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The DUI Report

MARYLAND'S DUI RESOURCE

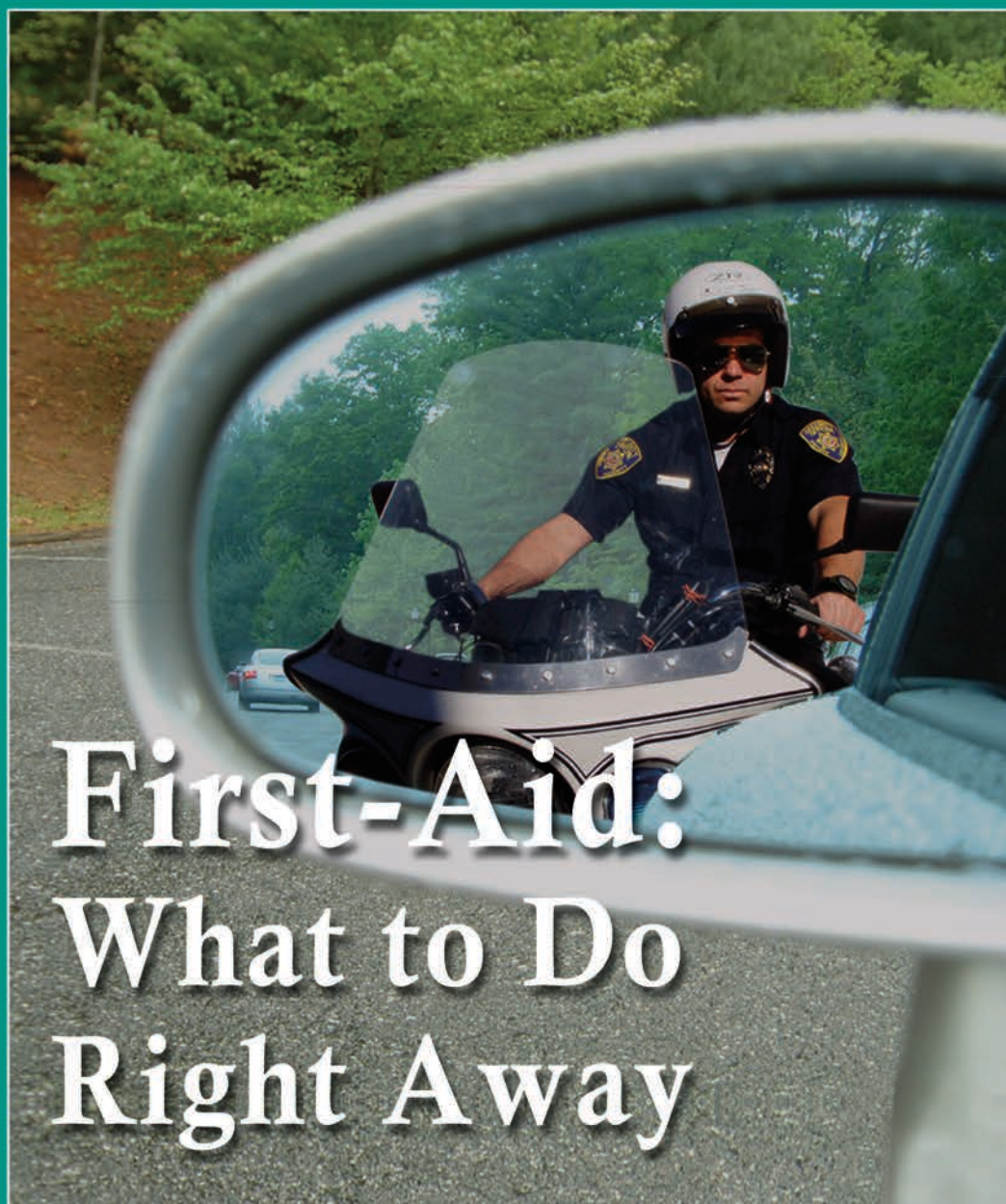
**What Your Lawyer
Needs to Know
to Help You**

**Winning
the MVA Hearing
(and Saving Your License)**

**Sentencing Alternatives:
How to Avoid Jail!**



Meet Andrew Alpert
A Nationally Renowned
DUI Defense Lawyer



**First-Aid:
What to Do
Right Away**

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**How a Substance
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A few words from the Editor's desk...

Dear Readers,

DUIs are different, and so is *The DUI Report*.

Drunk driving charges are, of course, criminal charges. However, they don't carry with them the same element of conscious disregard for the law that most crimes do. Many of the DUI defense lawyers I've spoken to over the years have told me that they really like their clients, since many DUI clients are not like typical criminal defendants. DUI arrests truly cross all social, racial, and economic boundaries. And for that reason, and many others, drinking and driving arrests are different.

The DUI Report is also different. Instead of providing detailed technical articles on sometimes difficult scientific topics. The *DUI Report* is designed to provide practical help that a person can immediately put to use if they've been arrested for suspicion of drunk driving.

Most DUI arrests trigger two different cases - a court charge and a Motor Vehicle Administration case. This issue's article, "First-Aid: What To Do Right Away" provides specific, clear-cut direction for someone charged with driving under the influence or driving while impaired, so that he or she is protected in criminal court.

For most of us, our driver's license means everything - our livelihood, our social life, our ability to address our most basic needs. Therefore, the MVA hearing can be just as important, if not more important, than the outcome of the criminal court case. Many people don't have an

understanding of the issues that come up at an MVA hearing, or how those issues impact the outcome. That's why the article, "MVA Hearing and Issues," is so important.

