



DWI Fact Book

Contact us immediately for a FREE no-obligation consultation. **Call (410) 484-1111.**

THE LAW OFFICES OF
BRUCE M. ROBINSON, P.A.

Firm Profile



The Law Offices of Bruce M. Robinson concentrate on helping people who have been arrested for DWI and DUI offenses. We understand the average person may never have been arrested before and that this can be a very scary and frustrating event. The firm has been representing people involved with alcohol related offenses for over a decade. We will direct you through the complex and confusing maze of laws and administrative hearings that result from an alcohol arrest. Your legal rights and personal freedoms are this firm's first priority. Please tour this website and then contact us for an immediate, free no obligation consultation to discuss your case.

Mr. Robinson has been successfully representing the needs of DWI/DUI clients since 1992. He is a graduate of the University of Maryland School of Law in Baltimore, Maryland. Following graduation and after immediately passing the bar exam, he was

offered employment at a large law firm in Baltimore. Mr. Robinson remained at this firm until opening his own law office, which he presently operates. Now, with locations throughout Maryland, Mr. Robinson continues to manage the firm and offer aggressive legal representation in DWI/ DUI cases and related matters.

The Law Offices of Bruce M. Robinson are acutely aware of the competitive legal market that exists today. We strive to enhance the legal experience by having several offices available for your convenience and by remaining easily accessible. An attorney is available 24 hours a day, 365 days a year at **410-484-1111**, or by e-mail at **bruceesq@aol.com** or by toll free pager at **1-888-644-3329**. We facilitate the aggressive handling of client cases by employing state of the art computer technology in all aspects of our representation.

Computer Technology

It has been said that in the present age, non-computerized law offices and offices without computerized tracking and legal research ability will not be competitive, and could amount to malpractice. Offices that do not employ and maintain cutting edge technology are not providing the client the best service available.

Our law office is completely computerized with state-of-the-art technology. Utilizing our T1 Internet connection we have immediate full time access to the latest court decisions from the Supreme Court of the United States to Maryland's Appellate Courts. We are connected to the Maryland Department of Motor Vehicles so we do not have to wait weeks to identify parties related to an accident. We are connected to the State Department of Assessments and Taxation, and Westlaw for the latest legal decisions and research. We are tied into the Maryland Court System and the Worker's Compensation Commission, so that we have full time access to Court dockets and cases. We also have immediate computer access to all client

matters and are readily able to provide up-to-date status reports to our clients at any time.

When you call our office, you will not be placed on hold so that the attorney can "locate your file." All your case information is immediately available.

We aggressively and competently represent the needs of injured victims. As a result, the firm has a reputable rating with Martindale Hubbell Directory, the independent lawyer rating firm which profiles the finest lawyers and law firms in the country.

Your visit to our law firm is **immediate and it is free**. If you are injured in an accident or otherwise require the services of an attorney, we invite you to tour our website. Choosing a lawyer is an important personal decision. We hope our website helps you make the decision that is right for you and your family. We welcome your call at **410-484-1111**, or **1-888-644-3329** or email us at **bruceesq@aol.com**.

What To Do If You Have Been Arrested For DWI / DUI

Contact us anytime day or night.

Driving While Impaired (DWI) and Driving Under the Influence (DUI) of alcohol or drugs is a serious criminal offense in the State of Maryland. This may be your first contact with the criminal justice system, and now you have been arrested. If you are stopped by a law enforcement officer for suspicion of driving under the influence, several things can happen to you. Your driving privilege can be suspended irrespective of whether you are ultimately found guilty of the charge. You can lose your privilege to drive, you can face up to a year or more in jail and you could face negative ramifications at work. That is why it is important to **contact a qualified attorney immediately after the stop** while the facts of the arrest are still fresh in your mind.

When involved in an alcohol related arrest everything that you do and say or that the police do and say is extremely important for your defense. Minor details that do not seem relevant to you can be the difference between guilty and not guilty. The following is a short list of important details to take note of:

1. *Whether the police officer explained the field sobriety test (FST) to you or actually performed the test for you.*
2. *Whether or not you were read your Miranda rights, if so, when and where.*
3. *Whether or not your DR-15 rights were read and explained to you, signed by all parties and a temporary license given to you.*
4. *Whether or not you were offered a preliminary breath test before being arrested.*

5. *The time of your initial stop, the time of your arrival at the station and the time your breath sample was taken.*
6. *The weather and environmental conditions at the stop and during the FSTs.*
7. *What kind of shoes and apparel you were wearing.*
8. *Who was with you or around you at the time of the stop.*

It will be to your benefit to write these things down and take the information to your attorney.

