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Gainesville police department crash report

Now, if you have the police report, you'll see the evidence against you for the first time. This is the evidence you will have to overcome to win at trial. The report will typically include a checklist for area sobriety tests, a transcript of PAS testing, a transcript of the exhalation result or (attached to the police report) a lab report showing blood or urine test results (if you took one of these tests), and a narrative report on at least one of the arresting officers. If there were two officers, sometimes both would provide a narrative if they were responsible for different part of the process. For example, one can provide a story about why you were stopped and how you acted when you are asked for your license and registration, and the other officer can describe the field sobriety test, PAS test, and the required test. If you are like most people who see a police report for the first time, you will be shocked. Every statement from the police will seem like a lie. For example, the report would probably say that your speech was blurry, your eyes were glazed and red, your clothes were disheveled, you had alcohol on your breath, you fumbled the license and registration, you faltered when you got out of the car, you couldn't stand on one leg without falling, and you failed the heel-to-toe go test. It will probably also tell you that you flunked the horizontal gaze of the nystagmus sample (described above). Defense attorneys will tell you that these sightings are so routine that the police have started to dial it back a bit so they don't seem foolish in front of the jury. Whether you agree with everyone, some, or none of what's in the report, it shows you in stark terms how officers will testify if you go to trial. The reason you can trust it is that a witness officer will use the report to refresh his or her recollection, which means in effect that the officer doesn't have to remember anything to testify against you. It also means that officers won't deviate from the report for a very good reason: If their testimony is significantly different from the report, you (or your attorney) could use the report to discredit an officer's entire testimony, and likely win the case. So in virtually every case, one can trust that the police report is the backbone of the prosecution's case during the trial. Read more about how field ing test is used in DUI cases. When you see the prosecution's case, you need to address several basic questions: Do you have any reason to doubt the validity of pas, blood, urine or breath test (provided that your blood alcohol concentration (BAC) is above the legal limit)? Do you have any reason to doubt the accuracy of field sobriety tests? Do you have one or more solid witnesses who can convincingly contradict one or more important aspects of the officers' report? Do you need your testimony to contradict the police, and would you be a good witness? Blood Test If selecting a one test and it put you at 0.08% or more, you have problems. There's not much wiggle room for a blood test, although a good lawyer can mount some kind of challenge to something. (For example, you can read about increasing-blood-alcohol defenses.) It's possible that you could luck in some circumstances that might work in your favor, as happened in San Francisco in 2010, when a scandal involving a lab worker (with a drug habit) casts serious doubt on crime lab reports—but doesn't count on it. Once the blood test is taken they will usually save a sample for you to have tested by an independent laboratory. Occasionally this independent sample will vary significantly from the original, but not very often. Breath Test If you choose a breath test (the required test, not PAS) and the result is 0.11% or more, you will also be hard pressed to win. But the breath test is somewhat less reliable than the blood test, and there are several requirements for its administration, so you may be able to claim that the test was mishandled. For example, they are not supposed to administer breath tests until they have observed you for at least 20 minutes (under National Highway Traffic Safety Administration guidelines). This is to prevent any condition that would elevate alcohol in the mouth (like burping). If they don't wait the 20 minutes and you can prove it, you can effectively challenge the test results and possibly escape conviction under the 0.08% law. But remember, officers will probably testify that you were under observation all the time for at least 20 minutes (although not specified in the report), and it will be up to you to prove them wrong, a hard sell to most juries. In previous days, breath test machines used under the implied consent rules retained a sample of your breath for independent testing. But the new portable machines usually don't retain this extra sample. This is another reason why you should request more accurate blood testing if you are sure (and in a condition to be sure) that you are not over the limit. Breath Test Administration and Timing Depending on your condition, there may be issues that deal with when you drank and whether the test taken by law enforcement accurately reflected your BAC during the time you were driving. For example, if you drank a lot just before you got in the car to drive and then were tested well after the time you stopped driving, your BAC when tested can be significantly higher than when you drove (because of the time it takes for the body to absorb alcohol). And finally, some states still allow the defense to argue to the jury that people are different