

CMS LAW FIRM LLC

1325 Fourth Ave., Suite 550 | Seattle WA 98101
206.452.5241 | F206.299.3833 | fightyourseattledui.com

10 THINGS YOU SHOULD KNOW ABOUT SEATTLE DUIS

1. **Silence is Always Your Best Friend.**

One of the oldest cop tricks in the book is to get you talking about your case. They will do anything they can to get you talking – be your friend, be your enemy, ask you random questions. At the beginning they don't even care what you are talking about, just that your mouth is opening and words are coming out.

This article is not meant to be relied upon as legal advice. **It is for informational purposes only.** Before making decisions about Seattle DUI you should consult a [Seattle DUI lawyer](#).

Why are they doing this? Because they know that whatever you say they can write down and use against you later. And they know the more you talk, the more likely you are to spit out something that is damaging to you and helpful to them.

The thing is, you don't have to talk to police officers when they pull you over. The silent treatment is well within your Constitutional rights. All you have to do is provide your driver's license, insurance information, and registration information. And that is it. You don't have to tell the officer where you've been or where you are going. You don't have to tell him what your favorite color is. And you don't have to, and never should, tell an officer if you have been drinking. Why? Because he will use that answer against you later – to help bolster his claim that you were too drunk to drive.

So, what should you say if you get pulled over by the cops and they start asking you about how much you've had to drink? Simple. You just say "my attorney told me to never answer that question." Period. Then you just shut up and wait to see what happens. But no matter what happens, because of the Fourth Amendment of the United States Constitution, you have the right to remain silent and refrain from incriminating yourself in criminal acts – and the cops can't use that silence against you.

2. **The Police Don't Like Intelligent Suspects.**

If you read rule number one of this white paper and put it into practice, you are going to quickly see that the cops aren't going to be happy with you and aren't used to people exercising their rights. You should be prepared for this, and remain strong despite what may in the end amount to verbal harassment and threats.

Just remember that all they are is threats. And if the heat gets too hot, just ask to speak with an attorney, right then and there. It may not shut them up, but when you finally do get a DUI lawyer to talk to, they are going to have a fun time with the cops' behavior. Bottom line, be ready for the cops to react to your silence in a negative way and remember that no matter what they say, if you answer their questions it is not going to turn out better for you.

3. **Never Take Field Sobriety Tests.**

Field sobriety tests are an interesting animal. First, they aren't that reliable when done in the field. And second, they don't actually provide information on your ability to drive a vehicle. What field sobriety tests are designed to do is put you through a battery of tests where your attention is divided between at least two tasks, to find out if you can do both tasks in a way that sober people normally do.

Problem with field sobriety tests, though, is that even in a perfect environment, they only demonstrate impairment a small percentage of the time. For example, take the heel-toe test. Do you know what that is? It is when the Seattle cops ask you to take 9 heel to toe steps on a line and spin around and take 9 more back. This is an example of a divided attention test. Not only are you supposed to walk the line, but you are supposed to walk heel to toe for only 9 steps before spinning around and walking back. But, did you know that only 68% of the people that fail this test on average are too impaired to drive? That means you stopped 100 sober people out on the street right now that were driving, 32 of them would fail this test for no other reason than they aren't good at taking the test. And that is under perfect test conditions! Put the people out on a busy highway walking a lane line and how much worse do you think the results get?

Because of the inaccuracy and unreliability of these tests, I always counsel my clients to refuse to take field sobriety tests. The thing is, there are good things and bad things about refusing field sobriety tests. The good things are, first, the police don't have any evidence of you failing field sobriety tests, and second, there are no real repercussions to failing (no loss of license like if you refuse to take a breathalyzer test). The bad thing is, however, that the prosecution is allowed to argue that you refused to take field sobriety tests because you thought you were too drunk to pass them. That is why I always recommend my clients to refuse the field sobriety tests with the statement "my attorney told me not to take field sobriety tests." This takes the onus off of you for refusing and puts it on your attorney. It is more than reasonable for people to follow their attorney's advice.

In the end, just say no to field sobriety tests. Taking them won't help you (kind of like talking won't), so it is best just to leave them be.

4. **Never Take a Portable Breath Test.**

If you want to know why you should refuse a request for portable breath test, see thing number 3. The only thing I have to add to this is the reason you want to refuse this test is that as inaccurate and unreliable as the actual breathalyzer is, the portable breath test is even more inaccurate and unreliable. The prosecutor can use a refusal of this against you in court, but there are no other penalties associated with it (just like field sobriety tests).

If asked to take a portable breath test, like field sobriety tests, just say no.

5. **You Cannot Talk Your Way Out of a DUI.**

If you haven't gotten the point from things 1-4 on information about Seattle DUI laws, this should drive it home – **you cannot talk your way out of a Seattle DUI.** It just cannot be

done. And if someone has a story where they did talk their way out of a DUI, it had nothing to do with what they said, and probably had everything to do with the fact that the cops didn't think they had enough evidence to make a DUI stick (despite everything the suspect says).

Let me put it to you this way, if a cop pulls you over for anything at any time or talks to you for anything at any time when you haven't called them for help of your own, they are trying to pin some illegal activity on you. Whether a traffic infraction, a DUI, or a murder, many times it depends on the information you give them. And they are never looking for information they can use to let you go. For example, in police reports of my DUI clients I never see what they did right when taking a field sobriety test, only what they did wrong. I never hear of the DUI indicators that aren't present with a given defendant, only the ones that are present. Why is this? **The cops are trying to put you in jail!** Don't make their life easier by spilling your guts out all over the place.

Bottom line here is if you feel like you really have something to say, before you say it, speak with a Seattle DUI attorney. They can tell you whether or not you should say it and how you should say it so it won't be used against you later.

6. When Arrested for Seattle DUI, Answer No Questions and Ask to Speak with A Lawyer.

Can you tell my clients sometimes have a hard time grasping the concept of not talking to the police? And most of the time it really isn't their fault. They are going against professionals whose job it is to get information out of people that don't want to give it. And they know what buttons to push to get you to talk (and, by the way, they always forget to mention that you don't have to talk to them until they already have everything they need).

Because of this, you have to be aware of what is going on, and the moment you are arrested for Seattle DUI or feel like you don't have the opportunity to leave freely, demand to speak with a Seattle DUI lawyer and don't talk until you get one. And in most cases they will put you on the phone with a public defender. This is okay, because you just need someone that can give you some advice on what to do right then and there to keep a bad situation from getting worse, and public defenders can do that (believe it or not, but most public defenders are really good attorneys, they just have too many cases to take care of at once). But remember to keep your mouth shut until you talk to someone that can help.

7. To Take a Breathalyzer or Not, That is the Question.

If you are arrested for a Seattle DUI, the important thing to remember is to keep your mouth shut. You don't have to answer any questions, and you shouldn't. It can only hurt you, and make your Seattle DUI case harder to beat for your attorney.

Once you get to the police station, the cops will try to sit you down and ask you a bunch of questions. Again, don't answer these questions. Just tell them you'd like to remain silent. This is important because the questions start out very innocently asking for your personal information and eventually ask about your arrest, the amount of alcohol you've consumed, and similar questions that elicit information that will be used against you later. At this point you want to request to speak to an attorney. They may or may not let you do so at this time. If they

don't, sit tight, because in a short amount of time they will have to give you access to an attorney.

After the cops try to ask you those questions comes the part you've probably been thinking about and dreading – the breathalyzer test. Before giving you the breathalyzer, however, the cops have to run you through a laundry list of checklists and procedures they are required to do under the law. Once they are done with these checklists they are going to ask you whether or not you want to take the breathalyzer (remembering that if you refuse you face some harsher penalties, including a longer driver's license suspension). At this point you only need to say one thing "I'd like to exercise my right to speak with a lawyer." When you do this they have to let you speak with an attorney, which does a couple of things: first, it buys you a little more time before you have to take the breathalyzer; second, it allows you to speak with a legal professional about your options – whether or not you should take the breathalyzer or not; and third, it gives you an eyewitness other than the police that can speak to your level of sobriety, including whether or not your speech is slurred, your ability to comprehend the situation and speak coherently. Take advantage of this opportunity and demand to speak with an attorney. If they don't let you, then you may be able to get your breath test results kicked.

Whether or not to take the breath test is a tough decision that will depend largely on the facts of your case, your specific personal situation, and your options once your license is suspended. The good news is, if you do decide to refuse the breathalyzer, you can apply for and get the interlock ignition device installed fairly quickly, enabling you to drive during the suspension period. Deciding whether or not to take the breathalyzer shouldn't be made without speaking with a Seattle DUI lawyer. Make sure you get to talk to someone before you make a decision.

8. A DUI is Not the End of the World – But Follow Rules 1 Through 7 and Getting Rid of it is a Lot Easier.

The goal of rules 1 through 7 is not to get the cops to let you go. If they are investigating you for Seattle DUI you should probably just throw that out the window, because chances are they are going to arrest you for DUI and at least give you a breathalyzer. What rules 1 through 7 are designed to do is limit the evidence the cops and prosecutor have, increase your bargaining power in the plea bargaining process, and give you the chance to actually beat your Seattle DUI outright. Keep that in mind when in the middle of everything with the cops. It's a marathon, not a sprint, and coming out of the gates hot (by making a bunch of statements and trying to beat it up front) can really hurt you when you are trying to reach the finish line.

9. Driver's License Revoked? Not So Fast – Interlock Ignition Devices.

As I alluded to in thing number 7, getting your driver's license revoked isn't the end of the world as far as your driving privileges are concerned. First, there is the option to appeal the driver's license suspension and have your driving privileges reinstated. Your license is revoked automatically by blowing .08 or over on the breathalyzer, so, if at the appeal you can show that: (1) your stop was improper; (2) the arrest didn't have probable cause; (3) the implied consent rules weren't properly given; or (4) the other breath test procedures weren't followed or there was something wrong with the machine, your revocation is dismissed and you get your license

outright. To retain this appeal right, however, you must file a notice of appeal within 20 days of your breath test results. And, until you get your hearing and a decision is made, your license remains valid.

If you appeal and lose, all is still not lost. This year the Washington State Legislature enacted a law that allows people who have had their license revoked because of a DUI breath test to remain able to drive with something called an interlock ignition device. What this device does is require you to blow into a machine attached to your car before the car will operate. So long as your breath test result is good, your car will operate. This makes the driver's license revocation penalty minimal at best.

In the end, if you blow over .08 on the breath test, you should file an appeal of the suspension and prepare to apply for the interlock ignition device if your appeal is denied.

10. Don't Wait to Hire a DUI Attorney. The Sooner the Better.

The government has a lot of experienced people working on its side to convict you of Seattle DUI and put you in jail. Seattle cops and prosecutors are experts in putting people in jail and using what you say against you at a later date. You shouldn't be going through this process alone. You need to even the playing field. You need to give yourself a shot to beat your Seattle DUI outright. To do that, you need to have a good Seattle DUI attorney on your side.

If you get in trouble with the law, don't wait to hire a criminal lawyer. Waiting is not going to make the problem go away. Waiting is not going to lower your punishment. Waiting is only going to make it harder for your attorney to get you the results you deserve. If you get in a sticky situation and get a Seattle DUI, get in touch with a DUI attorney today.