

Winning Defense Strategies



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Introduction

Congratulations! You have made a wise decision to take advantage of downloading your free Arizona DUI Winning Defense Strategies Book. If you were arrested for any Arizona DUI charge, your life has been turned upside down. It has probably traumatized you emotionally, physically, and financially, and had adverse impacts on your family, your ability to drive, your employment and other aspects of your life. Your top challenge now is answering the questions of “what happens now?”, “how can I make this go away?”, or in the least “how can I get the best outcome in my DUI case?” How is this going to affect my future and my freedom? If you are uncertain about answers to these questions read on:

By downloading and reading this book you, you have taken your first step towards getting those questions answered. In reading this book you will learn what happens step by step in the DUI and judicial processes, how it will affect you, and what can be done to get the best outcome of your case. Just because you have been charged with a DUI, does not mean you will be convicted. If you read this book and hire a good Arizona DUI Defense Attorney, such as the Law Office of James Novak, you will see, it’s not over yet—Not by a long shot. So you got a DUI--- That does not change the fact that you still have constitutional rights that Arizona police and prosecution must not violate. That does not change the fact that defenses on your behalf can be used to possibly suppress evidence or get your case dismissed. Every case is different and holds its’ own set of circumstances. But an experienced, seasoned DUI Defense attorney and litigator like James Novak knows which defenses to use under what circumstances. Then the evidence is examined carefully, and the best defense case possible will be mounted on your behalf to get the best outcome, from either lesser charges to a total dismissal.

Arizona has some of the toughest DUI laws in the Country. And with them you face harsh punishments. As a former Arizona Prosecutor, experienced DUI defense Attorney, Arizona Law Firm founder, experienced trial litigator, I have handled hundreds of DUI cases including high profile cases, celebrity and professional sports player’s DUI cases. I have been able to get many successful dismissals and not guilty verdicts. This was not out of luck- but hard work, training, education, experience and continuing to keep up on new local and tough Arizona state laws and DUI defenses that may affect my client’s cases. Remember, when you hire an attorney, they work for you. My number one priority is You. There should be **No Secrets** to providing a good defense. That is one of the reasons I share this book with you. I want you to feel comfortable, safe, assured, and understand everything possible there is to know that can be done to defend an Arizona

DUI. Upon completion of the book you hopefully feel better about your situation and gain an understanding of the court, and judicial processes and what may be done by an experienced DUI Attorney to defend and win your case. In this book you can expect “dos”, “don’ts” “how tos”, tips, tools, facts, laws, stories, and a multitude of defenses, defense tactics and strategies.

So let’s get started on helping you put the pieces back together, get on with your life, and shed some light on the road ahead from here. If you find it useful, share the news someone else who may need Arizona DUI legal help by telling them about my Free DUI Winning Defense Strategies Book, and the Law Office of James Novak, Arizona DUI Defense Attorney.

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THE POLICE STOP

The police in Arizona must witness a traffic violation or have reasonable suspicion that you have committed a crime in order to make a traffic stop. They do not have the legal authority to stop any vehicle. The stop cannot be based on a “hunch”. The Arizona police are trained to observe for any suspected DUI situations. They look for certain driving behaviors or so called cues including but not limited to the following:

- Weaving within a line
- Infringing across lane lines
- Straddling a lane line
- Drifting
- Swerving
- Almost striking a vehicle or hitting another object
- Turning with a wide radius, or drifting during a curve
- Braking Irregularities (stopping short, far back, or erratically)
- Accelerating for no reason
- Obvious varying speed (from slow to fast and fast to slow)
- Slower speed than the rest of the traffic (obvious slower than normal)
- Driving without headlights at night
- Failure to signal a turn or lane change
- Signaling inconsistently with actual action taken
- Driving in opposing lanes
- Driving the wrong way down a one-way street
- Slow response to traffic signals
- Slow or failure to respond to officer's signals and lights
- Stopping in the lane for no apparent reason
- Following behind another vehicle too closely (tail gaiting)
- Improper or unsafe lane change
- Other unsafe driving move for current traffic
- Illegal or improper turn (too fast, different speeds, hugging the curb)
- Driving on other ground beside than the designated roadway
- Stopping inappropriately in response to an officer
- Other Inappropriate or unusual behavior
- Appearing to be impaired

To justify a stop, an Arizona police officer will state they witnessed a traffic violation, and/or some of the behaviors listed above. They will state that this gave them the legal basis for stopping your car and investigate further to establish if a crime was committed or the driver was driving intoxicated.