Of course, *The DUI Report* would be incomplete without an interview with one of the important people in the world of drunk driving enforcement and defense. In this *The DUI Report* we have an interview with Andrew Alpert, an experienced Maryland attorney who focuses his practice in the area of DUI defense. Mr. Alpert has advanced knowledge of Maryland DUI law and a proven track record of successfully defending those who have been accused of DUI and DUI related offenses.

As Mr. Alpert 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 driving under the influence case. They think that if the breathalyzer indicates guilt there is no recourse. Thankfully, our article "Why Fight My Case?" thoroughly addresses these common, but incorrect, assumptions.

Drunk driving cases are often referred to as the exception to the Constitution. DUI is a crime that may be politically and financially motivated in its enforcement and prosecution. Those who stand up and fight are truly liberty's last champions. I hope that, if nothing else, *The DUI Report* gives you courage. It takes courage to take the next step 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 DUI Report* will have been truly successful. I wish you well.

Braden Pollock
Editor-in-Chief

The DUI Report

MARYLAND'S DUI RESOURCE

Publisher: Legal Brand Marketing, LLC
Editor-in-Chief: Braden Pollock
Editor: Darbi Michel
Advertising: Darbi Michel
Print Supervisor: Michael Anvari
Production House: Shiveh Graphics
Graphic Designer: Darbi Michel
Content Director: Braden Pollock

The *DUI Report* may be contacted at:

Email: Info@TheDUIReport.com
Website: TheDUIReport.com

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FIRST-AID: What To Do Right Away

You've just been arrested for DUI... Now what?

A drunk driving arrest is a frightening experience. You've been publicly humiliated and forced to perform field sobriety tests in front of passing cars by the side of the road. You've felt the handcuffs digging into your wrists, and your pleas to have them loosened have been ignored. Finally, after the seemingly endless delays associated with the booking process, and enduring the stench of the holding cell, you've been released. Sweet freedom, at long last. What can you do NOW to ensure that you never see the inside of a jail cell again?

Hiring a DUI Defense Lawyer

One of the most important decisions you will make is who to hire to defend your case. The truth about our justice system is harsh: People accused of DUI 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." This is especially true in DUI defense, where many lawyers seek to underbid each other to gain a client, only to find that the fee taken cannot support the work necessary to successfully represent that client.

Generally, people who are arrested on suspicion of drunk driving are not DUI defense lawyers. They may be skilled in many things in life, but defending DUI cases is not one of them. Therefore, finding a lawyer to defend your DUI case is like selecting the right doctor to handle a necessary medical procedure. Once that doctor (or lawyer) is selected, there is nothing more to do except to relax and to let the professional do his or her best to help. You must hire a qualified DUI defense lawyer.

How do you know whether or not a potential lawyer is well-qualified to handle your DUI case? While there are never any guarantees, at a minimum you

will want to 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 DUI defense, like the National College of DUI Defense, is a strong sign of a potential lawyer's commitment to his or her practice.
- **Advanced Training:** A potential lawyer should have completed advanced training in Field Sobriety Testing, as well as breath and blood testing protocols. Many exceptional DUI defense lawyers actually own the different types of breath machines used in their jurisdiction.
- **Track Record of Success:** Do not hesitate to ask a potential lawyer about how many cases he or she has successfully handled (recognizing that success can mean different things in different



- **Lecturing to Peers:** Many 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 that category of lawyers that is qualified to teach his or her peers how to be better 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? Is he or she willing to give you a cell phone number to field an evening or weekend question? It is important that you can reach your lawyer in your time of need. The best lawyers recognize this and make sure to address this issue.

CDL Drivers COMMERCIAL DRIVER LICENSE

If you are convicted of a DUI in the State of Maryland and you have a Commercial license (CDL), in addition to the penalties you will receive under the DUI statute, you could lose your CDL.

If you are convicted of a first DUI while driving a commercial vehicle you will lose your CDL for one year unless you are transporting hazardous material required to be placarded. In the event you are convicted of a DUI while transporting hazardous material required to be placarded you will lose your CDL for three years. Upon conviction of a second DUI you will lose your CDL for life. These penalties apply whether you were convicted in Maryland or outside of Maryland.

If you have a CDL and are convicted of a first DUI or DUID while operating a non-commercial vehicle in Maryland or in another state, you will lose your CDL for the period of one year. A second conviction will result in the loss of your CDL for life.

Contact an experienced Maryland DUI attorney to discuss your options and the best defenses for your case.



I WASN'T READ MY RIGHTS!

How Miranda Applies in DUI Cases

IN DUI CASES

Thanks to TV 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 Miranda warnings when they were arrested for DUI. Unfortunately, the arresting officer’s failure to give Miranda will not result in a dismissed 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 are an ‘interrogation,’ it has been held by the courts that most of the questions directed at suspects in DUI cases are asked before the person is in custody for purposes of Miranda. This means that in most cases, there is no legal obligation for the police officer to advise the person of his or her 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 DUI defense lawyer will know just what to do to make the most out of an officer’s failure to warn a suspect of his or her rights. The most important thing is to get to a lawyer who is qualified to help you, and answer that lawyer’s questions as accurately and honestly as possible. This will give you the best chance of success.



WHY FIGHT MY CASE?

If you go to court and plead guilty to a DUI, there is a 100 percent chance that you will be convicted of drunk driving. If you plead guilty, you are guaranteed to suffer every consequence the court wants to impose.

However, fighting your case means that a lawyer will 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 gathered evidence should be suppressed. Perhaps the breath machine was out of calibration and the .09 percent BAC is really a .07 percent BAC. Perhaps the blood sample clotted or fermented and produced a falsely high reading. These things will only be known if the case is fought.

There are emotional reasons to fight, as well. 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 fight, just so you know you have done everything in your power to help the situation. To not do so is to carry emotional baggage for a lifetime.



