

High heel sneakers

In this case I represented a young lady who had been out clubbing. She was wearing club clothes including a pair of four inch high heel shoes.

A police officer stopped her for making a u-turn, which is not unlawful and could not be considered in the officer's decision to arrest her.

When the officer pulled her over, her passenger threw up on the sidewalk. The officer wanted to quickly start the process. The officer asked her to perform one field sobriety test, which was the walk and turn.

In that test, you are directed to take nine heel to toe steps along an actual or imaginary line, turn around, and take nine steps back. The officer testified that she did not step off of the line, but she did not touch her heel to her toe on any of the steps as he had directed.

I argued that her performance was exemplary though she did not follow that instruction. I explained that the instruction would have been overly difficult given the clothing she was wearing.

I also argued that the low temperatures of the night along with her clothing caused her to be cold and shivering, which made her unable to stand stable as the officer had directed. The officer admitted that he was wearing a jacket and she was wearing nothing but her very flimsy club clothes.

I then argued that the police officer made a rash decision and arrested her before he had probable cause. The Judge agreed with my argument and my client was found not guilty of driving while impaired.