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## The Legal Standard for a DUI Stop

Most DUI stops are based upon an allegation by a police officer that a traffic violation occurred in his or her presence. An issue in determining the legality of the stop is whether or not any unlawful conduct did in fact occur.



### Registration/License Check

The U.S. Supreme Court has held that it is not permissible for a law enforcement officer to pull you over for the sole purpose of conducting a check of your driver's license and the vehicle's registration.

### Articulate and Reasonable Suspicion

To justify a stop, the officer must have a reasonable belief that the driver is unlicensed, the vehicle is unregistered or that either the vehicle or the occupants are subject to seizure for some other violation of law.

### The Dilemma

An articulable and reasonable suspicion is subject to interpretation and further complicated by the fact that officers in the field are required to make instantaneous decisions.

## Signs of Intoxication: Objective or Subjective?

If you were stopped and subsequently arrested on a charge of DUI, it is likely the police officer who initiated the stop was looking for "objective" signs of alcohol intoxication as a means to two objectives:



1. Determining you had consumed alcohol
2. Providing legal justification for further DUI testing

### The Odor of Alcohol

Despite the fact that almost every police report will cite the presence of an odor of alcohol around the DUI suspect, this is not an accurate test of intoxication. Studies have shown that not there is no correlation between alcohol odor strengths and blood alcohol concentrations.

### Red, Watery Eyes

Yes, your eyes may become red and watery if you have consumed alcohol, but what about:

1. Fatigue
2. Irritants
3. Allergies or colds
4. Contact lenses

## A DUI Arrest from a Tipster's Information

Most arrests are the result of police investigation or first-hand observation. However, in some cases, law enforcement will rely on information given to them by a private citizen called a "tipster."



### The Nature of the Tipster

Some tipsters will provide their name and contact information, while others prefer to remain anonymous. Generally, the identified tipster is viewed as a more reliable source of information because that person can be contacted later and questioned as a means of verification.

### The Nature of the Information

The more details the tipster offers, the more reliable the information will be perceived as, especially where police can independently confirm that information when locating the suspect whose behavior initiated the tip.

### DUI Stops

Absent some vehicle code violation observed by the police, a DUI stop based solely on a tipster's report that the driver had been drinking may be insufficient to justify that stop.

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