

# What to expect when facing Drunk Driving charges in MA

You've had a few drinks and are on your way home when the blue lights flash brightly behind you, signaling you to pull over. The police officer asks for your license and registration and then asks how much you've had to drink tonight. At that point, you will be asked to step out of the car and perform some tests.

Most people don't know that they have the right in Massachusetts to refuse to participate in any and all field sobriety tests, including the breath test. Furthermore, that refusal cannot be used against you in court by the District Attorney, limiting their ability to successfully prosecute you. The police officer has usually made up their mind as to whether or not they think you are impaired prior to asking you to perform any tests, making the best course of action to politely decline them. The officer will ultimately place you under arrest and begin the process of a new OUI complaint. Now you have to consider all of your options in navigating through the criminal justice system and the RMV.

As far as your license is concerned, there are a few types of suspensions you will be facing: a 30-day suspension for a failed breath test (.08% or greater), a minimum 180-day suspension for a breath test refusal (total time of suspension increases with number of OUI offenses) or an "immediate threat" suspension which is indefinite.

The first question I always ask my client is how much their license means to them. For many, the thought of not being able to drive for six months is a terrible blow to their job or personal life. If that is the case and it's a first offense OUI, then the best option for them is getting into court as soon as possible and resolving the case through a plea

agreement with the District Attorney. The sooner that's done, then the sooner the client will be able to apply to the RMV for a hardship or Cinderella license. This doesn't end the license suspension, as there will be an additional 45-90 day loss handed down from the Court. However, it allows the client to drive for a set 12-hour period every day until the total suspension time has been served.

A typical first offense plea deal involves the case being "Continued without a Finding" (CWOF) for one year, the completion of the first offense DAE program (16 weeks long, 40 hours total; meetings once per week) and paying probation service fees and DUI fines to the Court. The CWOF is not a conviction on the client's record as it is not a plea of Guilty. However, it does count as a first offense under the OUI law which means a future arrest for OUI will result in a second offense charge. The penalties, fines and license suspension are all greater as the offenses increase.

For those clients that can withstand the initial suspension and want to fight the case, then the process is much longer. We will likely appear in court anywhere from five to ten times over many months before setting a trial date. There are many factors that we take into consideration when fighting a case, but we are there for you every step of the way explaining the process and discussing the strategy. We have successfully handled OUI charges in over 60 courts in the state of Massachusetts.

As a former Suffolk County prosecutor, I prosecuted over one thousand drunk driving cases in a three-year period. Since I left the office to start my private practice, I have successfully defended hundreds of OUI charges. My experience has helped me to formulate the best strategies for my clients based on their own personal needs and the state of the evidence against them.

Drunk Driving charges can happen to anyone. I often tell my

clients that being charged with OUI does not make them a criminal. I have represented police officers, court staff, doctors, dentists, teachers, students and other lawyers accused of OUI. At our initial consultation, we go over all of the options and formulate the best game plan for that client. We are with them every step of the way and will help put this difficult situation behind them.

The best course of action is to never get behind the wheel after consuming alcohol as the risks far outweigh any benefits. However, if you find yourself in this predicament and have been charged with OUI, give us a call to discuss your options.

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