

*The Florida DUI Survival Guide
for Gainesville and Alachua County*

How to Avoid or Survive A DUI Arrest

**Do Not Drink
& Drive!**

If it is too late:

**Do Not Make
Another
Mistake**

- The Two Biggest Mistakes Commonly Made After a DUI Arrest.
- Know Your Rights in a DUI Arrest.
- Realities of What You Will be Facing if Arrested for DUI.
- When and How to Choose a Lawyer to Represent You After a DUI Arrest.
- What Options are Available in Gainesville to Avoid Drinking and Driving.
- What it Takes in Florida to be Over .08, the Legal Limit.
- University of Florida Students' Realities of a DUI Arrest.
- How a Florida DUI Criminal Conviction Can Affect the Rest of your Life and Cost you as Much as \$20,000 or More Over the Next 3 to 5 years (not including legal fees).
- Why the FRH (Formal Review Hearing) can be the Single Most Important Part of Winning Your Criminal DUI Case.

**Florida DUI Attorneys
Jeffrey Meldon & Tom Copeland**

If you are reading this book because you have just been arrested for DUI, then you are facing a serious life altering event and need to make some important decisions immediately!

This is why:

- **A DUI, in Florida, is a mandatory criminal conviction!**
- **A conviction means that you are guilty of the crime and that your DUI record cannot ever be erased, sealed, or expunged;** it can affect your present and future employment, admission to graduate schools, military options, and insurance rates.
- **A DUI conviction will cause your insurance rates to skyrocket to as much as \$3,000 to \$5,000 per year for the next 3 to 5 years.**
- **You have only 10 days to appeal your driver's license suspension.**
- **You may not be able to drive for any purpose, including work or school, for a certain period of time.**
- **UF students may face suspension or expulsion.**

The two most important things you need to do at this point are: to (1), hire the most qualified and experienced legal team to represent you and (2), do it ASAP.

Do Not Drink & Drive!
If is too late:
Do Not Make Another Poor Decision.

How to Avoid or Survive A DUI Arrest

The DUI Defense Team of Jeffrey Meldon and Tom Copeland has represented more people charged with DUI than any other attorneys in Gainesville.

- We have handled more cases.
- We have had more successful results.
- We are recognized statewide as the top local firm for DUI defense.
- We know the latest cutting edge defense strategies.
- We are part of a statewide network of DUI attorneys that share defense information and tactics.
- Jeffrey Meldon and Tom Copeland regularly teach DUI defense strategies to other attorneys throughout Florida and have earned the reputation as top guns in DUI defense.

Attorneys: Jeffrey Meldon and Tom Copeland
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Gainesville, Florida, 32601
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The Jeffrey Meldon and Associates DUI Defense Team

What makes us the Best?

- **Our DUI Defense Team at Jeffrey Meldon and Associates is the most experienced and successful DUI Defense Legal Team in Gainesville, Florida and in all of Alachua County.** Our outstanding, unparalleled expert team of Jeffrey Meldon, Tom Copeland and Abbie Knight has the knowledge, the experience, and the latest technological information available to give you a fighting chance against the mighty forces you are facing.
- **We represent people charged with DUI in Gainesville and Alachua County only.** This focus allows us to know the local police agencies, officers, prosecutors, judges, and roadways, giving us an advantage.
- **The fee we charge for our services in representing people charged with DUI, allows us to invest enough of our time and resources to give our clients the best chance at winning their case.** Our fee includes the DMV Formal Review Hearing and any representation at The University of Florida for university students. We do not take short cuts and we file all motions necessary to give our clients the top legal defense after a DUI arrest.
- **We regularly get referrals for DUI defense from highly experienced lawyers, locally and around the state, and from our previous clients, as we are known statewide as the local experts in Alachua County.**
- **Both Jeffrey Meldon and Tom Copeland have lectured extensively on DUI defense to other Criminal Defense attorneys and are current on the latest cutting edge defense tactics.**
- **Our Team has an exemplary record of past success which is the best indicator of future results.**
- **Jeffrey Meldon and Tom Copeland have 60 years of combined legal experience in Florida courts.**

Technical issues can often be the difference between winning and losing a criminal DUI case or a FRH license suspension. Hiring, a team that specializes in and has vast experience in DUI defense will give you the best chance of recognizing these technical issues and identifying the legal defenses that can make the difference. We have found that our team and our team approach gives you the best chance of winning your DUI.

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Introduction

If you are reading this book because you have just been arrested for Driving Under the Influence (DUI), then you are facing a serious life altering event and need to make some important decisions immediately.