in how much alcohol they have in their blood for a given level of breath test, and those variations can cast reasonable doubt on the test as a whole. Calibration of the exhalation machine. All exhalation test machines used under implied consent rules shall be calibrated with regular recommended by the manufacturer. Manufacturer. maintaining accurate calibration records may undermine the evidential efficiency of a test result. The calibrations are typically based on samples from external agencies or private companies. If these tests are wrong, then the test is wrong. If the original calibration sample provider is not shown in your DUI sample (as is often the case with the newer model machines that rely on calibration samples produced by private companies), the calibrator's testimony will be based on the provider's out-of-court representation regarding the strength of the sample. This extrajudicial representation is a matter of disapply and is arguably not allowed on this basis. This means that the calibrator cannot explain why his calibration is accurate (without the use of the prohibited rumors), and without testimony assuming that the actual test given to you can be challenged. Simply, the alcohol testing method for DUI prosecution, which is ultimately based on the accuracy of a sample produced by private companies, can be built on a rumored house of cards that may come tumbling down sometime in the future. But not so fast. This attack on calibration sample rumored evidence was raised in a jury trial in Northern California. When the defense attorney objected to the admission of calibration testimony on rumored grounds, the judge believed that it was a very wise argument, but that if he ruled in the attorney's favor on that argument the term would spread and there would never be another conviction under the state's 0.08% statute. What can the lawyer say to the legal reasoning? In the midst of its deliberations the judge asked if anyone had ever raised this particular point before in a court of law? The judge did not know and refused to answer the question. The jury proceeded to convict the accused on the 0.08% charge. (The jury hung on the question of under the influence, which had no practical effect on the defendant.) Urine samples Not many states continue to use urine samples, due to the three tests (blood, breath, and urine), urine tests are probably the least accurate. This is because the percentage of alcohol in the urine is not necessarily the same as in a person's blood. The level of alcohol in the urine is about 1.33 times the BAC level. So to convert a urine test result into a similar blood alcohol content, divide the urinary alcohol level by 1.33. But that figure is an average, and you can argue during the trial that this average number doesn't apply to you. Also, a sample will usually be preserved so you can arrange an independent test. If you are in the unfortunate situation of knowing you had too much to drink and offered a choice, urine tests are the one to choose. Field Sobriety Tests National Highway Traffic Safety Administration has established guidelines that all law enforcement agencies must adhere to when performing field sobriety tests. In recent years, there have been a large number of these tests, but most were challenge in court because of their inherent untrust. Now NHTSA recommends only three. Your state's rules may differ in the requirements to provide these tests, but any significant deviation would be a point of arguing for the jury to blunt the force of any negative observations during the test. A win on the under the influence charge will not help you with the 0.08% charge. Many people who are thinking of fighting their DUI concentrate on the difference in meaning between themselves and the arresting officers in terms of their behavior, their driving, the reason they were stopped, their performance in the field of sobriety tests, and what they may have said to officers during the process. And that's understandable. No one likes to be falsely accused. Unfortunately, none of this matters if the test shows that you had more than 0.08% blood alcohol content and the jury considers it (as they almost always do). Even if the jury considers that you on all the other points and acquits you of driving under the influence charge, a verdict of 0.08% charge-called one per se DUI-will have the same effect as if you were convicted on the other. Unusual situations can give you hope your DUI case may be different in some important aspects from a typical case and that could work in your favor. If any of these circumstances apply to you, you may have an improved chance of success during the trial: You were not in control of your car when the officer first approached you. This may have been because you knew you couldn't drive and you pulled over and started walking towards your home, or a phone, or a bar. Or maybe you slept in the back seat with the engine turned off. Learn more about the requirement for actual physical checks. You can prove that you had one or more drinks between the time you were driving and the time the officer tested you. Two or more police reports were prepared in your case and they vary in important aspects, for example whether you staggered in the field of sobriety testing or whether you were observed for at least 20 minutes before taking the chemical test. The chemical test was a urine test. A urine test is relatively easy to disprove during the trial if it shows a blood alcohol level of 0.11% or less. You have good independent witnesses who will testify you hadn't drunk (or not much anyway) before the time you were stopped. Stopped.