



Exclusively
DMV & D.U.I.
Representation

Special points of interest:

- DUI can result in a murder charge
- You can have a DUI expunged
- How a competent DUI Attorney can assist in navigating the DMV
- What happens if I drive on a suspended license after my DUI
- Selecting the appropriate Alcohol Program for your case.

Avoiding Court and Jail on a D.U.I.

One of the most important decisions someone who has been arrested for D.U.I. Will make is selecting the right law firm to represent them in court.

In many cases a seasoned D.U.I. Attorney can readily punch holes in the prosecutor's case. It is usually what's **NOT** in the arresting officer's report that can make the difference between a D.U.I. and a lesser charge like a "wet reckless".

Custody of 10-20 days on a first-time D.U.I. Is not an uncommon sentence in certain courts. However, there are alternatives to actual jail time. Such as home detention. Knowledge of the court where the case is assigned and the attitude of the prosecutor's

office and the practices of the local crime laboratory can play key roles in achieving a positive outcome on any case.

In most all misdemeanor D.U.I. cases, your attorney can go to court without you ever having to appear. Without legal representation chances are that your sentence will be based solely on what the officer wrote in his report. You will not have an opportunity to challenge errors, exaggerations or events that never occurred, but appear in the officers report when arrested.

California Law Centers will stand between you, the system and over zealous prosecutors



ensure your rights and freedoms are protected. It is your Constitutional right to examine and inspect the evidence and case against you. Examples of the types of issues that should be inspected are 1) Did the officer lawfully stop and arrest you? 2) Did the officer comply with the law concerning alcohol testing requirements? These are just a few of many issues that arise in most every case.

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GETTING A RESTRICTED LICENSE

It is critical to understand the DMV will not consider your need to drive when suspending your license. Like everyone else, your need to drive to work, school, court or even the alcohol program all require a valid driver's license. Obtaining a restricted license can be complicated and confusing. It is possible to have your restricted license before your case has been handled in the courts. An experienced attorney can guide you through this difficult proc-

ess ensuring you select the appropriate alcohol program. First offender programs can range between 3 months to 9 months. The DMV may accept the shorter alcohol program at the outset, but the court may impose a longer program. Because of this confusion, many alcohol program providers are reluctant to enroll you in any program until the court orders you to attend.

Hiring an experienced attorney can minimize delays in ob-

taining enrollment in the correct program and ensure your driving privileges are reinstated as soon as possible.

The requirements for a restricted license are 1) Proof of enrollment in a state or county approved alcohol program, 2) payment of a \$125 reissuance fee and 3) filing an SR22 with the DMV.

Currently, an SR22 must be maintained on file with the DMV for a period of 3 years.



Sobriety Checkpoints

The holidays are coming and so are the Checkpoints. Many of these operations are funded by Office of Traffic Safety (OTS) through "Mini Grants" to local and contract law enforcement agencies where the population is 20,000 or more.

To maximize the traffic safety benefit of checkpoint operations, OTS recommends mini-grantees conduct combination DUI/Driver's License checkpoints that include 30-

day vehicle impounds. However, OTS does not require agencies to combine driver's license checks with the sobriety checkpoint operations.

The United States Supreme Court has held that while these temporary roadblocks do constitute a "seizure" under the 4th Amendment, they are not per se unreasonable searches and seizures under the U.S. Constitution. The Chief Justice declared that with demonstrated need and effectiveness, and minimal intrusion, sobriety checkpoints

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are acceptable.

For someone who is currently in the process of a license suspension for an alcohol related offense and is driving without a valid license, the consequences of encountering a checkpoint can be disastrous even if there is no alcohol whatsoever.

These include a new charge of driving on a suspended license, impound of your vehicle for a minimum of 30 days and possibly a probation violation being imposed for the alcohol related driving offense

D.U.I. IS SERIOUS!

If charged with a felony or misdemeanor you can be convicted based solely on the "opinion" of the arresting officer.

The penalties for Driving Under the Influence are severe. There are mandatory jail sentences, fines, classes, probation, and other sanctions as punishment. You can also be subject to "enhancements" and "special allegations" (extra punishments).

Don't be cheated in the process. An experienced D.U.I. Attorney can prepare you for success in court and at the DMV. Be aware that the DMV will **automatically** revoke or suspend your driver's license unless you fight. The first step is to hire an attorney who is experienced in this area of the law.

[How can California Law Centers help you?](#)

We first file formal pleadings on your behalf and demand copies of all police reports. We personally review your police report and seek to find areas that may result in possible defenses or allow suppression of evidence.

The facts of your case may look bad, but there may be strong legal issues that may work to your benefit. We have the staff as well as the research tools available to explore these issues.

Our staff has access to experienced and qualified professionals, investigators and experts who specifically work in the field of DUI Defense. Our unique client database provides histories and useful information on various law enforcement personnel and prosecutors who may be involved in your matter.

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Negligent Operator - The other DMV Suspension

The Department of Motor Vehicles handles multiple types of suspension hearing at the Office of Driver Safety. Many attorneys fail to advise clients about Negligent Operator Suspensions. This is an additional suspension that can range from 6 months to a complete revocation of the right to drive.

The Driver Safety Office conducts several types of suspension hearings. Negligent Operator Actions are based upon the number of points drivers add to their record within a specified period of time. Negligent Operator Points are added to the driver record upon receipt of conviction from courts and reports of collisions from law enforcement when a driver was declared to be at fault or for any degree of responsibility for an accident.

Traffic convictions and accidents are assigned points based upon the severity and range from between one to three points.

The California Vehicle Code 12810 requires the department to assign one point to any conviction "involving the safe operation of a motor vehicle upon the highway." Examples of one point violations are speeding tickets, unsafe lane changes, failure to use signals.

All two point violations are mandated by the vehicle code. Examples are Hit and Run, Reckless Driving, Drunk Driving and Driving on a Suspended License.

Negligent Operator actions occur when a driver obtains four points within a 12 month period. [see chart A]

Chart A

Point Count	Time Period
4	w/12 Mos.
6	w/ 24 Mos.
8	w/36 Mos.

w/= within the stated cycle

The action is a one year probation which includes a six month suspension. The action is effective 34 days from the date the order is mailed.

Violation or Collision During a Period of Suspension while on a Negligent Operator Suspension

An additional six month suspension will be imposed and the probation will be extended for one year from the violation of probation if the following occurs while the driving privilege is suspended:

- 1) The driver receives any violation while on suspension**
- 2) The driver is involved in any collision regardless of fault.**

DO NOT ignore a notice for a Negligent Operator Action. A competent attorney familiar with DMV rules, regulations and procedures can assist in maintain your drivers license.

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VEHICLES: REPEAT DUI OFFENSE – VEHICLE IMPOUNDMENT

Vehicle Code Section 14602.8

Chapter 656 / Senate Bill 207

SUMMARY: This new law provides peace officers the authority to impound a vehicle driven by a repeat **DUI** offender for a period of 30 days, under certain specified conditions. A person driving a vehicle with a Blood Alcohol Content (BAC) of 0.08 percent or greater, or who refuses chemical testing, will be subject to having his or her vehicle impounded for 30 days, if the person has 1 prior conviction of **DUI** in the last 10 years.

60 days, if the person has 2 prior convictions of **DUI** in the last 10 years. And upon arrest for a third **DUI** within 10 years the court can order the vehicle sold under the Habitual Traffic Offender statutes.

HIGHLIGHTS:

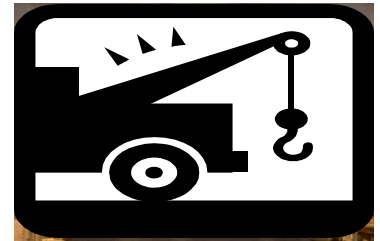
- This impound authority is provided in newly added Section 14602.8 VC.
- The violator must have a prior conviction of Section 23140 23152 or 23153 VC, and the violation occurred within the last 10 years for this impound

authority.

- This impound authority only applies if the driver has a BAC or 0.08 percent or more, or if the driver refuses chemical testing.

- The registered or legal owner of the impounded vehicle shall have the opportunity for a storage hearing.

In many instances the impound officer can refuse to release the vehicle until the vehicle has been impounded for the maximum period allowed by law.