This is why:

- **A DUI, in Florida, is a mandatory criminal conviction!**
- **A conviction means that you are guilty of the crime and that your DUI record cannot ever be erased, sealed, or expunged;** it can affect your present and future employment, admission to graduate schools, military options, and insurance rates.
- **A DUI conviction will cause your insurance rates to skyrocket** to as much as \$3,000 to \$5,000 per year for the next 3 to 5 years.
- **You have only 10 days to appeal your driver's license suspension.**
- **You may not be able to drive for any purpose,** including work or school, for a certain period of time.
- **UF students may face suspension or expulsion.**

The two most important things you need to do at this point are: to (1), hire the most qualified and experienced legal team to represent you, and (2), do it ASAP.

The DUI legal team of Jeffrey Meldon and Tom Copeland, at the Law Office of Jeffrey Meldon has represented more people charged with DUI than any other attorneys in Gainesville.

- We have handled more cases.
- We have had more successful results.
- We are recognized statewide as the top local firm for DUI defense.
- We know the latest cutting edge defense strategies.
- We are part of a statewide network of DUI attorneys that share defense information and tactics.
- Jeffrey Meldon and Tom Copeland regularly teach DUI defense strategies to other attorneys throughout Florida and have earned the reputation as top guns in DUI defense.

DUI cases are often won by examining the minute details of each case. This requires time, knowledge, expertise, and experience. DUI defense is a specialty, and not all criminal defense lawyers specialize in DUI defense, in fact, most do not.

When facing legal issues with life altering consequences, as with a DUI charge, **you need to hire an attorney based on their qualifications and not solely based on their fee.** If you are convicted of DUI, your legal fees will be the least of your expenses. You should select your attorney with the same scrutiny that you would use if you were facing a life threatening illness and needed to find the best and most specialized doctor. Your primary questions and concerns in choosing a doctor would not be related to their fees, but rather to their background, experience and success within their specialty field. **Quality representation, not cost, is the most important factor in a successful DUI defense.** Notably, since the Law Office of Jeffrey Meldon specializes in DUI defense, we do not have to charge the highest fees because we do not have to “reinvent the wheel” on every case.

If you have been arrested for DUI, then your goal at this point is to have your case dismissed, or plead to a lesser offense that will not have the same effect on your future as a DUI conviction.

Warning: Hiring an attorney will not guarantee that you will avoid these life altering consequences; however, not doing anything almost certainly guarantees a DUI conviction.

Warning: All attorneys are not the same.

About This Book

This book was written based on Jeffrey Meldon and Tom Copeland's combined 60 years of DUI defense work in Gainesville, Florida. It is intended to answer some of the common questions related to DUI and to help prevent some of the common mistakes that are made by people charged with DUI week after week. **This book is NOT intended to encourage drinking and driving!** Hopefully, this book will educate you about the risks of driving under the influence. **Remember:** You should not drive after drinking more than a small amount of an alcoholic beverage. You should not drive if you have had any illegal drugs or more than a minimal amount of certain prescription or OTC drugs.

If you have already been arrested and charged with DUI, we hope this book will help you decide what to do next.

This book is intended to:

- 1. Educate you about how to get home safely if you have had something to drink.**
- 2. Educate you regarding the amount of alcohol in drinks and what it takes to be over the legal limit of .08%.**
- 3. Give you the current facts and realities of what you could be facing if you decide to drink and drive in Gainesville, Florida.**
- 4. Describe the seriousness of a DUI arrest in Florida and the life long consequences of a DUI conviction.**
- 5. Explain to University of Florida students what they are facing if arrested for DUI.**
- 6. Help you avoid making common mistakes that will make things worse for you if you are pulled over by the police for DUI; Mistakes, that once made, are difficult to undo, and make winning a DUI case even more challenging.**
- 7. Explain your rights in a DUI arrest.**
- 8. Explain the various parts of a DUI defense.**
- 9. Explain why it is important to hire the most qualified law firm to represent you.**
- 10. Help you to choose the best DUI legal team for your case.**

Quick Hits

Listed below are some “quick hits” of this book. You can read more about each of these topics throughout this book.

