



You Have the Right to Remain Silent: The Application of Miranda to a DUI Stop



Following the pivotal criminal procedure case *United States v. Miranda*, law enforcement officers are required to advise all arrestees of their right to remain silent, the admissibility of their statements if they choose to speak, their right to an attorney and the possibility of court-appointed legal counsel for indigent defendants. The fundamental question as to whether officers must read you your Miranda rights hinges on whether you are under arrest or being interrogated by police. If you are within these two categories, police must advise you of your rights. Prior to placement under arrest however, police are permitted to have a conversation with you without reading you your rights. If you are not under arrest, Miranda does not apply. However, officers are not permitted to lie to suspects about their status in order to circumvent the requirement to administer a Miranda warning.

Waiting Is the Hardest Part: Your Life Post-Arrest, Pre-Trial

It often takes several months for you to reach your DUI trial after your arrest. The prosecution needs time to review the evidence, your DUI lawyer needs time to craft your defense and the courts' dockets are usually brimming with new cases coming in. As you await trial, you may face the loss or suspension of your driving privileges. Depending on your jurisdiction, the DMV may automatically revoke your driver's license pending the outcome of your case. You may, however, be able to obtain an occupational limited license which could allow you to travel to and from work, school or medical appointments.

If your license is suspended, it is imperative that you do not drive as an additional charge of driving on a suspended license will not bode well for your ultimate DUI defense.



Gather the Facts: Information to Give Your DUI Attorney

You should come prepared to your first meeting with your DUI attorney. The more facts you can provide your legal counsel, the better.



At the time of your arrest, the police likely made a report of the incident, which will prove helpful in determining whether your initial stop was lawful and other protocols were followed. In addition, any laboratory results pertaining to blood alcohol content or toxicology will be helpful to determine whether your BAC met the threshold at the time of arrest. If you suffer from any medical conditions that could have contributed to your failed field sobriety test, documentation of this might prove helpful as well. If you were out to dinner or with friends immediately prior to the arrest and your credit card receipts are available, this could also be strong evidence to prove you were not drinking immediately prior to the arrest.