Once stopped in Maryland for suspicion of DWI/DUI you have certain legal rights and responsibilities. For example, the officer will endeavor to give you several field sobriety tests including a preliminary breath test. Unfortunately, many drivers attempt to perform the field sobriety tests despite the fact they are under no legal obligation to do so. The problem with field sobriety tests is that they are highly unusual tests of physical prowess, usually done on the side of the road, at night in the dark, while the driver is nervous, anxious and scared. The officer instructs the driver what to do. The officer is supposed to demonstrate the test and then watch the driver attempt to carry out the test, taking copious notes every time the driver makes a mistake. Before you know it, the driver is arrested, handcuffed, placed in the back of the police cruiser and whisked off to the police barracks for a formal breathalyzer test. The breathalyzer score along with the attempts to complete the field sobriety tests will be used against the driver in an attempt to convict the driver.

What To Do If You Have Been Arrested For DWI/ DUI

After giving a breath specimen at the police barracks and having a blood alcohol content (BAC) of .08 grams or more, the driver's license is taken and the driver is given a temporary paper license, which requires immediate action on the part of the driver or the privilege to drive in Maryland will be suspended.

An informed Maryland driver should know that it is not required to perform the field sobriety tests (FSTs) nor does one have to take a preliminary breath test when requested. There is no negative consequence for these refusals, and more importantly, there is no evidence for the State to use against you in Court if you decline both. While a preliminary breath test cannot be used against you in court, you could use the test to support your case. These tests along with other indicators like the smell of alcohol on the breath, blood shot eyes, slurred speech, ability to locate driver documents and the ability to get out of the car without incident are all evaluated by law enforcement in order to gather probable cause to determine if an arrest is warranted. The breathalyzer test in the station house is required, although you may still decline to take such a test if you choose. The refusal to take the test will carry with it certain negative MVA consequences.

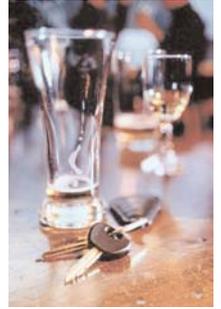
For a first offense for refusing to take the breath test, you face an automatic suspension of driving privilege for 120 days. For a subsequent offense the suspension is one year. You are entitled to an Administrative hearing regarding the suspension, which you must request on a timely basis. Through counsel, you may petition the Administrative

Judge to modify the suspension if you agree to have an "interlock" system installed in your car. An interlock system is a mechanical unit, which requires the driver to blow into a machine located in the car before the car will start. The machine can sense alcohol on the driver's breath and will not allow the vehicle to start if alcohol is present. If you successfully petition the Court for an interlock, there is a rental expense ranging from \$50 - \$90 per month.

If you decide to take the breathalyzer test, a lower Administrative penalty may apply. For a first offense of blowing .08 BAC or more, a 45-day license suspension is indicated. For a subsequent offense 90-day suspension is indicated. Certain modifications to these Administrative penalties are possible. These penalties are independent from the criminal ramifications of the Criminal Court proceedings.

In the realm of the administrative hearing, as with the criminal hearing, there are multiple defenses to be evaluated by experienced counsel, irrespective of the State's evidence. It is possible, based on the facts of an individual case to have the administrative judge take no action on one's driver's license.

If you have been arrested or cited for any alcohol violation you must seek competent and aggressive legal representation at once. You have legal rights, which must be exercised in a timely basis, or you may lose them. Your recollection of the exact events of the event are critical to a complete and fair hearing on the merits of your case.



Locate your body weight on the left edge of the chart, then see how many drinks on the top of the chart you can generally consume before reaching the indicated blood alcohol content. To estimate the percent of alcohol burned over time, decrease the figures above by .015 for each hour after the start of consumption.

Blood Alcohol Chart

<u>Body Weight</u>	<u>Number of Drinks*</u>						
	1	2	3	4	5	6	7
100 lb	.04	.08	.11	.15	.19	.23	.26
110	.03	.07	.10	.14	.17	.21	.24
120	.03	.06	.09	.13	.16	.19	.22
130	.03	.06	.09	.12	.15	.17	.20
140	.03	.05	.08	.11	.13	.16	.19
150	.03	.05	.08	.10	.13	.15	.18
160	.02	.05	.07	.09	.12	.14	.16
170	.02	.05	.07	.09	.11	.13	.16
180	.02	.04	.06	.08	.10	.13	.15
190	.02	.04	.06	.08	.10	.12	.14
200	.02	.04	.06	.08	.09	.11	.13
210	.02	.04	.05	.07	.09	.11	.13
220	.02	.03	.05	.07	.09	.10	.12
230	.02	.03	.05	.07	.08	.10	.12
240	.02	.03	.05	.06	.08	.09	.11

*One drink = 1 oz proof whiskey (50%), one 12 oz bottle beer (4%), or 4 ounces of table wine (12%).

Disclaimer: This chart is intended for general informational purposes and cannot be relied upon to provide exact blood alcohol levels. Other factors may have a role in individual metabolism. If you have been drinking, you are advised not to operate an automobile or other dangerous equipment.

