



# WHAT OTHER DEFENSES ARE AVAILABLE IN DRUNK DRIVING CASES?

Here are several examples of other defenses available in drunk driving cases:

- 1. Field sobriety tests.** If the officer used non-standardized tests, your lawyer may be able to exclude their results or argue that the entire arrest was based on flawed field testing.
- 2. Incompetent tester.** If the officer giving the field sobriety tests was not well trained, or improperly administered, demonstrated, or graded the tests, the results of the test might be thrown out.
- 3. Unlawful arrest.** The 4th Amendment to the U.S. Constitution requires “probable cause” or reasonable grounds for a custodial arrest for drunk driving. The smell of alcohol alone is insufficient.
- 4. Right to counsel.** If after your arrest you requested an attorney and the police continued to question you, proof of that violation may be helpful in your case.
- 5. Admissibility of breath test results.** The prosecution must prove that the test equipment was in working order, had been properly maintained, and that the test was conducted in correct fashion.
- 6. Credibility of breath test results.** A wide variety of possible challenges exist. Some are dependent upon medical condition or your work environment, and others are available in all situations.

We will need to learn the facts of your case before determining if any of these or other defenses are applicable. Details count when it comes to defending drunk-driving cases.