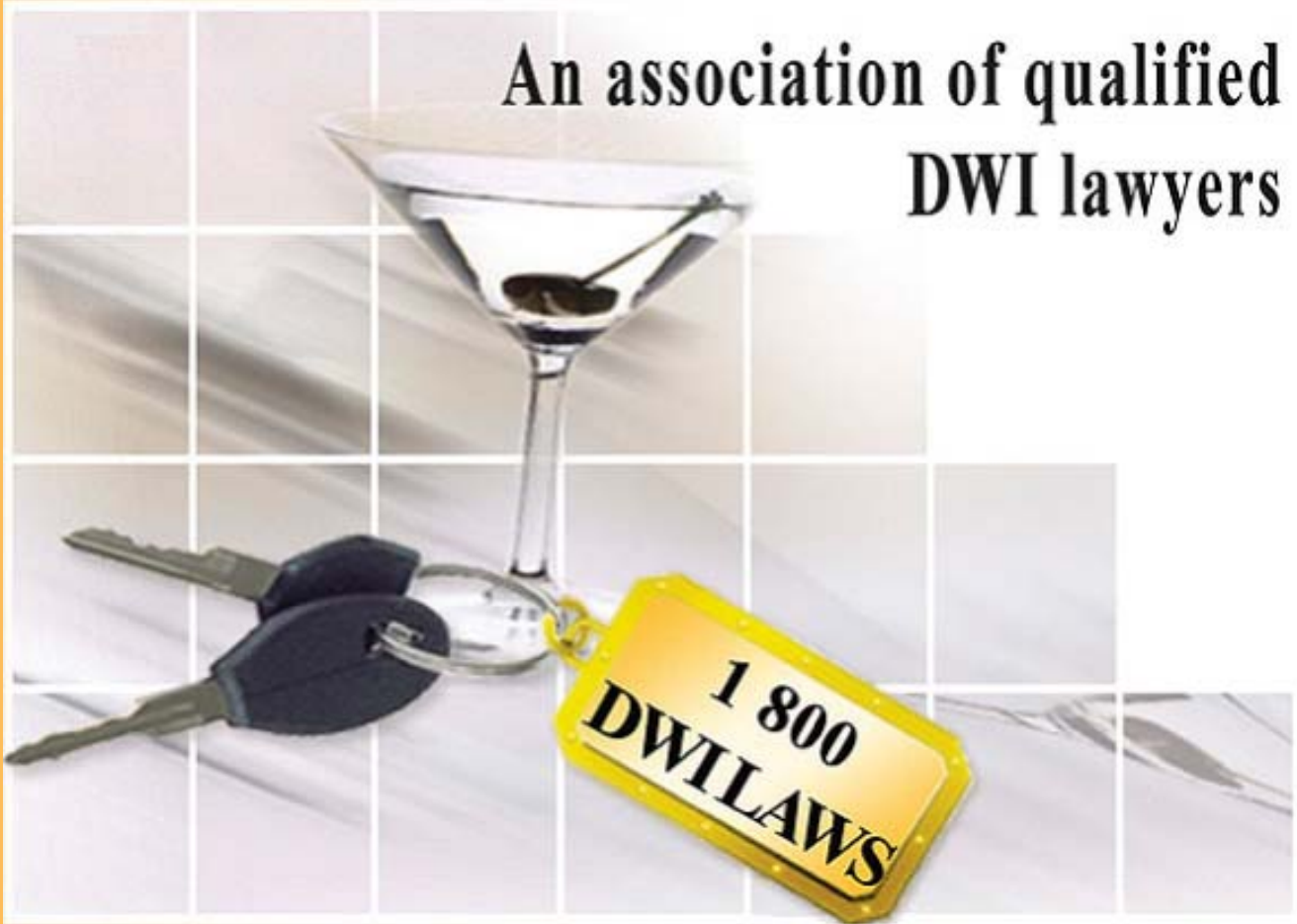
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