Field Sobriety Tests



The Field Sobriety Tests generally consist of:

1. One Leg Stand
2. Walk & Turn
3. Horizontal Gaze Nystagmus
4. Alphabet and Finger to Nose

The NHTSA has implemented standards by which law enforcement officers are supposed to administer the above noted tests. The officer is supposed to explain the test and demonstrate the test to a suspect. Unfortunately, officers do not always maintain a high level of understanding of these procedures and that will often times impact negatively on a suspect's ultimate understanding and performance.

The One Leg Stand

The one leg stand is when the officer tells a suspect to stand on one leg and elevate the other foot 6 inches off the pavement with his toes pointed forward and parallel to the ground. In order to perform this test, the officer must first inquire of the suspect if he has any disabilities which would impact on his ability to safely execute this test. The officer is also required to demonstrate the test to the suspect. The suspect should be told to keep his arms at his sides and to count to 30 by thousands. If the suspect starts too early, sways back and forth, uses his arms for balance, or places his foot back down on the ground, he gets assessed points. If a suspect gets 2 points, he fails that test. Only one point is given for each type of violation irrespective of how many times that particular violation occurs.

Walk and Turn Test

This test requires the suspect to stand heel to toe while the officer is explaining the test. The officer explains that the suspect must walk 9 paces down a line while looking at his feet and counting out loud. The suspect must complete a four step turn and then walk back 9 paces heel to toe. The suspect is penalized for not staying on the line, not walking heel to toe, using his hands for balance, performing an incomplete/incorrect turn and for swaying back and forth. If the suspect walks off line he is allowed to resume where he was interrupted. The officer should demonstrate this test. If the suspect does not understand, the officer must re-explain the parts that are not understood. If a suspect gets 2 or more points, the test is deemed a failure. Only 1 point is given for any particular violation even if it occurs more than once.

Horizontal Gaze Nystagmus

The Horizontal Gaze Nystagmus test measures the movement of the suspect's eyes. Nystagmus is the jerking of the eye. The jerking of the eye measured in this test is measured in three different ways. The first is to measure the angle of onset of the nystagmus. By measuring the angle at which nystagmus begins, an officer is supposed to be able to roughly estimate

blood alcohol content (BAC). The second method is to determine whether the nystagmus becomes more "distinct" when the eye is moved to a lateral extreme. The third technique is to look for a lack of "smooth pursuit" of an object that is placed in the suspect's field of vision.

The problem with this test is that there are an incredible number of factors that can cause a suspect to have nystagmus. A wide array of medications, eye irritation and contact lenses are a few of the factors that can contribute to eye irritation, redness (a factor that officers look for) and nystagmus. Unfortunately, law enforcement officers and the courts place a high degree of reliability on this test as can juries. Therefore competent defense counsel should be sought to explain the unreliability of the nystagmus test.

Alphabet and Finger to Nose Test

There are other tests which law enforcement officers may request a suspect to take. One is the alphabet test. In this test, the officer will inquire whether the driver knows the alphabet, if so, he may ask the driver to say it in its entirety or say it backwards or he may ask the driver to say it forwards from a particular letter. The thought is, if you fail this task it reflects on your sobriety.

Another test is the finger to nose test. In

this test a suspect is asked to stand feet together. The suspect is to stretch out his arm and hand and then to attempt to touch his nose, possibly with both hands. If the suspect is unable to touch his nose, the concept is that the failure reflects on the suspect's sobriety.

Neither one of these tests has been approved by the NHTSA! Different agencies may use these tests as possible indicators of sobriety but the NHTSA, which has written the manual which law enforcement officers are trained to follow, has not adopted these tests as being valid tests of sobriety.

It is for the foregoing reasons including the complexities of the field sobriety tests and the breathalyzer, combined with the serious criminal and administrative penalties that can result from a conviction, that competent and aggressive representation should immediately be sought if a driver is charged with driving under the influence.

If you would like to contact our firm for an immediate, FREE NO OBLIGATION CONSULTATION concerning where you should turn next in this complicated and difficult situation, please contact us at once.

Our clients incur no fees or expenses until we recover an award for you.

**CALL 24 HOURS A DAY
410-484-1111**

**Toll Free 24 hour pager
1-888-644-3329**

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Driving Directions to Main Office:

Take Baltimore Beltway 695 towards Reisterstown Road, Exit 20. Get off the beltway at exit 20 Reisterstown Road and proceed North Bound (ie. proceed outside the beltway). Your first traffic light will be Hooks Lane with an Exxon station on the corner; turn right here. Proceed exactly 2/10th of a mile and turn right on Reservoir Road into the office park. Make your next left turn. We're the building immediately on your right; building number 2, suite 205. There is plenty of free parking directly outside the building.



Driving Map: