

Top Ten Mistakes to Avoid in a DUI/DWI/OUI Case



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1. Thinking that a drunk driving conviction is no big deal. A criminal conviction is like luggage, it travels with you wherever you go. You can't get rid of a drunk driving conviction. You cannot get it expunged from your record. You can't hide it from your employer or spouse. A conviction is a permanent part of your record and driving history and will follow you from state to state if you try to avoid it by applying for a new driver's license in another state.

A **conviction** will result in increased insurance fees and possible enrollment in an SR-22 program for high-risk motorists. In addition to legal fees, a drunk driving conviction may include the following additional estimated costs:

- Attorney fees \$3000 - \$8,000
- Car tow costs \$100
- Car storage fee per day \$25 - \$30
- Bail bond fee \$40 - \$500
- Mandatory minimum fine of \$500 for a first offense OUI
- Fine surcharges \$130
- DEEP course fee \$300
- Alternative Sentencing Program \$350
- Follow up private counseling \$300 - \$750
- License reinstatement fee \$35
- Insurance rate increase of up to 400% per year based on past history or even complete loss of insurance



Total estimated costs = \$8,500 - \$17,500 in miscellaneous fees, fines, attorney fees and insurance increases during the first year alone!

2. Representing yourself. This one may appear to be

obvious but many people think they will save money by pleading guilty or trying to convince the DA to give them a break. There is a reason why lawyers went to law school for three years and then spent the rest of their careers learning how to fight DUI/DWI/OUI cases... the law is complex and you need expert representation. The Judge will not give you the benefit of the doubt or cut you a break if you represent yourself. You will be expected to know the law and the rules of evidence. You must raise the proper defenses and objections or you will lose them. The best way to kill a good case is to represent yourself. [You want an attorney who specializes in drunk driving defense and knows how to handle your case.](#)

3. Retaining the guy who quotes you the cheapest fee. If it sounds too good to be true it probably is. As my father said, “there’s no such thing as a free lunch *TINSTAFL*”. Your attorney doesn’t work for free and it is expected that he will make a good hourly wage. Therefore, if an attorney is taking your case for a couple of thousand dollars, chances are he won’t or can’t put the time in necessary to raise all of the defenses, vet all the issues and properly defend you. No attorney wants to lose money on a case and if push comes to shove, the cheap attorney might push you under the bus to keep his or her profit margin up. [Ask your attorney to explain why his or her fees are set at the rates they quoted. A good and confident DUI attorney will tell you. A dump truck will dodge the question.](#)

4. Failing to contest your BMV suspension and [requesting a hearing](#) through the Bureau of Motor Vehicle Division within the statutory allotted timeframe. If you don’t request a hearing, you will automatically go under suspension for anywhere from 90 days

to six years or longer. In addition, you will have to complete the Driver's Education and Evaluation Program in order to have your license reinstated. Driving during the suspension period is a serious criminal traffic offense, which will result in a mandatory jail sentence.

5. Failing to raise all the issues and request a jury trial within 21 days of your arraignment. [If you or your attorney fails to raise any constitutional challenges or request a trial by jury within the deadline period](#), you will have waived your rights and thus seriously damaged your chances of successfully resolving your case. This is where a skilled OUI defense attorney comes into play as he will understand all of the legal pros and cons and loopholes to explore and exploit in your case.

6. Failing to cross-examine the investigating police officer at the BMV suspension hearing. If you hire the wrong attorney, someone who is either inexperienced or uninterested in your case, and that attorney fails to properly cross-examine the police officer about all of the issues surrounding your case, [you will have failed to take advantage of one of the most important parts of your case](#).

The hearing will be based on the officer's report and to an extent, his memory and is a valuable opportunity to lock the police officer into his testimony for future criminal proceedings... but only if you hired the right attorney for the job.

7. Speaking with the District Attorney and taking his initial offer. The truth is that the DA will try to scare you into pleading guilty. The initial offer is usually a bad deal for

you. The first offer is no bargain; it's just a way to get rid of your case with the least amount of work. Very few cases are dismissed or reduced at this stage. By accepting the first offer, you waive your rights to a jury trial, to raise constitutional challenges, to consult with an attorney and to fight the charges. You give up your right to raise any and all issues and [make the State prove its case.](#)

8. Violate your bail by consuming alcohol. Most bail bond conditions require abstention from alcohol and subject you to random search and seizure of your person, car and home to ensure compliance with the bail conditions. If you think the police won't show up at your home to check for alcohol during the pendency of your case, think again. Any violation of your bail bond conditions results in a one-way trip to jail and the filing of new criminal charges.

9. Talk to everyone but a DUI/DWI/OUI attorney about your case. If you owned a Porsche 911, would you take that car to your neighborhood mechanic for an engine problem? Absolutely not! You'd take it to a Porsche mechanic, a specialist, because that car is way too valuable to put in the hands of *Average Joe Mechanic*. Then why in the world would you trust your future and freedom with a general practitioner attorney? An attorney who handles criminal cases, divorces, real estate matters, wills and probate and the occasional OUI/DUI/DWI charge is probably woefully unprepared to properly defend your case. [You need to speak with a drunk driving defense attorney if you want to have a shot at beating the charges.](#)

10. Think that by talking to numerous attorneys will help you handle it on your own. There is no substitute for a qualified drunk driving defense attorney. Abraham

Lincoln once said, “*A man who represents himself has a fool for a client.*” That is as true today as it was one-hundred and fifty years ago.

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