

What Not to Do After Getting Pulled Over For Suspected DUI



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What Not to Do After Getting Pulled Over for a Suspected DUI

Ideally, you will never have to use the information provided here. Still, everyone makes mistakes. A DUI, while serious, is only a momentary lapse of judgement. This book is intended to shed some light for individuals who have been arrested for a DUI and those who have not been arrested but are curious about how to handle the situation if it ever arises.

Common Mistakes Made During a Traffic Stop for DUI

Let's consider a hypothetical situation: It's July 4th weekend and you decide to meet some friends at the local bar. Pricing for ride-hailing services, like Uber and Lyft, is sky-high due to the holiday or even unavailable. You decide to drive there with every intention of getting a ride home. Everyone is having a good time--on the water, listening to live music, checking out a few different spots. At some point, later in the night, the group decides to part ways. Most of your friends begin to call a cab, a ride service, or try to "sober up". Not wanting to leave your car overnight, you make a calculated risk to drive yourself home; after all, you're only minutes away from your place. You've made it home before, you got this...Right?

You know that you're probably over the legal limit of .08 BAC (blood-alcohol content), so you take extra precautions. You put your hands in the correct position on the steering wheel. You buckle up. You adjust your mirrors. You triple check you are doing the speed limit. You think everything is going alright, until your rearview mirror lights up with the glare of flashing lights – the most unwelcome sight in the world. You safely pull over to the side of the road. The officer approaches your vehicle. Now what?

While there are an infinite amount of possibilities in what follows, below are some **common mistakes** that we regularly see happen:

● **Talking too much.** Many people who are pulled over on suspicion of driving under the influence have not had much interaction with the police up to that point in their lives. For this reason (and others, like simply being nervous), you might be feeling like you can diffuse the situation or endear yourself to the officer by chatting or laying on the charm. And we get it. But this is a mistake – in this situation, the police officer is NOT your friend. Anything you say can be used as evidence that you are impaired.

● **Submitting to a field sobriety exercise.** Unlike chemical tests like breath, urine, and blood tests, Florida drivers are under no obligation to comply with a field sobriety test requested by a police officer. If an officer asks you to consent to a field sobriety test, you can politely decline. However, be aware that most times an officer will base an arrest for a DUI on their observations up until that point. The officer may even state the request to perform the exercise is to “dispel” their fear. Keep in mind that these exercises are difficult to satisfy even when you are below the legal limit. Completing a field sobriety test simply gives the prosecution more ammunition if your DUI case ever makes it to court.

● **Believing you can “fool” the breathalyzer.** There are valid arguments for and against submitting to a chemical breath test (more on that below), but thinking you can simply trick the machine is foolish. There are many persistent urban myths surrounding breathalyzers; some say that sucking on a penny will mask the alcohol vapors pushed out when you exhale, while another myth claims that faint blowing will give you a lower reading. While there are indeed many ways for a good DUI attorney to show the inaccuracy of a result, trying to con the machine will often prove fruitless.

● **Not requesting an administrative hearing with the DMV.** If you are arrested on DUI charges, your license can either be suspended or revoked depending on a number of factors. After your arrest for DUI, you have only 10 days to request an administrative hearing known as a Formal Review Hearing. This hearing is to fight the suspension. At the end of the process you will either regain full driving privileges or be granted a hardship license, which allows you to travel to and from life necessities like work.

An important note here is that this administrative hearing is separate and distinct from criminal proceedings. That is, one has no bearing on the other. Additionally, you may be granted a temporary license to use between the date you request an administrative hearing and the actual date of the hearing. At this point, you should have the help of a knowledgeable and zealous criminal defense attorney.

● **Thinking that your case is beyond unbeatable.** No matter what, there are typically strategies and defenses that an aggressive fighter who knows the law can improve your situation and chances of beating a DUI charge. A quality attorney will be able to expose possible procedural errors made during your arrest, discover faulty equipment, or do several other things that increase your chances of prevailing in court.

Should You Submit to a Chemical Breath Test?

Unfortunately, if an officer asks you to blow into a breathalyzer, you are in a lose-lose situation. Under Florida's implied consent law, refusing to take a breath test will result in an automatic license suspension and a "refusal" charge. However, if you do decide to blow, the resulting Blood Alcohol Content (BAC) will be used against you. There are ways to combat both refusing to blow and the results of submitting to the test. Ultimately, it is your call what to do and your choice to weigh.

The big takeaways are:

- 1) If you refuse, there is less evidence to be used against you.
- 2) On the other hand, if you refuse, there is an automatic suspension.

So, What Should You Do if You Get Pulled Over?

Anytime you are pulled over by the police, you should be polite and say as little as possible – no matter what questions the officer asks you. Never drive without a current driver's license, up-to-date insurance, and your car's registration. Unfortunately, if you are pulled over on suspicion of DUI, there is a very good chance you will be arrested.

If you are arrested, you are obligated to take some form of a chemical test and refusing may lead to additional charges and suspensions.. At the first opportunity, you need to request a lawyer. An experienced DUI attorney will know how to insulate you from further legal liability and be able to properly defend you.

Conclusion

Getting arrested for DUI is a scary experience. After the initial shock wears off, you start to focus on the immediate and long-term consequences of your arrest (and potential conviction).

The best thing you can do, though, is to turn your worry into action by contacting a Florida DUI attorney who will guarantee to exhaust all efforts when fighting your charges. Camadeco Law Group cannot guarantee any specific result, but we can and will promise you that we will relentlessly protect your rights and turn over every stone in pursuit of a favorable outcome for you. Reach out to a member of our team today to get a defiant defender on your side.



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