

Probable cause for Chemical Testing in DUIs (SE Pennsylvania)



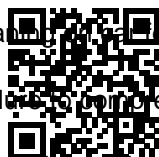
Location **Pennsylvania**
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How will the police prove you are drunk in a DUI arrest? Police officers are trained to note the following "symptoms of intoxication" on their report:

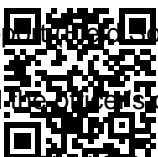
1. Flushed face (How does he know your "normal" coloring?)
2. Red, watery, glassy and/or bloodshot eyes (Been up 20 hours?)
3. Odor of alcohol on breath (Doesn't non-alcoholic beer smell just like Bud?)
4. Slurred speech (How does he know your regular speech patterns?)
5. Fumbling with wallet trying to get license (Maybe you're nervous because the police are there with lights on?)
6. Soiled, rumpled, disorderly clothing (Do you work construction or in a kitchen or warehouse? You could just dirty from a long work day and tired or been driving for a long period)
7. Combative, argumentative, jovial or other "inappropriate" attitude (Trying to talk your way out of a DUI is the best way to get arrested for it)
8. Staggering when exiting vehicle (Field Sobriety Test)
9. Swaying/instability on feet (Field Sobriety Test)



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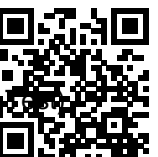
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Items 1 through 6 are just what a police officer sees not knowing you from Adam. In court, they can and should be challenged by your attorney

I meet and represent a lot of people who commit Item 7. Everything you say to the police is going to be used against you. Stick with giving your Name, address, license, proof of insurance and registration and nothing else. To anything else "Officer, I know you have a job to do but I think I need to remain silent until I speak with my attorney." or "Officer, I have been advised not to answer these types of questions until I speak with my attorney, nothing personal"

Items 8 through 14 are going to severely limit potential defenses you may have. The Field Sobriety test (FST) is designed for failure and just bolsters the police officer's probable cause to get a Breathalyzer and Blood Test. In many cases, injuries, poor hearing, being overweight, bad eyesight and other medical ailments may prevent the police from having you perform a FST

If you decline to take a Field Sobriety test, the Police are stuck with your driving patterns before the traffic stop. I read a lot of Affidavits of Probable Cause for DUI arrests. In the vast majority of cases, more ink is devoted to what you did after exiting your vehicle for the Field Sobriety Test than why the police stopped you initially.

If you need assistance with a DUI charge,
call

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