

## Your DUI Survival Guide:

### The Necessary Steps to Reduce the Damage of a DUI Charge



We have created this guide as a courtesy to those affected by a drunk driving arrest. Being arrested for a DUI/DWI can be humiliating and stressful.

#### How you got into this situation...

- Most DUI offenders are people who have made mistakes in their judgment. Perhaps you went out with friends and had several beers, or perhaps a couple of glasses of wine. As much as we believe these things wouldn't affect us, these are enough to make you illegally intoxicated (above .08% BAC).
- There are several reasons why you may have been pulled over. You may have a headlight or taillight out, had been speeding, or perhaps you went through a sobriety checkpoint. This gives the officer "probable cause" to investigate.
- At this point, the officer may have smelled alcohol, or noticed slurred speech or bloodshot eyes, which are all indicators of alcohol consumption. This gives the officer just cause to perform a breathalyzer and/or field sobriety tests.
- Sometimes, a person can get a DUI while NOT operating a vehicle, which is called "physical control of a vehicle". You could be taking a cat nap in the parking deck until you were sober enough to drive—this could lead to a DUI arrest.

The expense, embarrassment, and inconvenience caused by a DUI arrest can create painful memories. **THERE IS HOPE.** Lessons will be learned, and the memories of this unfortunate occurrence will fade. Continue to Page 2 for more legal advice.

**Call our office at (706)353-7722 for your free consultation**

## Administrative License Hearings

- You have only 10 days after your arrest to request an administrative hearing. Joseph Lariscy will use this hearing to attempt to prevent a driver's license suspension and to obtain evidence that could be useful in the criminal proceeding. The cost to file the administrative hearing is \$150.00. Please contact our office at 706-353-7722 to see how to protect your driving privileges.

## The Evidence Against (or FOR) You

- There will always be the officer's report, or account, of the arrest, which will detail his point of view of the incident. An audio or video CD may be available to your attorney, but only at the District Attorney's office. It is always important to contact Joseph Lariscy, a knowledgeable criminal defense attorney, to make sure someone has access to all of the details of your arrest and provide them YOUR side of the story.
- It is also advisable to seek an attorney for your DUI in cases where you feel that the law enforcement did not follow or perform proper procedures. Joseph Lariscy will investigate this, along with the following:
  - lack of probable cause by the police to stop your vehicle and investigate;
  - improperly conducted field sobriety tests;
  - improper breath machine testing procedures, and other factors.
- If the means for a successful defense exist, The Lariscy Law Firm will find it. Using the evidence, we can seek to obtain a dismissal of the charge, a reduction to a lesser charge, or a not guilty verdict at trial. However, before proceeding, we will discuss your legal options and provide an honest assessment of your case.
- In some cases, the State's evidence is strong. Joseph Lariscy has had significant experience negotiating plea agreements with prosecutors in northeast Georgia. If your decision is to seek a mitigated outcome, our firm will work to obtain the best result possible, one that minimizes the consequences. We will place a high priority on obtaining temporary driving privileges, so that you can resume your life.

## What the Law Says....

### 1st DUI Offense in Georgia

- Jail – From 24 hours to 1 Year
- Fine – From \$300 - \$1,000
- License Suspension – Up to 1 Year (Minimum 120 days with Limited Permit)
- Community Service – 40 Hours Minimum
- License Reinstatement - \$210
- DUI/Risk Reduction Class- Average Cost \$300
- Substance Abuse Evaluation & Recommended Treatment- Average Cost \$100

### 2nd DUI Offense in Georgia

- Jail – From 3 Days to 1 Year
- Fine – From \$600 to \$1,000
- License Suspension – 3 Years (Minimum 1 year hard suspension with interlock device to follow, see below for new law as of 1/01/13)

The Lariscy Law Firm, PC  
(706) 353-7722  
Joe.lariscy@gmail.com  
www.lariscylawfirm.com

- Community Service – 30 Days Minimum
- License Reinstatement - \$210
- Ignition Interlock Device - If Court Allows (6 months with Interlock after 1 year hard suspension, total 18-month minimum suspension)
- DUI/Risk Reduction Class- Average Cost \$300
- Substance Abuse Evaluation & Recommended Treatment- Average Cost \$100 (Typical required treatment for 2<sup>nd</sup> DUI is 17 weeks at \$50/week after evaluation)

## NEW 2<sup>nd</sup> DUI License Law in Georgia- Effective 01/01/2013

Repeat DUI offenders now have an option to drive sooner than the old law as long as they are receiving treatment. All of the other requirements are the same, except the following license requirement prior to reinstatement:

- Total 2<sup>nd</sup> DUI license suspension: Minimum 18 months (Same as previous law)
- 2<sup>nd</sup> DUI hard suspension: 120 days
- Interlock limited driving permit period: 8 months
  - o Eligible after the following have been satisfied:
    - Serve all mandatory suspensions on record (if there are any other charges)
    - Proof of enrollment in treatment (Drug Court or Diversion Center)
    - Certificate of completion of DUI/Risk Reduction class
    - Proof of interlock device installation on vehicle
    - Court permission for limited driving permit
- If interlock period satisfied, additional minimum of 6-month limited driving permit (after interlock is removed) required to satisfy minimum 18-month suspension

For 3<sup>rd</sup> or subsequent DUI arrests, CONTACT US IMMEDIATELY.

**It is important to get skilled, knowledgeable legal counsel on your side to reduce the damage done by a DUI arrest.**

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**We hope you found this information helpful. Contact The Lariscy Law Firm right away to ensure you the best possible outcome for your case.**