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MVA HEARING & ISSUES

officers to the MVA hearing, where those officers will provide testimony under oath, the same oath that is given in court. This means that any favorable testimony that is developed at the MVA hearing will be available for use in the criminal case.

Anyone arrested for DUI in Maryland should immediately consult with a qualified DUI attorney. This attorney can help request a hearing with the Motor Vehicle Administration within 10 days of the date of arrest. If the driver fails to request a hearing, his or her license will be automatically suspended on the 46th day after the DUI arrest.

Out-of-state residents who have the misfortune of being arrested in Maryland are not exempt from this obligation, even if they don't have Maryland licenses or if they have no intention of returning to Maryland. Because of the Interstate Driver's License Compact, which operates to share information between the various states, the Maryland MVA action may be reported to the driver's home state, and the license may be suspended there.

Additionally, if your BAC level at the time of the chemical (breath or blood) test was .15 percent or greater, you may face a longer driver's license suspension. However, there are some modifications to this lengthy suspension: A skilled DUI defense attorney may be able to help you regain your driving privileges by having an ignition interlock device installed on your vehicle.

Assuming the MVA hearing request is made on a timely basis, the issues to be determined at the hearing will vary, depending upon whether the accused gave a chemical test of his or her blood or breath or refused a chemical test. If you submitted to a chemical test to determine your blood alcohol content (BAC), there are two issues to explore. First, did the officer have reasonable cause to believe that you had been driving a motor vehicle while under the influence of alcohol? Second, did a valid and admissible breath alcohol or blood alcohol test indicate a blood alcohol content (BAC) of .08 percent or .15 percent or greater?

If you refused to take a chemical test, the issues differ slightly. The important questions for your defense are the following: Were you properly advised of the consequences of refusal, and did you continue to refuse the test after being advised of the consequences of refusal?

The MVA Hearing Process

Unlike criminal court, where the prosecution must bring in "live" witnesses to prove the case against the accused, the MVA generally does not bring in any such witnesses. Instead, the MVA attempts to support its action by introducing various police reports into evidence, as well as the "official" reports relating to the chemical test, if applicable. Therefore, the fight at the MVA hearing is generally a hyper-technical one, centered on the admissibility of the MVA's proposed evidence. One possible avenue for success in the MVA hearing is to challenge the admissibility of this evidence. If the evidence cannot legally be admitted, the MVA cannot proceed with the action against you.

MVA hearings have one other odd aspect that is immediately noticeable: There is no prosecutor, just an Administrative Law Judge. That's right – the very person who seeks to introduce evidence on behalf of the Motor Vehicle Administration is the same person who rules upon whether or not that evidence will be admitted. Notwithstanding this inherent systemic unfairness, MVA hearings can be fought and won. Challenges to the MVA's evidence are frequently granted.

MVA hearings provide an excellent opportunity for the defense to gather information that can be used to help in the criminal court case. Unlike civil cases, where people are merely fighting over money, there are no depositions in criminal cases. This means that there is no legal process by which a defense lawyer can compel a police officer to sit there and answer questions under oath about what happened on the night of the arrest.

However, a skilled DUI defense lawyer will be aware that they may subpoena police

An MVA hearing provides an excellent opportunity for the defense to gather information that can be used to help in the criminal court case. Unlike civil cases, there are no depositions in criminal cases. This means there is no legal process before trial by which a defense lawyer can compel a police officer to sit and answer questions under oath about what happened on the night of the arrest.

However, a skilled DUI defense lawyer will be aware that police officers may be subpoenaed to the MVA hearing. At the hearing, the officers will provide testimony under oath.

MVA Hearing Consequences

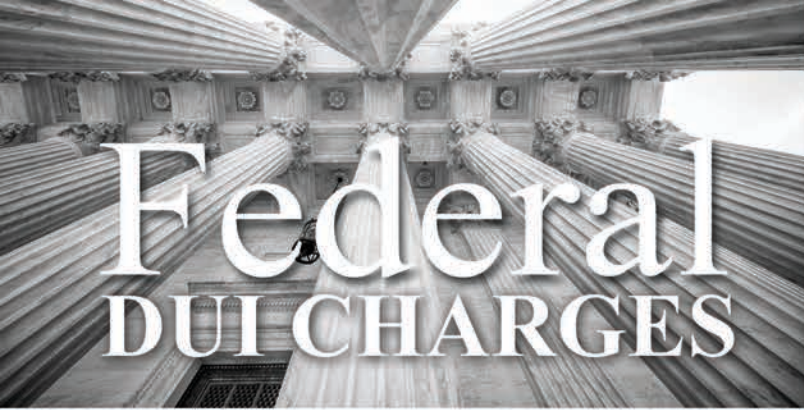
The consequences of a loss at the MVA hearing level can be quite drastic. For a first-time offender who submits to a chemical test but has a BAC of .08 percent - .14 percent, the driver's license will be suspended for 180 days. The penalties only increase from there. (See Table 1, below)

An accused drunk driver with a prior DUI conviction who submits to a chemical test faces a 180 or 270 Day driver's license suspension. If the driver has a prior DUI conviction and refuses to submit to a chemical test, the license will be suspended for two full years.

Obviously, the stakes in these cases are very high, and help from a trained legal professional can make all the difference in the world. A lawyer experienced in defending accused drunk drivers at Maryland MVA hearings will ensure that every possible step is taken to protect your driver's license.

ARREST	BAC LEVEL	LENGTH OF LICENSE SUSPENSION
1st DUI arrest	.08-.14 percent	180 days
1st DUI arrest	.15 percent or greater	180 days
2nd or subsequent DUI arrest	.08 percent - .14 percent	180 days
2nd or subsequent DUI arrest	.15 percent or greater	270 days
1st DUI refusal	--	270 days
2nd or subsequent DUI refusal	--	2 years

Table 1



MARYLAND SENTENCING ALTERNATIVES

Most DUI cases are prosecuted in state district court, but drunk driving arrests that occur on federally owned land are prosecuted in federal court. Many drivers arrested for DUI in certain locations, such as the Baltimore-Washington Parkway and all military installations, are surprised to learn they are facing charges in federal court. These cases are extremely complex, and should be handled by a lawyer with experience defending federal drunk driving charges.

The location of a federal DUI case will determine the laws that are applied. Under the Assimilated Crimes Act, certain offenses committed on federal lands are prosecuted under the laws of the state where the arrest took place. Other cases will be prosecuted under federal law.

Drivers who refused to submit to a chemical test in a federal DUI case may face additional consequences. Drivers on federally owned land are subject to a federal implied consent law, meaning that anyone arrested on suspicion of drunk driving must submit to a blood, breath or urine test to determine blood alcohol content (BAC).

Refusal to submit to a chemical test is a misdemeanor under the Code of Federal Regulations and carries a penalty of up to six months in a federal prison, a fine, or both. The driver may be denied driving privileges on federal lands for one year, beginning on the date of arrest.

Federal drunk driving is a serious charge that can result in fines, imprisonment, or both, so it's critical to have a lawyer who is experienced in handling federal DUI cases. A criminal defense lawyer who is knowledgeable about federal DUI defense will fight hard to minimize or even eliminate the consequences of a drunk driving arrest on federal land.

**In most DUI arrests,
the officer will confiscate
your driver's license.
If you don't have a passport,
go to the MVA and get an
I.D. card right away.**

Jail means jail, right? Not necessarily. There are alternatives to having to go to county jail. The alternatives available will vary from county to county, and even court to court within a given county. However, an experienced DUI defense lawyer will be familiar with these options, and will be your best hope to negotiate one that meets your needs best.

Electronic Monitoring. An ankle bracelet, with or without a sensor that detects alcohol consumption by monitoring excretions from the skin. Electronic monitoring programs offer flexibility by allowing the subject to leave his or her home at authorized times, including work, alcohol education programs, grocery shopping, religious services, etc.

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

Highway Cleanup. This is more physically demanding work, such as 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. A dorm-like setting where participants go to work during the day and return at night by a specified time. Since the only allowable release is for work, generally weekends are spent in the work release environment too.

Drug Rehabilitation/Sober Living Environments. When ordered as a condition of release pending the resolution of the case, or as part of a sentence, these environments offer an attractive alternative to jail for those struggling with alcohol or drug addiction. Time spent in rehab can count as time spent in jail, but it will likely require the efforts of an attorney to ensure that the proper credits are awarded.

Options and alternatives to jail are available; the first step in obtaining favorable treatment is to consult with a lawyer who is experienced in getting these favorable results.

COVER

Meet Attorney Andrew Alpert

What got you into DUI defense?

“I used to have a more general criminal defense practice, but I started focusing on DUI cases because I saw how unfairly drunk driving defendants were treated in the courts, both in Maryland and across the country. DUI is often called ‘the exception to the Constitution’ because it’s handled differently than any other criminal offense. Every other criminal prosecution is based on hard facts, but DUI cases hinge almost completely on one person’s opinion.”

Really? How can someone be convicted of a criminal offense without hard evidence?

“It seems hard to believe, doesn’t it? Every other criminal prosecution is based on facts. If a person is charged with a drug crime, either the individual had dope in his or her possession, or didn’t. Someone charged with murder either committed the killing or didn’t. In a theft case, the individual either took the items or didn’t. Drunk driving cases aren’t like that at all. The prosecution bases the case almost completely on the opinion of a single person – the arresting officer. And that opinion is based on totally subjective input, such as field sobriety tests, which shouldn’t even be called tests.

What’s so unfair about field sobriety tests?

“Most of my clients are completely baffled when they’re arrested after taking a field sobriety test, because they performed pretty well. But field sobriety tests are designed to be failed. No matter how well the driver performs the test, the arresting officer will pick out little flaws and then testify that the defendant was too drunk to drive.



“Most of these tests have no objective scoring system – the officer gets to decide whether the driver ‘passed’ or ‘failed.’ The tests are hardly ever videotaped, so we have to rely on the officer’s notes to tell us how the driver performed. And during cross-examination, when I get the officer to admit that the driver did almost everything right, he or she still offers the opinion that the driver failed the test.”

Well, chemical tests are based on more than opinions, aren’t they?

“They aren’t opinion-based, but they don’t indicate automatic guilt, like some would have defendants believe. A blood or breath test that indicates that a driver had a BAC of .08 percent doesn’t mean the person is guilty of DUI. Prosecutors don’t want jurors to know that the body continues to absorb alcohol long after someone takes that last drink.

last drink. Because of this, it’s entirely possible that the driver was below the legal limit while behind the wheel.

“Also, chemical tests are notorious for inaccurate readings. Not to mention that there is plenty of room for human error, as well. Mistakes are far more common than most people realize.”

What kinds of problems can occur with chemical testing?

“Well, roadside breath tests are by far the worst. Those roadside machines don’t have mouth-alcohol detectors, and mouth alcohol is one of the biggest sources of error in breath testing. If the driver has recently had a drink, the machine will likely read ‘over the limit’ even if the driver isn’t legally under the influence. And there are scores of other things that can skew the test results, from burping to smoking a cigarette before the test is given.

The breath-testing machines used at police stations aren't much better. These machines are designed to test an 'average' person. What does the 'average' person look like? When I look around I see men and women of all different heights and weights and ages. They're all in different physical conditions with different metabolic rates. And that means that alcohol affects everyone's body differently. But those stationhouse breathalyzers assume everyone is the same."

