

The dry facts about DWI

What drunken drivers can expect

Stanley B. Chambers Jr., Staff Writer
Plan on getting trashed tonight?

Have fun. Getting drunk on New Year's Eve is normal, if not very original, behavior.

But please do us a favor. If you're drunk, don't drive.

Before you take that first sip, we're going to do you a favor and explain the process of getting nailed for driving while impaired.

It's not fun. It's expensive. And you can lose a lot more than your driver's license.

The blue lights: They're never a welcome sight in your rearview mirror.

You're nervous. You wonder, "What did I do wrong?"

Well, you might have been weaving a bit. Or driving below or above the speed limit. To an officer, these are signs of a driver who may be impaired.

You'll be asked for your license and registration. If the officer smells alcohol, sees an open alcohol container or detects slurred speech, you'll be required to get out of your vehicle. Be polite to the officer; a bad attitude, language or behavior will be used against you in court.

The officer will ask you to do a few things:

- * Breathe into a hand-held "alcosensor," which measures the amount of alcohol on your breath. It is used to confirm the officer's DWI suspicions, but results are not used in court.

- * Balance on one leg.

- * Touch your nose with an outstretched arm.

These are all part of a field sobriety test. Marcus E. Hill, a Durham lawyer who handles DWI cases, advises his clients to refuse the field sobriety test because it is designed to have the driver fail. He compared it to shooting a basketball for the first time.

"Everything you do and answer in front of an officer will be used against you in court to prove you were impaired," he said.

You can refuse the test, but that's a strong indicator of guilt. And an officer has other ways to prove DWI, such as your body movements or slurred speech. If your actions are enough for the officer to suspect DWI, you'll be arrested and taken to the nearest Intoxilyzer, which measures the amount of alcohol in your breath.

You'll be instructed to breathe into the Intoxilyzer twice. Its results will be used in court if you blow above 0.08, the legal limit in North Carolina. If you have a commercial license or are younger than 21, you're in trouble if any alcohol is detected.

COST: Your New Year's fun.

Yes, you may refuse the Intoxilyzer test as well, but it's a bad idea. Refusal is regarded as evidence of guilt and brings an automatic license suspension for at least 30 days. If you take the test, Hill, the Durham lawyer, recommends getting a witness -- a friend, relative, lawyer -- in case something goes wrong.

Meanwhile, your car has probably already been towed.

COST: Up to \$125.

The judicial process

It all starts at the jail, before a magistrate, who sets bail -- money you have to pay to get out of jail and guarantee your appearance in court.

COST: It varies, depending on the circumstances of your arrest and your criminal history. You may pay nothing or shell out a few hundred dollars.

If you post bail quickly, someone will have to pick you up or you'll stay in jail until you're sober. If you can't post bail, you're in jail until your court date.

Within a month, you'll go before a judge. You can plead guilty or request a continuance so you'll have time to hire an attorney or prepare your case.

COST: A lawyer is not cheap. You'll pay a few thousand dollars.

Before court, Hill advises his clients to get a substance-abuse assessment to determine the severity of their alcohol problem and what should be done about it. Doing so may soften your punishment if you're convicted of DWI. And it will be required anyway if you're found guilty.

COST: About \$100.

Once in front of a judge, you'll face an uphill battle, but DWI cases are winnable. Officers can make mistakes, Hill said, such as pulling you over without sufficient cause or making a mistake in administering the sobriety and Intoxilyzer tests.

Unlike a traffic ticket, however, a DWI charge cannot be reduced. If found guilty, you can appeal your case to Superior Court, though reversals are infrequent.

The consequences

Well, your wallet is already screaming for mercy. But now you're convicted of DWI, so your punishment will depend on the circumstances of your arrest and whether you have previous DWI convictions. If you caused an accident or had a child in your vehicle, expect to spend some time behind bars.

First-time offenders with no serious factors may get off with community service and no jail time -- and that's the easy part.

COST: Court fees and fines can run to \$2,000, plus a \$200 community service fee, plus about \$100 to get your driver's license back. If you didn't have the substance abuse assessment before, you'll need it now. A judge may also require alcohol treatment, which can cost thousands.

And insurance? Ouch! A first DWI conviction typically pushes up your insurance bill 400 percent a year for three years.

Avoiding the drama

Some places give designated drivers free non-alcoholic drinks, said Craig Lloyd, executive director of MADD North Carolina.

So there's an easy solution: Get a designated driver. And have a Happy New Year.

stan.chambers@newsobserver.com or (919) 956-2426

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DWI, BY THE NUMBERS

DWI is a guy thing. Of 74,659 people in North Carolina charged with impaired driving and implied consent (not taking an alcohol test when asked, a condition of getting a license) from July 1, 2005, to June 30, 2006, more than 82 percent were male.

1,559 - The number of traffic fatalities statewide last year.

36 - Percentage of accidents that were alcohol-related.

33 - Number of alcohol-related fatalities in Wake County -- second statewide, behind Mecklenburg. Johnston County had 12; Durham County had 10; and Orange County nine.

(ADMINISTRATIVE OFFICE OF THE COURTS; NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION)