

General Tips for Dealing with a DUI Investigation

The following are some general guidelines to assist you if you are ever pulled over in California after drinking before driving. This being said, the easiest way to avoid having problems in the first place is to be responsible. If you drink, do not drink to excess. If you drink, DO NOT DRIVE.

In my experience, the vast majority of police reports, whether DUI related or something else, generally start out with someone who has consumed too much alcohol or some other illicit substance. (It goes without saying that you should avoid all activities and substances that are illegal by their very nature.)

I know cabs can be difficult to find and expensive on busy nights. That being said, the price you pay in both time and money for a cab is far better than the attorney's fees, court fines and fees, and a potential jail sentence.

If you do make the decision to drive after consuming alcohol, you can use the following 8 tips to reduce your chances of being convicted of DUI in California.

1. When questioned for DUI or drunk driving before arrest, you are not in custody for purposes of Miranda warnings. If you politely refuse to answer any of the police officer's questions concerning the DUI investigation, either before or after arrest, then there will not be any statements that can be used against you in court. Even seemingly innocuous questions can be used by the prosecution to assist them in convicting you of DUI.
2. Field Sobriety Tests (FSTs) are completely voluntary. If you have been drinking, whether you perform the FSTs or not you will probably be arrested. It is probably better not to give the police evidence that will be used against you in court. You can politely refuse to do FSTs.
3. In California, you are not required to submit to a pre-arrest preliminary alcohol screening test. This being said, you are **REQUIRED TO SUBMIT TO A POST ARREST CHEMICAL TEST**. You have your choice between a breath or blood test unless the officer has probable cause to believe that drugs are involved or one of the tests is not available. If you refuse a chemical test on a first offense, you will lose your license for 1 year. Plus, in California an officer can force you to submit to a blood test without your consent. This results in a double whammy of a refusal enhancement and a known blood alcohol level.
4. Contact a friend or relative from jail as soon as possible so they can hear you speak and note your state of sobriety.
5. Always be polite and respectful to the police officers. How you are perceived by a jury is extremely critical.
6. Some jurisdictions video the arrest, breath testing and/or booking process. Always be

on your best behavior.

7. Make a detailed list of all the events before being stopped up to and including being released from custody.

8. Retain an experienced DUI drunk driving defense attorney to represent you. Only an experienced DUI defense attorney is able to spot your favorable issues and present them to a prosecutor, judge or jury.

Remember, the best way to avoid a DUI or drunk driving conviction is to not drink and drive. Purchasing a portable breath test machine can also be of benefit. Unfortunately, the way our laws are going even if you've had a small amount of alcohol and you are not impaired, as long as you smell like alcohol your chances of being arrested are very high. However, being arrested for DUI does not automatically result in a conviction or loss of your driver's license. The above tips are designed to provide accurate and authoritative information. They are not designed to render legal opinions.

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