- **A DUI conviction in Florida can cost you as much as \$20,000 over the next 5 years (this does not include legal fees).** *Beware:* There are many hidden costs of a DUI conviction which make your legal defense fees minimal in comparison. Make sure you have an experienced DUI specialist defending you, not the cheapest! **The cost of buying car insurance for one year can be more than your legal fees.** These elevated insurance costs can go on for 3 to 5 years or more. You can also lose a job opportunity or be turned down by a graduate school because of a DUI conviction.
- **In Florida, a judge must convict you of DUI if you are charged with a DUI and plead “no contest” or “guilty” or are found guilty by a judge or jury; judges have no choice in Florida.** In Florida, it is a mandatory conviction, a lifetime conviction, and a lifetime sentence that cannot be erased from your record, ever! This is a serious conviction, sometimes more serious than many felonies. It is a conviction that may have to be reported to employers, graduate schools, the military, and others, and could have negative effects for rest of your life. ***THIS IS A SERIOUS CHARGE YOU ARE UP AGAINST.***
- **A conviction means that you are guilty of the crime and that your DUI record cannot ever be erased, sealed, or expunged.** This is a lifetime conviction in Florida and will follow you forever.
- **In 10 days your driver’s license will be suspended for a minimum of 6 months to 1 year (for a first offense).** You must file an appeal within 10 days! Florida law provides the right to appeal your driver’s license suspension by requesting a Formal Review Hearing (FRH). These appeals are often won because of flaws in the police reports or errors made during the arrest by the police officer. Most importantly your attorney can require witnesses to testify at the hearing giving you a chance to have a “mini trial” before your criminal case ever goes to court. Time is ticking, evidence is getting cold, and you need to hire experienced representation ASAP. *(The Law Office of Jeffrey Meldon handles more FRHs than any other Law Firm in Gainesville and it is included in their fee.)*
- **A new Florida law requires anyone convicted of DUI to purchase significantly higher cost insurance.** In Florida, you are now required to purchase a minimum of \$100,000/\$300,000 in Bodily Injury Liability Insurance and \$50,000 in Property Damage Liability Insurance in order to drive after a DUI conviction. In addition to this, not all insurance companies are willing to insure people convicted of a DUI and even then only at a very high price.
- **University of Florida students may be suspended or expelled if charged with**

DUI, even if the arrest occurred off campus, and even if the student is found not guilty of DUI in criminal court. The University of Florida has very strict policies regarding students charged with DUI. UF will discipline their students charged with DUI even before their case goes to court. Students have limited rights to defend themselves and the police officer's version of what happened will probably be accepted at "face value". *(The DUI legal team at the Law Office of Jeffrey Meldon, has been able to help students avoid suspension or expulsion in some cases.)*

- **Just because you were charged with DUI, does not mean that you are guilty of DUI.** Police officers make mistakes just like the rest of us. A DUI arrest is only an accusation. There are a multitude of legal defenses to a DUI charge. Issues such as: probable cause, jurisdiction, reliability of the Field Sobriety Tests, and the accuracy of the Breath Test machine, are just a few of the defenses that may win a DUI case. *(The legal team of Jeffrey Meldon and Tom Copeland has won many DUI cases based on these and many other legal issues; we know the cutting edge defenses.)*
- **In court, the arresting police officer is allowed to give his or her "opinion" regarding the DUI charge.** This is not allowed in most other criminal cases. In most criminal cases, the police officer can only talk about facts that he or she observed, not whether in his or her opinion someone is guilty of the crime. DUI is an exception to this rule. A skilled lawyer can often expose the "reasonable doubt" that surrounds the arresting officer's "opinion" that a person was guilty of DUI.
- **DUI defense is a specialty that not all criminal defense attorneys know how to handle effectively.** In fact, DUI is more complicated to defend than most felonies. DUI involves complex scientific issues not found in most criminal cases. The Breath Test machine, Field Sobriety Tests, the probable cause for arrest and police procedures are complicated. This makes DUI different from other criminal cases. A specialist in DUI cases can make the difference between winning and losing a DUI case.
- **There are winning defenses for a DUI charge.** There are many different ways to win a DUI case, but it requires extensive and up to date expertise regarding the cutting edge issues of DUI defense. It is important that your lawyer regularly attends DUI seminars to keep abreast of the current trends, technology, and defenses.
- **The goal, when arrested for DUI, is to have the case dismissed or to negotiate a plea to a less serious offense.** There are less serious offenses that do not require a conviction and its lifelong ramifications. A qualified, experienced DUI defense team will give you the best chance of obtaining a more desirable outcome. *The legal team of Jeffrey Meldon and Tom Copeland has won more DUI cases than any other attorneys in Gainesville.*
- **One martini can put you over the legal limit and impair your judgment; all drinks are not the same!** One 3 oz martini can put you over the legal limit of .08%. Remember, the less you weigh, the less it takes to put you over the legal limit. "Drink" guidelines are based on a 12 oz beer, a 3 oz glass of wine, or 1 oz of hard liquor **Beware:**

most bartenders put more than 1 oz of liquor in a mixed drink. *Be careful* of the popular martini night specials, most martinis have 2 ½ to 3 oz of alcohol in them, the equivalent of 3 drinks in one!