A qualified DUI/DMV Attorney may be able to assist in reducing the impound process

Expunging CA DUI

A record of a [DUI arrest](#) or conviction can stay with a person for a very long time in CA unless helped by [skilled criminal defense lawyers](#). Applications for schools, jobs, and military service often are probed concerning criminal records.

Past criminal convictions or a DUI can be "erased" this process is called an Expungement. Most defendants are entitled to this after their probation has passed and if he or she have not been convicted of anything

since, you can have your lawyer can help petition to the Superior Court for an Expunging (expunged and removal) of your criminal record.

The purpose of CA Expungement law is to help a person who has been charged one or more DUI or criminal convictions a "new start."

A judge then chooses whether the person is granted

an [expungement](#) order. A CA DUI expungement order means that, with some exceptions, the criminal proceedings "never happened." It also allows the person to fill out school, job, and military applications honestly without having to tell that he or she was once arrested or convicted. Let one of our attorneys help you with your specific expunging case.

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BEWARE OF THE CHEAP LAWYER

Don't base the hiring of an attorney on money alone. The old adage, "[you get what you pay for](#)" is true when it comes to D.U.I. Defense. You need to hire an experienced lawyer and pay a fee that will allow him to aggressively investigate, and then defend you! Hiring a lawyer at the lowest fee may simply result in paying a lawyer to stand there while you enter a guilty plea. In the end, he lawyer

moves on to another plea, and you move on to jail!

DUI Laws are very complex and change constantly. Having current information concerning the crime labs, court procedures and attitudes of the prosecutors is essential to obtaining a favorable outcome. Employing an attorney who exclusively works with the DMV and on D.U.I. cases can ensure

you receive aggressive and competent legal representation.

Do the math, if the average case entails 10 hours of staff and attorney time for proper representation at a flat rate of \$500 means you have a \$50 per hour lawyer with a heavy case load. It is more likely than not that sacrifices will be made to accommodate the low fee.

Don't gamble with your future!





CALIFORNIA LAW CENTERS
A Professional Corporation



Phone: (888) 368-2324 / (888) DMV-2-DUI
Fax: (760) 741-1387
E-mail: californialawcenters@yahoo.com

Over 10 years experience
handling DMV and DUI representations

San Diego County

Corporate Headquarters
P.O. Box 500162
San Diego, CA 92150
(760) 741-1779

Inland Empire

Riverside County Bar Building
4129 Main Street, Suite B-2
Riverside, CA 92501
(951) 367-3608

Toll Free: (888) DMV 2 DUI

Visit our website at
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DMV ADMIN PER SE SUSPENSION HEARINGS

DMV Hearing Issues

It is important to understand the DMV does not consider your need to drive or your clean driving record as a mitigating factor at the Administrative Hearing. *If a chemical test (blood or breath) was taken, the issues are:*

1. Did the officer have reasonable cause to believe that the accused was driving a motor vehicle in violation of the drunk driving laws (Vehicle Code sections 23152 or 23153)?
2. Was the accused lawfully arrested?
3. Was the accused driving a motor vehicle when he or she

had .08 percent or more, by weight, of alcohol in his or her blood?

If you Refused the chemical test, the issues are:

1. Did the officer reasonable cause to believe that the accused was driving a motor vehicle in violation of the drunk driving laws (Vehicle Code sections 23152 or 23153)?
2. Was the accused lawfully arrested?
3. Was the accused told that their driving privilege would be suspended for one year, or revoked for two or three years, if they refused to submit to, or failed to complete, a chemical

test?

4. Did the accused refuse to submit to, or fail to complete, a chemical test after being requested to do so by a peace officer?

At the hearing, the DMV has the burden of proof as to all the issues. An attorney experienced with DMV hearings may be able to save your license from being suspended. You are welcome to call us anytime to discuss your case and the ways that we can help you.

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YOU HAVE 10-DAYS TO CONTACT DMV

Don't delay! You must contact the DMV within **10 Calendar Days** of your arrest. Failure to act within this time will result in an automatic suspension of your driving privileges and you will not be afforded an opportunity for an Administrative Hearing!

DMV Contact Numbers:

San Diego

858-627-3901

Riverside & San Bernardino Counties

909-383-7413