

Holiday Rules of the Road: AZ DUI Dos & Don'ts

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Impairment can emanate from seemingly innocuous participation in holiday activities. That last glass of wine at the office party. A celebratory shot bought by a friend before heading home. Or, perhaps a revelrous evening capped by a bad or uninformed decision. Do not be uninformed. These are the things you need to know about the Holiday Rules of the Road brought to you by the experts--Dergo Law PLLC of Scottsdale!



Of course the first "don't" of any DUI law is do not drink and drive. However, during the holidays, sometimes the cheer overtakes that sentiment. And that is fine; it is not illegal to drink to drive. It is illegal to drive while impaired, even to the slightest degree, due to several factors including the consumption of intoxicating beverages.

If you are pulled over or stopped by a law enforcement officer while driving during the holidays it is in your best interest to follow some simple rules. These include being courteous and respectful. Such a situation is not personal. Even if the officer does not conduct himself or herself, in your opinion, in a professional and courteous manner, do not reciprocate. Every action you take and every word you say will be noted and used against you. Provide your driver's license, registration and proof of insurance when requested. If requested to step out of your vehicle ask if you are under arrest. If you are not under arrest politely decline and ask to go on your way.

If you are placed under arrest (or "detained") do not answer any questions and do not consent to a search of your vehicle, person, or property. Do not consent to any so-called field sobriety tests. You will not talk or walk yourself out of a DUI – even if you are Charles Barkley. Immediately, and civilly, request to speak with your attorney. That is your constitutional right. And you should know your rights.

Your rights include the well known and time honored right to remain silent; that right was recognized by a case originating in our great state of Arizona. You have the right to be protected from unreasonable searches and seizures. You have the right to an attorney. The right to counsel is expedited in a DUI case because your opportunity to defend yourself and collect exculpatory evidence is very time sensitive. Arizona law regarding DUIs generally deals with a two hour window. You cannot go back the next day and recreate the conditions of the alleged offense. You also have a right to an independent test and to be observed by independent parties.

This is not an all inclusive list of your rights. It is a rule of thumb for the holiday rules of the road. If you or someone you know is arrested and charged with a DUI offense you will also have the right to an attorney, to a trial by jury, to confront evidence presented against you and to produce evidence on your own behalf. But, if you have not had the chance to obtain that evidence and benefitted from the counsel of your attorney at the most critical time – the time of contact and arrest – you will be at a significant disadvantage. If you do not assert your rights you will lose them.

The experienced attorneys at Dergo Law PLLC do not want you to lose your rights. A DUI conviction carries mandatory jail time, considerable fines, costs, insurance ramifications and job implications. They are here to answer your questions and, in the event that you or someone you know is accused of a DUI, they are here to champion your rights.

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