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## Steps to Take Immediately After Release from Jail on your DUI Arrest

For most people, a DUI arrest is the first time they have ever been in trouble and spending any time incarcerated can be traumatic. However, you should be aware that there are actions you can immediately take that will help the defense of your case.



- 1) **Create a timeline of events** preceding, during and subsequent to your arrest
- 2) **Specifically, what you did**, who you were with, what medications you took, what you ate, what you drank and the time for each as closely as you can remember
- 3) **Write down everything** the police officer said to you and your responses
- 4) **Write down the names and contact information** of anyone you were with
- 5) **Be aware that there are two actions proceeding against you**; one criminal action and one administrative action from the DMV; you have only 10 days from your arrest to request a DMV hearing or an automatic driver's license suspension will follow.

## Effective Testimony at Your DUI Trial

You're not a professional witness and it is more likely than not you will be nervous. There's nothing wrong with that and jurors often appreciate a defendant admitting so. Equally important is to follow some general testimony guidelines:



### 1. Listen carefully to each question.

Pause and consider exactly what is asked. Answer only what is asked; refrain from giving an answer you think was intended; keep it simple.

2. **Look at the jury**; make eye contact with individual jurors; focus on one or two if there seems to be some reciprocation on their part.

3. **If appropriate, physically demonstrate what occurred**. Jurors are much more attentive when they have something to watch.

4. **Be honest** when describing your state of mind when arrested; if you were angry or upset, tell the jury.

5. **Admit if you don't know something**. No one's memory is perfect, especially when trying to recall an incident many months in the past.

# Potential DUI Defenses

All is not lost if you have been arrested for DUI, for there are several different defenses from a prosecution's attack:

## The Stop

Law enforcement must have a valid reason for detaining a driver. This means the officer needs an "articulable reason" to believe the driver is driving while intoxicated. For instance, police must not be acting merely on a hunch and must observe the driver for a substantial period of time before initiating the stop.



## Field Sobriety Tests

There are specific standards that must be followed for each test administered. A failure to follow proper protocol by the officer or a lack of proper training provides potential challenges to the test results.

## Miranda Rights

Miranda rights are required only after your arrest, not during preliminary questioning. Though unlikely that a violation of Miranda would lead to a case dismissal, it could allow certain statements you made to be suppressed.

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