

Top 7 Ways to Fight a DUI

1. Use Your Head. Drinking and Driving *can* be a drinking problem, but it is *always* a driving problem. The simplest solution is not to drive. Make a plan and stick to it. Designate someone to drive, take a cab, call a friend, or walk. Just don't drive when you've been drinking and you'll never face a DUI.

2. Know Your Limit. Two drinks is the limit right? Wrong. Your weight, your gender, your food consumption, and certainly the number and types of drinks you've had all play a part in determining your Blood Alcohol Level. Check out the [BAC Calculator](#) as a basic guide and know your limit. Know when you've had enough and you should be able to avoid a DUI.

3. Know the Road. Road blocks, or checkpoints, don't happen at random. They must be announced to the public. So, read the paper and pay attention. Even a sober driver can be detained by these things. I've seen people with very low, or even zero, Blood Alcohol Levels trapped in roadblocks for hours just because they seem to have the odor of alcohol about them. So, know the road, and plan your route accordingly. Also, don't speed, fail to signal, or drive with broken lights or expired tags. Errors like this are an invitation to detention.

4. Smile, You're on Camera! Most DUI arrests are now videotaped and even audiotaped. Be aware of it and use it to your advantage. Be polite. If you have an injury that affects your ability to do road side tests then speak up. Repeat it. And repeat it again. "I have bad ankles, I have bad ankles, good gosh, I have bad ankles." Finally, know that whatever you say on the side of the road will be used against you even if they don't read you your rights. Don't admit to things that will hurt your case, and say as little as possible.

5. Simon Says Stop. Neither Kansas nor Missouri require you do to the Field Sobriety Tests, i.e. the Simon Says stuff on the side of the road. If you do have an injury that will affect your ability to balance, then refuse. Even if you don't have an injury, you may want to refuse. These tests have huge margins of error, yet they expect a near perfect performance from you, and the cop grading the test is not exactly in your corner. Finally, in Kansas and Missouri, it is not a moving violation to refuse the PBT (preliminary breath test) on the side of the road. You can be fined for refusing, but the test is highly inaccurate and will be used to justify an arrest. If you refuse any test, the officer will probably threaten to arrest you, but he's probably going to arrest you any way - - so why give him the extra evidence?

6. Get a Fair Test. Both Kansas and Missouri primarily rely on the Intoxilyzer 5000. Only a handful of states still rely on this primitive technology. If you are arrested, you will be given a choice of whether or not to take a test. You will be given, and read, a long list of warnings. Listen and decide, based upon your criminal history, whether or not to blow. (If you are in Missouri when you are arrested, ask to talk to attorney before you blow and you will be given a chance to call one.) If you do blow, take three deep breaths first to clear your deep lung air and get a more accurate reading. But, don't hold your breath as this will cause a build up of alcohol in your lungs resulting in a false high reading. Finally, if the results seem inaccurate, ask for a blood test. Demand that you be given an opportunity to get a fair and accurate test.

7. Call a Lawyer - - Not a Dump Truck. If you are charged with a DUI or DWI, call an experienced attorney immediately. You have 10 days in Kansas, and 15 days in Missouri, to request an initial license hearing. If you fail to request a timely hearing, your license will be suspended automatically. A good DUI attorney will meet with you for free to discuss your case. You need a good attorney, not a Dump Truck. Beware of Dump Trucks. They quote low fees, do little work, and often say that the license hearings can't be won unless the officer doesn't show. A good DUI attorney will fight for you, knows the law, will look at the reports, the videos, and the intox records, and then review that information with you. Don't waste your money, or your future, on a Dump Truck.