What about blood tests? Those have to be accurate, right?

"Sometimes they are, and sometimes they aren't. The blood sample itself may have been contaminated or otherwise compromised. There are very strict procedures for gathering and analyzing blood; and I hate to say this, but sometimes people make mistakes or even cut corners. The technician is supposed to draw the blood into a tube with a mixture of powdered preservative and anti-coagulant in the bottom. Sometimes the powder isn't there in the proper amounts. Sometimes it doesn't get mixed properly. If the blood sample clots or ferments, the alcohol reading is often artificially high.

"Even if the blood sample is properly collected, it's anyone's guess what happened to it at the lab. Most of us think that police forensic labs work the way they do on TV – the sample is whisked in and processed in time for the next commercial break. In reality, that sample may sit for weeks or months before it's tested. The sample can get mixed up or lost. There have even been documented cases where the sample has a different blood type than the accused driver! That's why experienced defense lawyers always have the blood sample independently analyzed."

What should people look for in choosing a good DUI lawyer?

"If it were me, I would choose an attorney whose main focus is drunk driving defense. Maryland DUI law is extremely

complex, and a lawyer who doesn't have the scientific and legal knowledge to aggressively defend you isn't a good bet. I would look for a lawyer with a proven track record of getting results for accused drunk drivers."

What's your philosophy about defending drunk driving cases?

"I treat my clients the way I would want to be treated. I'm not a number or just a name on a docket, and neither are my clients. Like me, they have families and jobs and homes, and they need to put this chapter of their lives behind them and return to their lives. It's my job to help them do that as efficiently and painlessly as possible. That means I'm available when they have questions about their cases – not just between 9 a.m. and 5 p.m. Monday through Friday, like many defense lawyers. My clients can contact me any time they need information about their cases."

Why do I need to hire a lawyer?

"You can always go to court and handle your case without an attorney. Unfortunately, if you are found guilty it will probably be very expensive in the long run. You may face a mandatory hard time driver's license suspension and possibly jail time. Your insurance rate will most likely increase dramatically. I believe that hiring a lawyer is the best use of your money following an arrest because a lawyer knows what it takes to defend a DUI case. At first, some of my clients weren't sure they needed an attorney to represent them but, once they fully understood the long term consequences of a DUI arrest, they decided to hire me.

If you have questions about DUI defense, or for a free consultation, contact Andrew Alpert at (301) 262-7005.

TOP TEN QUESTIONS TO ASK WHEN INTERVIEWING A DUI LAWYER

1. How much of your practice is DUI defense?
2. What percentage of your cases do you successfully settle 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. What DUI defense organizations do you belong to?
7. Have you lectured at any DUI defense seminars?
8. Have you authored any DUI defense publications?
9. Do you maintain a library of DUI 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 DUI cases)?

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

ADDICTION AND MENTAL HEALTH ISSUES



Sometimes a DUI arrest is a sign of something beyond a lapse in judgment after a night of drinking. You may feel that you have an addiction and another mental health issue. If you feel that your life is spinning out of control, it may be time to speak with a health care professional who can help get your life back on track.

A feeling of helplessness and loss of control isn't unusual. In fact, more than half of people with an addiction also have a mental health condition and vice versa. (This totals at least 10 million people in the United States who have co-occurring substance abuse and mental health disorders.) Unfortunately, treatment for these co-occurring issues is difficult to find. Many alcohol and drug rehabilitation and mental health programs use criteria that exclude people who struggle with both a mental health condition and an addiction. These exclusions result in poor treatment outcomes, higher rates of relapse, more serious medical problems (including HIV, tuberculosis, and hepatitis), more frequent emergency room use and higher rates of criminal justice involvement.

However, there is a group that specializes in this type of treatment. Recovery Care Partner, a firm that delivers intervention, monitoring and recovery services to clients throughout North America. Now recognized as a pioneer in innovative and evidence based practices, founder Don Sloane has become a nationally recognized interventionist and substance abuse counselor. His programs have earned countless honors and

awards for effective client-driven outcomes and for their emphasis on preserving the dignity and quality of life of the people he has committed to serving.

The principles of integrated treatment include the following:

- Staff specialization in co-occurring disorders
- Small caseloads
- Tailored intervention to consumers stage of treatment
- Motivational intervention based on consumers readiness to engage
- Family counseling
- Long-term perspective
- Social support interventions
- Cultural sensitivity

If you feel that this treatment program may benefit you, please contact Recovery Care Partner today. The staff is ready to help. (240) 393-8206

WHAT YOUR LAWYER NEEDS TO KNOW TO HELP YOU

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 DUI 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, this machine does not differentiate between the 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.

IGNITION INTERLOCK DEVICES



An ignition interlock device is an alcohol breath-testing instrument that prevents the vehicle from starting unless the driver blows into it to demonstrate that he or she is alcohol free. Ignition interlock devices may be ordered by the court as the result of certain types of cases.

Sometimes, the devices are installed voluntarily at the insistence of concerned parents or an employer who wishes to ensure that his or her drivers are sober.

In certain types of aggravated drunk driving cases, an ignition interlock may be the client's key to freedom. In extreme cases, both the judge and the prosecutor may agree to allow a person to be released from custody on the condition that any vehicle he or she drives is equipped with an ignition interlock device. The creative uses of these devices can be an important weapon in a defense lawyer's arsenal.

If you are convicted of a DUI or certain other types of driving offenses, the court may order you to install an interlock device on any vehicles you own or operate. Also, if you are convicted of a second or subsequent DUI, the mandatory license suspensions imposed by the MVA may be significantly shortened where an ignition interlock device is installed. Further, if you refuse the breath test in Maryland you may be able to avoid suspension of your license by installation of an ignition interlock device.

If you would like further information about ignition interlock devices, please contact ALCOLOCK USA at 1.844.973.0052.

POTENTIAL SOURCES OF ERROR IN BREATH TESTING

- Calibration errors in the breath machine
- Alcohol trapped in the mouth
- Belching or burping within 20 minutes of being tested
- Medical conditions making defendant an improper subject for breath testing
- GERD: Gastro Esophageal Reflux Disorder
- Official testing protocols not being observed
- Improperly trained breath test operator
- Elevated body temperature
- Fundamental assumptions inapplicable; machine is based on "averages" that may or may not apply
- Non-specificity issues. Other compounds on the breath look like alcohol to the machine
- Breath testing during the "absorptive phase" significantly over-estimates true blood alcohol level (and the absorptive phase can last for hours after drinking stops!) On many machines, the harder you blow, the higher you go!

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 test, you and your attorney should consider the following factors.

Do you have any injuries that would prevent you from performing the test 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 balance problems, middle ear problems, vertigo or anything else that may cause imbalance while performing these tests? Are you 50 pounds or more overweight? Are you 65 years 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).)

One leg stand. If instructed properly, the one leg stand is 65 percent reliable to predict that a person's BAC is .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 "One thousand one, one thousand two" and so on until told to stop.

4. Keep watching the raised foot.
5. Count "One thousand one, one thousand two" 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 .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 sides.

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 Maryland 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 DUI attorney to challenge the validity and reliability of field sobriety tests.

Sobriety Checkpoints

Sobriety checkpoints are temporary roadblocks on public streets or roadways designed to snare drunk drivers and cite others for drunk driving. If you drove through a sobriety checkpoint and were charged with drunk driving, there is hope for a strong defense. Contact an experienced attorney immediately to talk about your case.

A skilled defense attorney will certainly ask you about the circumstances surrounding the DUI checkpoint. There are strict guidelines for the checkpoints. If you were arrested at a checkpoint that was set-up illegally, you may have a defense. A sobriety checkpoint must be announced to the public in advance and set up by command law enforcement officers, not officers in the field. Vehicles must be selected using a neutral mathematical formula, and the checkpoints must be maintained safely for both police and motorists, have high visibility, and minimize the average time each motorist is detained.

Each motorist stopped should be detained only long enough for the officer to question the driver briefly and to look for signs of intoxication, such as alcohol on the breath, slurred speech, and glassy or bloodshot eyes. If the driver does not display signs of impairment, he or she should be permitted to drive on without further delay. If the officer observes signs of impairment, the driver may be directed to a separate area for a field sobriety test. At that point, further investigation must be based on probable cause, and general principles of detention and arrest would apply.

The Supreme Court has ruled that the primary purpose of a sobriety check point is to promote public safety. Therefore, a sobriety checkpoint is not considered a criminal investigation roadblock: A warrant is not required.

Contact an experienced DUI lawyer to evaluate every aspect of the checkpoint to determine whether it meets the established guidelines. If the checkpoint was not operated properly, you may have a valid defense to the drunk driving charge.

Sobriety Checkpoint Checklist

If you were arrested for DUI at a sobriety checkpoint, review this checklist. A skilled DUI defense attorney may be able to build a strong defense for your case if the checkpoint didn't follow

certain guidelines. Did the checkpoint meet the following criteria?

1. Was the checkpoint announced to the public in advance?
2. Was the checkpoint set up by command law enforcement officers (not field officers)?
3. Were the vehicles that were stopped selected using a neutral formula?
4. Was the checkpoint maintained in a safe matter?

Worse Yet...

There are certain things that can happen in a DUI case that are considered "aggravating factors" or "special allegations" that, if proven, will dramatically increase the punishment sought by the prosecutor or imposed by the

- Refusing to provide a chemical test of blood or breath when lawfully requested by a peace officer
- Having prior DUI convictions.
- Having a child in the car while DUI
- Driving above a certain speed, and driving recklessly, while DUI
- Being involved in a traffic accident while DUI
- Causing injury or death to someone other than the driver.

If any of these aggravating factors are present, the prosecutor will typically seek additional punishment, such as more jail time and/or increased fines.

Help with Alcohol & Drug Problems



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

For other people, getting arrested for DUI is simply 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 DUI arrest may be a silver lining to an otherwise dark cloud. Notwithstanding the expense, inconvenience, and fear associated with a DUI arrest, if it 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 DUI 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. It is also possible to find an AA meeting easily by calling 411 and asking for Alcoholics Anonymous Central Office. It is available in nearly any 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-- 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, if you want us to.

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 did not drink cocktails. Or only drank on weekends. You name it, we tried it. But if we drank anything with alcohol in it, we usually got drunk eventually.

Yes No

4 - Have you had to have 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 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 on 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 it was going to be that "kind of party." 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 because we wanted to. 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.

But again, only you can decide whether 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 to live without drinking "one day at a time." We stay away from that "first drink." If there is no first one, there cannot be a tenth one. 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 to help others to 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 party, 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.

YOUR LEGAL TEAM

HOW A SUBSTANCE ABUSE COUNSELOR CAN HELP YOUR CASE

A licensed substance abuse counselor can help any criminal case involving alcohol or drugs, whether it is a first-time misdemeanor DUI or a felony DUI with severe injuries. One of the important questions you should ask of any potential lawyer is whether he or she has a licensed and well-respected substance abuse counselor that will be working as part of your defense team.

Why is this counselor so important? Judges and prosecutors are political creatures, and they are naturally concerned with their own job security. They know that it is easy and safe for them to be tough on crime, to throw the book at every defendant. Being "soft" on crime, or giving someone who stands accused a break, is very risky for them. Their fear is that if they give a defendant a great deal, that person will go out and quickly re-offend, perhaps even causing injury, and that their own career will suffer. A substance abuse counselor can help bring comfort to a judge or prosecutor in these circumstances, so that a great outcome can be achieved. These counselors are often viewed as more neutral than either the defense lawyer or the prosecutor, who are advocates for their respective side. Just like with defense lawyers, the skill, training, and reputation of the substance abuse counselor is vital.

The counselor can be of help in a **serious and aggravated DUI case**, or even a misdemeanor DUI case with no aggravating factors. In aggravated cases, it may be helpful to convince the prosecutor or judge there is a drug or alcohol addiction problem, and that the accused would benefit from a treatment program instead of jail. Treatment is **insurance against re-offending**. An appropriate counselor can be a vital part of qualifying the accused as being likely to benefit from, and succeed in, such a program.

A substance abuse counselor can also be helpful in a **non-aggravated** case. Here, it is helpful for an evaluation to demonstrate that the defendant does not suffer from alcoholism or drug addiction. This is used to show that the arrest is out of character for the accused, that it was a one-time incident that will not be repeated. This may provide just the kind of **peace of mind** that is necessary for a great negotiated outcome.

INTERVIEW with Interventionist
and Substance Abuse Counselor

DON SLOANE, MSOD, CPCC

Don Sloane is a nationally recognized interventionist and substance abuse counselor with over thirty years of experience. He is best known for his compassionate and powerful client advocacy. Don is the founder of Recovery Care Partner, a firm that delivers intervention, monitoring and recovery services to clients throughout North America.

Don, can you describe for us what you do?

In the simplest terms, I help people recover from their addictions so that they can live healthy lives.

And how do you do that, practically speaking?

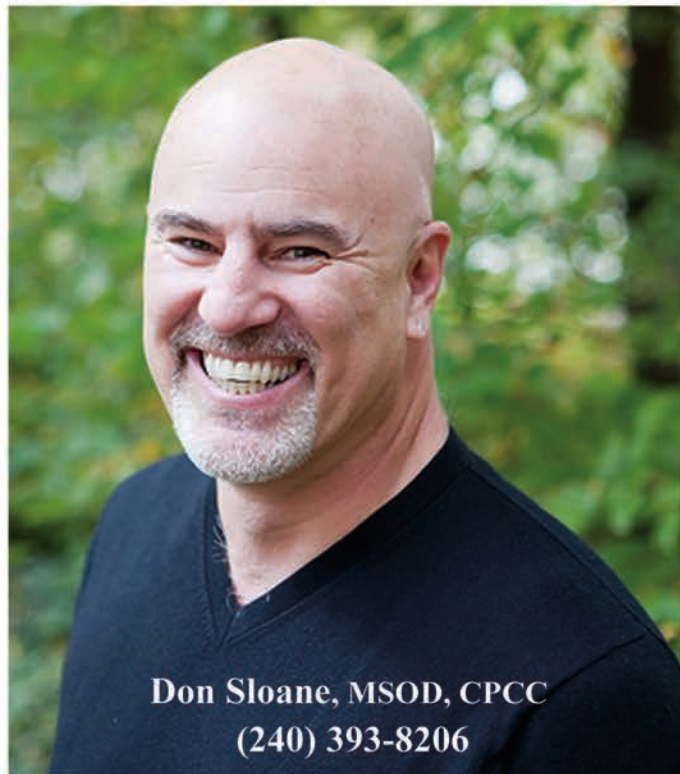
Well, I do one or all of four things. I work with a client's family, friends, and colleagues to help them intervene on the substance misuse. I facilitate getting the client into treatment and work with the family and the treatment center to make that a positive experience. I provide post-treatment recovery care services, including counseling, monitoring, and sober life skills coaching. And I work with other professionals in the client's life to help address specific circumstances such as legal trouble.

So attorneys would benefit from the last thing in that list if they had clients with substance abuse issues?

Absolutely. I use the American Society of Addiction Medicine's (ASAM) six-dimension assessment criteria to quantify whether a prospective client's relationship with chemicals is social use, self-medication, abuse or addiction. Then I work with a client's legal team to determine what plan of action will best serve the client's health and his/her legal circumstance. In some cases, we might select an intervention and inpatient treatment, in others placement in an intensive out-patient (IOP) program, and in still others, a monitoring program to demonstrate good health. All those options mean different things to different court systems and in different legal circumstances. In my experience, judges are enormously receptive to a comprehensive assessment and the recommendation of a well-considered approach.

Okay, so what, for example, is the value you provide to a DUI defense attorney?

I provide clarity and expertise. Substance abuse disorders can't be detected in blood tests, x-rays or scans. So while they are legitimate medical conditions, it's sometimes hard for attorney's to quantify or describe them. That's the business I'm in. The ASAM criteria allow me to document whether an individual is an alcoholic and/or addicted to other substances; and my experience allows me to cut through a client's behavioral manifestations of substance abuse -- namely denial, rationalization and justification. So with my expertise, a DUI defense attorney can advocate for treatment over incarceration. Most courts, given a solid plan for medical rehabilitation, prefer it to a stint in jail; and most judges realize that a treated addict is less likely to end up back in the justice system time and time again.



Don Sloane, MSOD, CPCC
(240) 393-8206

In your 30 years of experience, what has emerged as the biggest challenge a DUI attorney will face when representing their client?

Stigmatization. The World Health Organization recently studied thirteen developed nations to determine which conditions or life experiences were most stigmatized. In every single country, the most stigmatized was drug addiction and the fourth most stigmatized was alcoholism. This cultural undercurrent skews how judges and juries look at substance abuse related crimes. When lawyers work with me, they get research-based information relevant to their clients' specific circumstances. That information is designed to remind judges and juries that substance abuse disorder is a disease, just like cancer or diabetes. It's a disease with behavioral manifestations, and all citizens are responsible for managing their behavior, but it is a disease. When that position is effectively communicated, legal outcomes tend to be less punitive and less burdensome on the client, the judicial system and society.

Would you say your services only help in DUI cases?

Not at all. Addiction treatment and recovery plans can have a huge effect on employment, on custody and visitation agreements, and on the penalties for crimes committed under the influence. I'd encourage any attorney who thinks his/her client might have a problem to contact me. The more we strategize up front, the better the client's standing is likely to be.

If you had one piece of advice for lawyers, what would it be?

Don't assume you know all the facts. One of ten people in this country suffer from some sort of addiction, so many people imagine themselves to be experts based on some family occurrence or the antics of their next-door neighbor's kid. But addiction treatment and recovery are as complicated as ballistics and forensics. Engaging an expert like me improves the odds for your client and has your case taken more seriously by the courts.



MARYLAND Driving Under the Influence of Drugs Cases

In Maryland, cases involving driving under the influence of drugs are prosecuted in much the same way as DUI 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, whether alcohol or drugs, is defined as physical or mental impairment such that the driver is not able to drive with the same caution characteristic of a sober person or ordinary prudence under the same or similar circumstances.

For purposes of Maryland's DUI laws, it does 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 illegal or not) that causes impairment. Many people mistakenly believe that if a doctor prescribes a drug, they are allowed to drive while taking it. Unfortunately, this can be a mistake with rather severe consequences.

Unlike DUI alcohol cases, there is no "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 designed to assist in determining whether or not someone is under the influence of drugs. They are called DREs, or Drug Recognition Evaluators. DREs will be brought in to examine a suspected motorist, and are supposed to follow certain protocols in their evaluations. A skilled criminal defense attorney is often able to demonstrate that proper evaluation procedures were not followed, or that the supposed signs and symptoms were ambiguous and just as consistent with non-impairment as they are 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, or cushioning their impact, is consultation with a DUI 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 sample. Blood samples can ferment, can clot, and can be rendered unreliable by bacterial growth. The end result is a reported alcohol level that is higher than the true alcohol level. You probably didn't notice when your blood sample was taken, but there was supposed to be a white powder in the base of the test tube.

This powder is anti-coagulant and preservative. It was placed there by the factory that produced and packaged the test tube. Unfortunately, no one tested this material before your blood was drawn into the tube.

Any good DUI attorney will know to order a split of your blood sample for independent testing by a forensic laboratory. The lab will be able to tell whether the anti-coagulant and preservative were in the tube in proper amounts, whether there has been any bacterial activity, and even whether the sample is the same blood type as the person it supposedly belongs to. It may be comforting to think that the testing of blood samples in DUI cases looks like something from CSI: Miami, with a well-trained lab technician dressed in a bright coat testing your sample in a clean and well-lit crime lab. This is, unfortunately, far from the way things are done in the real world, and a qualified DUI defense lawyer will know just what to do to address these issues.

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

DID YOU KNOW?



- That DUI arrests trigger two different cases: The court case and the MVA hearing
- That you must request an MVA hearing within 10 days of your arrest, or else you automatically lose!
- That body temperature can affect the breath test results.
- That field sobriety tests are optional. If you took one, it's only because you consented to do so.
- That blood samples can ferment, and create artificially high alcohol readings.
- That a DUI conviction could cost more than \$10,000 over the next three years.
- The court and/or the MVA could order you to have ignition interlock devices installed in your car.
- That there are alternatives to mandatory jail sentences, such as electronic monitoring and community service.
- 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 "burned off" or eliminated from your body.
- If you refuse to take a blood or breath test after you've been arrested, the MVA will try to suspend your license for a minimum of 120 days for a first offense.
- The only modification for a suspended license as a result of refusing to take the breath test is having an ignition interlock device placed in your car for a year. This is the only vehicle you are allowed to drive.
- There are different alcohol education courses that are required, depending upon whether you are convicted of a first-offense, second-offense, or third-offense DUI.
- Not all DUI arrests result in DUI convictions. Many settlement alternatives are available.
- You have the right to a jury trial in a DUI case.
- To be convicted at trial, all of the jurors must be convinced of your guilt beyond a reasonable doubt. If even one juror votes in your favor, you cannot be convicted.
- According to the breath machine manufacturer, there is a margin of error in breath-testing equipment.
- The arresting officer is required to continuously observe the subject for the 20 minutes immediately before the breath test to make sure the subject doesn't burp, belch or regurgitate and that he or she has put nothing in his/her mouth.
- Most car rental companies won't rent to someone with a pending DUI case. Your best bet is with a small "mom-and-pop" car rental company, and not the big-name national chains.
- That a tongue-piercing may cause an inaccurate breath test reading by trapping alcohol in the mouth.
- In Maryland, your field sobriety test results are not objectively scored, but are merely the arresting officer's opinion.

**A DUI CONVICTION
COULD COST MORE
THAN \$10,000**

MARYLAND DUI?

DON'T TAKE A CHANCE WITH YOUR LICENSE OR YOUR FREEDOM



CONTACT ATTORNEY ANDREW ALPERT
AND THE PROFESSIONALS AT
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- Sustaining Member National College for DUI Defense
- Licensed to Practice in Maryland and the District of Columbia
- ACS-CHAL Forensic Lawyer Scientist

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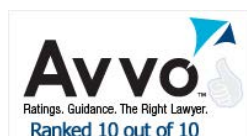
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