



# The 4 Biggest Mistakes People Make After Being Arrested for Drunk Driving

Provided by



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# Charged With Drunk Driving?

## Here are the 4 Biggest Mistakes People Make After Being Arrested for Drunk Driving.

If you have been charged with Drunk Driving, you should know the 4 biggest mistakes people make after being arrested so that you can make the right decisions and obtain the best results possible.

### Mistake No. 1

**People incorrectly assume because they took a breath test, and tested over the limit, that they cannot win the case.**

An over-the-limit alcohol breath or chemical test result does not make a person guilty of drunk driving. There are many ways that such a test can either be challenged or determined to be inadmissible. The initial stop could have been made without probable cause. If so, then all evidence obtained after the stop is inadmissible and cannot be used against you. Also, standardized field sobriety tests administered by the arresting officer generally serve as a basis for the drunk driving arrest. If these tests were not properly administered, then those test results, and any subsequent breath or other chemical test results, are all inadmissible and cannot be used against you. Finally, if proper pretrial motions are filed by your attorney, then in order for the breath or other chemical test results to be admissible, the prosecution must prove that the machine, its operator, and the test administered complies with complex regulations issued by the Ohio Department of Health. If they don't, then the tests results cannot be used as evidence against you. All of these challenges can be used by a properly trained drunk driving defense attorney, to defend your case.

### Mistake No. 2

**People choose the wrong attorney to represent them in a Drunk Driving case.**

You need to hire an attorney with proven experience defending and winning drunk driving cases. The attorney also needs to have specialized training in the administra-

tion of the Standardized Field Sobriety Tests (SFSTs) used by nearly all police officers to determine whether they have probable cause to arrest you. This specialized training is necessary because the SFSTs given by the arresting officer often determine whether any chemical or breath test results are admissible as evidence against you in court. Generally, if the tests were not properly administered, then they cannot serve as the basis for your arrest; and if you were not properly arrested, then any chemical or breath tests that were subsequently given are also not admissible as evidence against you. The National Highway Traffic Safety Administration (NHTSA), which trains and certifies police officers in the administration of the SFSTs, also offers the same training to defense attorneys. Make sure that your attorney has received this same training received by police officers from NHTSA. Otherwise, your attorney will not be able to properly challenge the tests. Without an attorney highly experienced in defending these cases, it will be nearly impossible for you to navigate through the legal system. Protecting all of your rights, evaluating the evidence gathered against you, filing motions to challenge the admissibility of that evidence, and understanding the possible defenses to your case requires the knowledge, time, and attention of an attorney experienced in defending drunk driving cases.

## **Mistake No. 3**

**People fail to hire an attorney until just before their first trial date.**

In order to properly defend your case, you need to immediately hire an attorney so that he or she can file pretrial discovery and suppression motions, obtain records regarding the administration of any breath or chemical tests, and obtain any video made from the arresting officer's vehicle. If these things are not done in a timely fashion you may lose the right to do them at all. Without performing these tasks prior to trial, even a skilled attorney will not be able to properly defend you. In order to properly defend your case, you need to hire an attorney as soon as possible.

## **Mistake No. 4**

**People listen to advice from a family friend, police officer, or someone other than a lawyer experienced in defending Drunk Driving cases.**

Drunk driving charges and their defense have become increasingly complex in recent years. Advice from anyone other than a skilled defense lawyer highly experienced in defending drunk driving cases will almost always miss the mark. For instance, believing someone who tells you that you can go to the prosecutor and talk your way out of the charges not only doesn't work and is almost always wrong, but taking that kind of advice can severely damage your case. What might have been good advice several years ago is probably no longer correct. You should only listen to advice given by an attorney experienced in defending drunk driving cases.

# Contact Koenig & Long

Need help with your case? Please feel free to contact us for a free consultation.

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