POLICE OBSERVATIONS

When Arizona police initially approach a stopped car they document all observations they deem to be a sign, cue or symptom of intoxication. The officer's reported observations are essential elements of the prosecution's DUI case. An experienced DUI defense attorney is prepared to defend each one of these observations.

Here is a list of post-stop behaviors that police officers are trained to look for as soon as you are stopped:

- Difficulty exiting the vehicle
- Fumbling with driver's license or registration
- Repeating questions or comments
- Swaying, being unsteady, or having balance problems
- Leaning on the vehicle or other object
- Slurred speech
- Slow to respond to officer or requiring the officer to repeat questions
- Providing incorrect information or changing answers
- Officer claims to smell an odor of alcoholic beverage from the driver

The police officer will usually list these items and anything else in the police report as further evidence against you in order to get a conviction.

The following are additional details the police may erroneously attribute of behaviors or movements, in their opinion are due to the driver being impaired by alcohol or drugs.

Bloodshot & Watery Eyes

Most DUI arrests are made in the late night or early morning hours. When the Arizona police officer looks at a driver with bloodshot, watery eyes, they will automatically document it as an indicator of driving while impaired.

The fact is that many people with bloodshot eyes attribute these symptoms to other causes. Some factors that could cause bloodshot and watery eyes completely unrelated to alcohol may include:

1. Fatigue
2. Crying
3. Experiencing a cold or flu symptoms
4. Eye or respiratory allergies
5. First or second hand smoke irritation
6. Contact lenses
7. Spent the day in the sun
8. Dirt in your eyes
9. Conjunctivitis or other eye disease

This list is not all inclusive, but it makes the point. That is, the police officer will have no idea what caused a person's eyes to be bloodshot and watery nor will they ask you. They will choose to believe and document that symptoms are due to impairment caused by alcohol or drugs.

Face Flushed

As with bloodshot eyes, there are many reasons why you have a flushed face and how it may have no connection to drugs or alcohol. Some of these factors may include:

1. Sun Tan
2. Normal complexion
3. High blood pressure
4. Wind burn
5. Shaved too closely
6. Vitamins
7. Blushing
- 8) Medical Conditions such as Acne, Eczema or Rosacea- which cause patchy redness
- 9) Acne
- 10) Warm body temperature
- 11) Just finished working out, walking or running to your vehicle
- 12) Eating food that was hot or spicy

When the police stop you at night they automatically suspect that you are driving drunk. They approach you and observe a driver with these incriminating reddish cheeks and they will choose to assume it is caused by intoxication.

Slurred Speech

When the Arizona police have any difficulty understanding a person with a foreign accent; a lisp; a dialect different from theirs; or if you mumble words reservedly; talk fast, or slow; the police consider the atypical speech pattern as an indicator of impairment.

Although the police never heard you speak before they will testify that the slurred speech was an indication of intoxication. An experienced DUI attorney will be prepared to attack such testimony at trial. They will be forced to admit, they did not know what your typical speech pattern is, or that other factors exist which caused your speech to seem atypical.

Stumbling Out of a Car

When a driver loses their balance exiting the car it usually leads to the police placing you in handcuffs and arresting you and charging you with DUI. .

Many factors exist which do not relate to alcohol or drugs, which may have caused you to stumble while exiting your vehicle. The police will always attribute it DUI although other causes exist:

1. A large or tall driver may have difficulty exiting a small vehicle.
2. The driver may catch his/her heel coming out and stumble.
3. The driver's foot or leg could have "fallen asleep" due to long drive.
- 4.. The driver may have stepped on a small stone, losing his/her balance.
5. The driver may have twisted their ankle by not stepping down properly.
6. The driver may have slipped on a greasy spot on the road or driveway.
7. Poor balance, a disability or medical condition, causing poor balance.

An experienced DUI attorney will be ready to defend this kind of attack.

Leaning Against Car

It is natural and comfortable for a person to lean against a car when standing next to the car and speaking to someone. Everyone does it even though the police who will later testify that it was an indication of your lack of sobriety. You can be sure that an experienced DUI defense attorney will be ready to confront the witness on this issue.

Odor of Alcohol

If the police document that they smelled an odor of an alcoholic beverage on your breath, they are wrong:

1. They cannot testify how many drinks you have consumed. It could be one or ten.
Odor can not verify how much someone has to drink anyway.
2. They cannot tell when you had the drinks. You could have had several, many hours ago.
3. Most alcoholic beverages have no odor at all.

FIELD SOBRIETY TESTS

There are five field sobriety tests and a portable breath test device that police officers typically use to start gathering evidence against you. Most of the field sobriety tests are used to test your agility and your ability to complete multiple tasks at the same time also called the divided attention tests.

Horizontal Gaze Nystagmus

Usually using a pen, the officer will ask you to stand with your feet together, have you remove your glasses (if you are wearing any), and tell you to follow the pen with your eyes without moving your head. Nystagmus is an involuntary twitching of the eyeball. During this test the officer is looking to see:

- If your eyes follow the pen smoothly
- If you have a nystagmus when your eyes are looking all the way to the sides
- If you have a nystagmus prior to your eye being 45 degrees from center
- If you sway while standing
- If you have trouble understanding the instructions.

Walk and Turn

The officer will instruct you to stand on a line with your right foot in front of your left foot and your hands at your side. He will then tell you not to move until you are instructed to do so. He will inform you that when he says to start, with your hands at your side you are to take 9 heel to toe steps while counting out loud and looking at your feet.

After nine steps you are to turn pivoting on only one foot, then do 9 heel-to-toe steps back. During this test, the officer is looking to see:

- If you are unable to keep your balance while listening to the instructions
- If you start before he is done giving instructions
- If you stop while walking
- If you do not touch heel to toe
- If you step off the line
- If you raise your arms more than 6 inches
- If you lose your balance
- If you turn improperly
- If you take the incorrect number of steps

One Leg Stand

The officer will instruct you to stand with your feet together and your arms at your side. He will then tell you to raise one foot 6 inches above the ground, look at your foot, and count. He will test you for 30 seconds. During this test, the officer is looking to see:

- If you sway while balancing
- If you use your arms to balance
- If you hop
- If you put your foot down before the test is completed

Romberg Modified

The officer will instruct you to keep your feet together, put your arms at your side, close your eyes, and tilt your head back. Then he will instruct you to either count or say the alphabet backwards. During this test, the officer is looking to see:

- If you require additional instructions during the test
- If you open your eyes
- If you fail to keep your feet together
- If you fail to keep your head tilted back
- If you sway while balancing
- If there is an error in the alphabet or the counting

Finger to Nose

The officer will instruct you to keep your feet together and put your arms at your side. He will then instruct you to make a fist, point with your index finger, close your eyes, and tilt your head back. Then he will instruct you to touch the tip of your finger to the tip of your nose. (He may or may not tell you that the tip of the finger is the very end of the finger and not the pad of your finger. Regardless, if you get this wrong, he will count it against you.) During this test the officer is looking to see:

- If you open your eyes
- If you fail to keep your feet together

- If you fail to keep your head tilted back
- If you use the wrong finger
- If you miss your nose
- If you use the pad or another part of your finger
- If you sway while balancing

Portable Breath Testing Device (PBT)

The Preliminary breath test (PBT), often called a portable breath test device, which refers to the hand-held breath testing instrument used at the side of the road and prior to an arrest. The purpose of the PBT is to determine an alcohol concentration from you. The Arizona police use a PBT to preliminarily determine if you have alcohol in your body. Also, to determine if they are dealing with an impaired driver based on alcohol or drugs. If the reading on the PBT came up zero, but you are still suspected of driving impaired based on other “cues”, then they will proceed chemical testing for impairment based on any drugs, prescription drugs or illegal drugs.

The results of the PBT is not accepted as "evidence" to prove that the person has a certain measurement of alcohol present in their body, due to the units being scientifically unreliability. Therefore, the digital results of the PBT are only useful to the police to help them determine whether or not to arrest the person being investigated.

BREATH, BLOOD AND URINE TESTS

The Breath Test

In Arizona, breath testing is currently performed with the Intoxilyzer 8000 Device.

This machine is supposed to be calibrated and tested and routinely maintained on a regular basis by the Arizona police agencies responsible for them. Records must be kept for all maintenance and repairs. It is not unusual for a breath machine to have a problem and to be pulled out of service for repair. Sometimes, the breath machine has to be sent back to the manufacturer for service or repairs. The only way to determine if the machine was working properly is to view its service records from before and after the arrest.

Breath testing provides instantaneous results, but there is controversy in the scientific community over the accuracy of breath testing and these machines in particular. Many factors can affect the accuracy of the readings of these machines including proper operator error, testing procedure, temperature, and individual human body variances.

Blood Testing

Some police units do blood tests instead of breath tests. Two test tubes of your blood are drawn from your arm and then sent to a lab that tests one of the vials of blood using a gas chromatograph. Usually it takes 2-8 weeks for the crime lab results to come back.

It is not unusual, now, for a police officer to be the one to draw the blood from your arm. Many police departments have sent their officers to courses to become phlebotomists. Unfortunately the courts have upheld the legality of police officers acting as phlebotomists. However, they must still be certified and trained to draw and handle the blood samples appropriately. Strict guidelines still apply to blood draw, proper handling of the blood sample and proper testing methods at the lab. These protocols are critical to obtaining an accurate result with gas chromatography.

Urine Testing

Generally, if you are stopped in Arizona for drinking and driving, police will probably give you a breath test. If they have suspect that you are under the influence of drugs, they may have to give you a urine test because drugs cannot be found through a breath test.

ARIZONA VEHICLE IMPOUND

In Arizona, the police have the authority to take, impound your car for up to 30 days in most cases. They are not concerned in the least, if it will impact your job, your family, your duties or any other important factors in your life. The law gives them the authority to take your vehicle and make you apply to get it back only after you pay the appropriate fees.

You may challenge the impound of your vehicle by requesting a hearing or request the vehicle be released to someone else such as a spouse or the true owner of the vehicle. Each city has its own city regulations regarding the impound hearing.

Vehicle Impoundment (**A.R.S. 28-3511**)

Your vehicle may be impounded for 30 days if the drivers at the time of the traffic stop or collision:

Did not possess a valid driver license or record of a driver license

Had a revoked, suspended or cancelled driver license

Was under the age of twenty one years with alcohol in his/her body

Arrested for Extreme or Aggravated driving under the influence

This mandatory impound law applies to the vehicle the offender was driving, even if the driver is not the owner of the vehicle. Additionally, this mandatory impoundment is also separate from any criminal charges filed against the driver.

You only have 10 days to request a hearing to determine if the vehicle will be eligible for early release.

ARIZONA DUI DEFENSES

There are many defenses and challenges that an experienced Arizona DUI attorney can consider depending on the facts of your DUI case. The specific defense may allow for a Motion to Dismiss or a Motion to suppress certain Evidence. Also, a presentation to the prosecutor may allow for a negotiated dismissal or reduction of the charges. Some areas to consider for your defense strategies include but are not limited to the following:

- INDEPENDENT STOPS AND ARRESTS
- FIELD DUI SOBRIETY CHECKPOINT - ROADBLOCKS STOPS
- POLICE OBSERVATIONS OF THE ACCUSED
- FIELD SOBRIETY TESTS
- BREATH, BLOOD AND URINE TESTS
- SUFFICIENCY OF EVIDENCE DEFENSES
- CONSTITUTIONAL RIGHTS VIOLATIONS
- TRIAL DEFENSES

A complete list of 101 defenses is provided in the official publication, and not included in this abridged version.

COURT PROCEDURE

1. Arizona Felony DUI Court Process

Felony DUI cases in Arizona are handled in the Superior Court. Each county has its own superior court. While the courts generally all follow the same procedures, the names of the hearing and the rules may vary from county to county. Generally the following apply to Arizona felony DUI cases:

Grand Jury Indictment

Felony criminal charges require a finding of probable cause. In some cases, probable cause is found by a grand jury. A grand jury is a group of fifteen citizens who are presented evidence by a prosecutor. The grand jury must then decide whether or not there

is probable cause of a crime by the accused. At least 9 grand jurors must find that there is probable cause. This is a secret proceeding and the defendant and DUI defense attorney are not entitled to attend. Because of the one-sided nature of this hearing, there are special rules that require the prosecutor to make a fair presentation to the grand jury.

Initial Appearance

The initial appearance is generally the first hearing at which the accused appears in court. It is a very quick court hearing. At the hearing you are informed of the charges against you and release conditions are set by the judge.

Preliminary Hearing

A preliminary hearing is an alternative to a grand jury indictment. At the preliminary hearing the prosecutor presents evidence to the judge in open court. The defendant and Arizona DUI defense attorney are present and the DUI defense lawyer usually cross-examine the state's witnesses such as the police officer and the defense attorney may present its own witnesses. The judge will then determine whether or not probable cause exists. If there is no finding of probable cause, the case is dismissed.

Arraignment

The purpose of the Arizona arraignment is to advise the defendant of the charges for which probable cause were found. It is at this time that the defendant enters a plea of guilty or not guilty. When a case is charged by a grand jury, the arraignment often takes place at the same time as the initial appearance.

Pre-Trial Conference

It is during the pre-trial conference that the defense attorney and prosecutor inform the judge the status of the case and any outstanding issues that require resolution by the judge. In some courts, a case that is not resolved by the time of the pre-trial conference may automatically be set for trial. Just because a case is set to trial does not mean it is actually going to go to trial. The Arizona DUI defense attorney may still be investigating the case and negotiating with the prosecution regarding any resolution.

Oral Arguments and Evidentiary Hearings

If there is an issue of law that must be decided by the judge a hearing will be requested and set for the judge to hear the arguments regarding the issue. This is an opportunity for the judge to ask the attorneys questions regarding their legal positions. It is also an opportunity for the judge to hear the testimony of witnesses which may be necessary to resolve the legal issue in question.

Pre-Trial Management Conference

If the parties are unable to negotiate a resolution of the case, then it is set for a trial. Many, but not all, courts set a pre-trial management conference approximately one week prior to the trial date. It is during the pre-trial management conference that the Arizona DUI defense attorney and the prosecutor can discuss any last minute issues with the judge.

Trial

In Arizona, a person accused of felony DUI is entitled to a trial by a jury of eight to twelve people depending on the offense charged. During a jury trial, the judge makes decision regarding legal questions and the jury makes decisions regarding factual issues. It is the jury who decides whether the prosecutor has proven guilt beyond a reasonable doubt and you are guilty of the charges or not.

A felony DUI trial usually takes 3 to 5 days, although a case could be much longer depending on the issues and the number of witnesses. The jury's decision, whether guilty or not guilty, must be unanimous. It is all or nothing. If the jury is unable to reach a unanimous decision, then the judge will declare a mistrial. If a mistrial is declared, the case will be reset for a new trial.

Sentencing

If a person accused of an Arizona felony DUI is found guilty by a jury or guilty by a negotiated plea agreement the matter will be scheduled for a sentencing hearing. Usually sentencing takes place approximately 30 days after the finding of guilt. Prior to sentencing the defendant will meet with a probation officer who will prepare a pre-sentence report for the judge. The pre-sentence report gives the judge background information about the defendant and makes a sentencing recommendation to the judge. Sentencing is an opportunity for both defense and prosecution to present to the judge what they believe to be an appropriate penalty. The judge will then make a ruling and issue a sentencing order. The judge will then make a ruling and issue a sentencing order.

2. Arizona Misdemeanor DUI Court Process

Arizona misdemeanor cases are handled in justice courts or municipal (city) courts. The courts generally follow the same procedures, the names of the hearing and the rules may vary from court to court. Typically the following hearings apply to Arizona misdemeanor cases:

Arraignment

Usually the very first hearing in a misdemeanor case is the arraignment. The purpose of the arraignment is to advise the defendant of the charges, allow the defendant to enter a plea (guilty or not guilty) and set release conditions.

If a criminal defense attorney is retained prior to the arraignment, the criminal defense attorney can file a notice with the court waiving the arraignment. If the arraignment is waived, a not guilty plea is entered for the defendant without the defendant or the attorney having to go to the court. The next court date is mailed to the criminal defense attorney.

Pre-Trial Conference

The purpose of the pre-trial conference is for the Arizona criminal defense lawyer to meet with the prosecutor and discuss the details of the case, and then advise the court as to the status of the case. Your private attorney will be conducting an independent investigation of the case and will use the pre-trial conferences as a way to demand the prosecutor to provide items that they have not already provided.

Many courts do not require the defendant to appear at the pre-trial conferences if he is represented by private counsel. However, some do, so please be aware if your presence is needed.

Oral Arguments and Evidentiary Hearings

If there is an issue of law that must be decided by the judge, oftentimes a hearing will be set for the judge to hear oral arguments by the prosecutor and criminal defense attorney regarding the issue. This is an opportunity for the judge to ask the prosecutor and the criminal defense attorney questions regarding their legal positions. It is also an opportunity for the judge to hear the testimony of witnesses which may be necessary to resolve the legal issue in question.

Pre-Trial Management Conference

If the parties are unable to negotiate a resolution of the case, then it is set for a trial. Many, but not all courts set a pre-trial management conference approximately a week prior to the trial date. At this time, the criminal defense attorney and the prosecutor can discuss any last minute issues with the judge.

Trial

In Arizona, a person accused of a misdemeanor offense will be tried one of two ways depending on the nature of the offense.

Bench Trial

Most misdemeanor cases are tried to a judge. In a bench trial, the judge decides legal and factual issues and decides the outcome of whether you are guilty or not guilty.

Jury Trial

In Arizona, some misdemeanor cases are entitled to a trial by a jury of six people. During a jury trial, the judge makes decisions regarding legal questions, while the jury makes decisions regarding factual issues. It is the jury's responsibility to decide whether the prosecutor has proven guilt beyond a reasonable doubt. The jury's decision, whether guilty or not guilty, must be unanimous. If the jury is unable to reach a unanimous decision, then the judge will declare a mistrial. If the judge declares a mistrial, the case will be reset for a new trial.

Sentencing

If a person accused of a misdemeanor is found guilty at trial, or if there is a negotiated resolution involving a plea agreement then sentencing hearing will be held. The sentencing hearing is often done the same day as the finding of guilt. Sentencing is an opportunity for both defense and prosecution to present to the judge what they believe to be an appropriate penalty. The judge will then make a ruling and issue a sentencing order.

ARIZONA DRIVER'S LICENSE (MVD)

Arizona DUI License Suspension

An Arizona DUI arrest and conviction can have an impact on your ability to drive. Many people consider a driver's license suspension as the most serious penalty they could face as a result of a DUI due to their responsibilities at work or at home.

It is important to note that you must have a suspended license reinstated and pay a reinstatement fee, in order to get your driving privileges back. This even applies to individuals with out of state licenses.

The following are the potential suspensions you could face due to a DUI:

Admin per Se Suspension

In Arizona an arrest alone without a conviction can result in a license suspension. When you arrested for a DUI and served with a suspension notice by the police officer you automatically get a 90 day suspension of your driving privileges is that starts 15 days after your arrest. If you have an Arizona driver's license, you will not be able to drive at all for 30 days, and then for the remaining 60 days, you will be allowed to drive to and from work and to and from school if you are eligible after meeting the MVD criteria for a restricted permit. If you have an out of state license, you are not entitled to the to and from work permit and you will be required to not drive at all for 90 days.

You are entitled to a hearing for this type of suspension, but the hearing must be requested before the 15 day grace period expires. There is no acceptable reason to be late by the MVD. If your request is late the requested hearing will not be scheduled.

If a hearing is properly requested, the suspension will not go into effect unless at the hearing the police officer is able to prove by a preponderance of the evidence that you were DUI. This hearing takes place with the Motor Vehicle Division's Executive Hearing Office and is presided over by an administrative law judge. It is separate from any criminal proceeding at the court.

Implied Consent Suspension

This type of suspension only applies to a driver who refuses to submit a breath, blood, or urine sample when requested to do so by the arresting officer. If after being properly advised of the penalty for not voluntarily submitting a breath, blood, or urine sample, you still refuse to submit, the police will serve you with a one year license suspension. This type of suspension also has a 15 day grace period in which to request a hearing.

If a hearing is properly and timely requested, the suspension will not go into effect unless at the hearing the police officer is able to prove by a preponderance of the evidence that you were properly informed of the penalties for not voluntarily submitting a breath, blood, or urine sample and that after being properly informed you refused to do so. This hearing takes place with the Motor Vehicle Division's Executive Hearing Office and is presided over by an administrative law judge.

Court Ordered Suspension

If you are convicted of a first time misdemeanor DUI, the criminal court will notify the Motor Vehicle Division of the conviction. Once MVD receives this notice, if you have not been served the Admin Per Se Suspension, they will suspend your license for 90 days. This type of suspension may be eligible for a to-and-from work permit if you have an Arizona driver's license. For a second offense DUI or a DUI involving drugs, there is a one year driver's license suspension.

If you are convicted of a felony DUI offense, there is a mandatory 3 year driver's license revocation. During this period you may not drive at all and at the end of the revocation period. Additionally you must go through a special re-application process with MVD to get your driving privileges reinstated.

Points Suspension

An Arizona DUI is an 8 point driving violation. Arizona requires that any individual who gets 8 to 12 points in a 1 year period to attend Traffic Survival School. Additionally, the DUI get a mandatory 90 day suspension. If you get 13 to 17 points in a one year period, or if you have already attended Traffic Survival School in the last two years, Traffic Survival School is not an option and a 90 day suspension will automatically be imposed.

This suspension is in addition to any other suspension and you are not entitled to a hearing regarding this suspension.

Underage DUI Suspension

If you are convicted in Arizona of driving with any amount of alcohol in your body while under the age of 21, there is an automatic 2 year driver's license suspension. The judge can authorize to-and-from work and school driving privileges, but the judge must expressly do so in writing with notification to the MVD.

THE NEED TO HIRE A DUI ATTORNEY

The police have already done their job and charged you with Arizona criminal DUI. You have a lot at stake including adverse effects to your job, driver's license, family, finances, children, future and freedom. The case is already in the court system and your file has been attached a court reference number. A mug shot and a case number are all you are in the eyes of the State of Arizona and the Prosecution. Sound cold? Yes, but true. The Prosecution does not care who you are, what you do, or how your family or job will be affected by any of it. All they want is a conviction. That's what they get paid for. And they will work closely, with the police to get it. They will not look over every detail of your case to evaluate it to determine if the charges are justified, or to determine if your constitutional rights were violated in anyway. That is not their job and they are too busy for that anyway. Their job is not to protect you, provide a defense, or help to find a way to minimize the adverse impacts to you due to the charges. They prosecute and convict.

If you are looking for the Judge to be in your corner, look again. He's not either. The Judge does not intervene until a motion is filed or your sign a plea agreement or take the matter to trial. "Telling" your side of the story to the Judge will not have favorable effect on your situation. The Judge does not have authority to dismiss the case until a proper Legal defense challenge is made on your behalf by your Arizona Defense Attorney, or the jury returns a Not-Guilty Verdict on all charges. The chances of getting an acquittal or not-guilty verdict without a good Arizona Criminal Defense or DUI Attorney are slim to none. The system is complicated. It is a maze of laws, protocol, people and odds against you.

You have a choice. You need a strong ally. You need an Arizona Criminal and DUI Defense Attorney to build a strong defense for your case. You need someone you can call for answers to questions, to defend you, to protect your constitutional rights, to fight to get evidence suppressed, charges reduced or labor to get your case ultimately dismissed. The chances of any of these favorable outcomes are drastically reduced without the Retention of a private Arizona Criminal Defense or DUI Attorney, who does this day in and day out.

The decision is yours. Charges of Arizona DUI are serious, as are many other criminal charges. An Arizona DUI has many factors to evaluate. Including, a violation of your Constitutional Rights, the reason for the stop, the police officer's handling of the case, proper crime lab testing methods, proper implementation of field sobriety tests, and more. There are many factors in a case that can be challenged to your favor. But you will not get that benefit without the right defense attorney. The judge and prosecution will look at your case through the mind of prosecution only, not in your defense.

The impacts of an Arizona DUI or other Felony charges are negatively life altering. You should strongly consider hiring an Arizona DUI defense attorney. If you ask whether you can afford an Arizona DUI defense lawyer. You should first ask whether you can afford *not* to hire an Arizona DUI lawyer. Money can be paid back, or made up again. But your future, your freedom, your reputation, your family are not so easily repaired. Too much is at risk when you get convicted of an Arizona DUI, Felony and even some Misdemeanor crimes in Arizona.

When you consult criminal defense or DUI attorneys, get quotes. Also, you must have a comfort level with that attorney. Make sure you feel they are competent and experienced enough to defend you effectively. You may be surprised how affordable some DUI attorneys may be, as compared to what you have to lose. Some like The Law Office of James Novak have extremely affordable flat fees with an options for flexible for payment plans that are agreed upon by both the client and James Novak. His motto is "Client First". Showing up to court with no defense is just putting your hope in the hands of the person who wants to convict you, the prosecutor. That's their job.

CHOOSING AN ARIZONA DUI ATTORNEY

If you are facing Arizona DUI and criminal charges, you have an important decision to make. How do I choose the right Arizona DUI defense attorney for my case? Below are just a few questions you should ask any attorney before making the decision to hire.

- Who Will Be My Lawyer?
- Will you be the lawyer who is actually handling my case?
- Who is doing all the investigation on my case? Will you be the lawyer who shows up to court with me?
- Will you be switching lawyers on me?
- Can I meet my assigned lawyer before I agree to hire your firm?
- Will I be able to speak to you if I have a question or concern?
- What is it going to Cost?
- What is Your Experience?
- What background do you have that qualifies you to handle my case?
- Have you ever been a prosecutor? If so, where, and for how long?
- What training do you have with the issues involved in my case?

- How many cases like mine have you handled?
- How often do you handle this specific type of case?
- How often do you deal with this particular prosecutor?
- How often do you appear in this court?
- How often do you appear before this particular Judge?
- What is your current caseload?
- How long should I expect to wait to hear back from you if I have to leave a message for you?

No matter what you chose to do, remember a DUI or other Criminal Charge you are innocent until and only if you are proven guilty. Everyone makes mistakes. It's how you recover from that mistake that counts more. You can take control of your criminal or DUI charges now, by consulting and retaining James Novak, Arizona Criminal and DUI Defense Attorney. Get a strong defense in your corner. You deserve a second chance.

Author Biography



James Novak exclusively defends Arizona DUI and Arizona Criminal Cases. As an experienced Arizona Attorney, James Novak understands how an Arizona DUI or Arizona Criminal charge can affect your employment, your future, and your freedom. Arizona has some of the toughest DUI laws in the country. And with them comes harsh punishments. As a Former Arizona Prosecutor, experienced DUI defense Attorney, Arizona Law Firm founder, experienced trial litigator, James has defended hundreds of DUI cases, with many successful outcomes. He is extremely knowledgeable, efficient, and experienced in defending Arizona DUI and Criminal Cases.

He is very familiar with the harsh and constantly changing Arizona DUI laws, penalties, courts systems, many of the judges, many of the prosecutors, procedures, protocol; most importantly he knows what defenses can be used and are needed to get evidence suppressed, cases dismissed and get “not guilty” verdicts on DUI and criminal cases.

He recognizes that all cases have their own set of circumstances and evidence. He does not defend with a “cookie cutter” mentality, or simply sit back and “hope for the best”. Upon retention he immediately begins examining the evidence, and formulating and effective defense to pro-actively mount against the prosecution based on each client’s unique situation.

James Novak is highly educated. He holds four advanced higher education degrees. He draws from his experience, training, and education to provide the most effective defense possible against criminal and DUI charges. Nothing replaces experience, training, and education when it comes to understanding and knowing how to provide a viable defense. In addition to his Jurist Doctorate degree (Attorney at Law) James Novak also holds a Degree from the School of Engineering. This assists in the assimilation and understanding of all matters that relate to all technical issues, such as crime scene investigations and crime lab testing processes, accident reconstruction, biomechanical engineers and forensic experts. His third advanced degree was awarded in Arizona where he received with Distinction a Masters in Counseling/Education. This provides the physiological tools to assist in reading people in jury trials, jury selection, and depositions. This advanced degree also assists in mitigation hearings as it relates to alcohol, drugs and other addiction issues. His final advanced degree was also awarded from Arizona and is a Masters of Business Administration (MBA). This education gave him the tools to evaluate evidence as it relates to White Collar Crimes, Theft, Employment Crimes, Fraud, Embezzlement, and anything related to business or financial matters. James Novak is qualified to handle any DUI and Criminal matter. James Novak lives by the law motto “no barriers for defense”. The Law Office of James Novak was

built on the philosophy that “The Client's needs and Defense Comes First”. He is deeply committed to that priority. His quest is to make sure each of his clients receives the strongest defense possible; and will fight relentlessly to protect their constitutional rights, their future and their freedom.

James Novak stays connected with the Legal Community both at the State and Federal Level, and keeps informed on the constantly changing Criminal & DUI laws at both levels. He has authored many Criminal & DUI Defense papers, web articles, and web blogs, to help anyone looking for free legal help on the internet. He is dedicated to helping defendants overcome their DUI and Criminal Charges trauma and consequences with information, understanding and support. Now he invites you to join the many, to learn and enjoy his free Arizona DUI Winning Defense Strategies DUI Book.

“Knowledge is power.”

- *Sir Francis Bacon, English author, courtier, & philosopher (1561 - 1626)*