- **You have the right to remain silent and can ask to speak with your attorney if you are stopped for a DUI.** The best thing to do is keep your *Jeffrey Meldon, Know Your Rights Card* in your wallet and hand it to the police officer if you have been drinking. **Remember:** alcohol impairs your judgment; you may have had more than you think. As soon as the officer asks you if you have been drinking you are in trouble! Make sure you do not say or do anything that will sink your DUI defense. Just show the police officer your card and ask him or her to respect your rights. (You can contact the Law Office of Jeffrey Meldon for your **free Jeffrey Meldon, Know Your Rights Card** to keep in your wallet @ 352 373 8000)
- **The only sure way to prevent the lifetime consequences of a DUI conviction is to not drink and drive!** There are many options for you if you want to drink. Appoint a designated driver, walk, and/or keep cab money in your pocket for the ride home. Gainesville now has midtown and downtown late night taxi stands for your safety and convenience.
- **In Florida, after a second DUI arrest (even if it is 15 to 20 years later), the consequences are much more severe.** Judges and prosecutors are less likely to treat a person charged with a second DUI leniently. The chance of jail time is increased along with other penalties. The DMV will not issue a hardship license after a second DUI conviction and you may lose your driver's license for up to 5 years. The best way to avoid a second conviction is to avoid a first conviction! Hire the best DUI specialist in town.
- **A DUI Causing Serious Bodily Injury, can result in a prison sentence, even on a first offense, and a DUI Manslaughter can result in a very long prison sentence.** Normally if you are in an accident and cause a serious bodily injury, you are looking at a claim for money damages that will usually be covered by your insurance. However, if you are in that same accident and have been drinking, you can be charged with a serious felony that can result in prison time, even on a first offense.
- **You can be convicted of a DUI even if your normal faculties are not impaired.** There are two ways to be convicted of a DUI. One way is to drive while impaired by alcohol or drugs (prescription, OTC or illegal drugs). The other is to drive while over the legal limit of .08%. Many people may not feel impaired at the legal limit of .08%, and may in fact be sober. **Note:** Just because you feel ok does not mean you are under the legal limit. **Remember:** If you cause an accident that results in an injury or death, your blood alcohol content will be checked and if your blood test shows you are over the legal limit, even if you were not impaired, you will be facing serious and lengthy prison time.

Chapter One

If You Are Arrested For DUI in Gainesville: What You Are Facing and What Can Be Done About It

If you are arrested for DUI in Gainesville, or Alachua County, you are facing two penalties:

1. **DUI Criminal Conviction**
2. **Driver's License Suspension by the DMV**

** Additionally, if you are a University of Florida student charged with DUI, there is an additional penalty:

3. **University of Florida (UF) Suspension or Expulsion**

Below is a description of some of the penalties and important information regarding what can be done about each penalty. A penalty chart can be found in the appendix.

1. **DUI Criminal Conviction: This is serious, more serious than many felonies and can affect the rest of your life!** It can be more serious than grand theft auto, for example, and will not go away no matter how much you try to ignore it!

Here is why:

- **Florida law does not permit the judge to withhold an adjudication of guilt!**
- **This means if you plead “no contest”, “guilty” or are “found guilty”** by a judge or jury to the charge of DUI, the judge has no choice but to convict you and you will have a DUI criminal conviction on your record for the rest of your life.
- **In most criminal cases in Florida, the judge has the discretion or ability to keep a conviction off your record, but not with a DUI conviction.**
- **This criminal conviction can never be sealed or expunged.**

This means:

- **This DUI conviction** may have to be reported to certain employers, the military, graduate schools, and to your insurance company.

- **Your insurance rates will skyrocket**, costing you as much as \$20,000 over the next 3 to 5 years! This is due to a new 2007 Florida law that requires extra auto insurance for anyone with a DUI conviction.
- **This DUI conviction can haunt you** if you are ever charged with a second DUI (even if it is 15 to 20 years later).
- **A DUI conviction will also mean:** jail time and/or probation, DUI School, fines and court costs, community service, driver's license suspension, possibility of an ignition interlock device placed on your car, and the Victims Impact Program.
- **A DUI conviction is also reported nationwide**, it will always be on your driving record, and no matter what state you move to, it will follow you.

Important Information:

- **You need experienced legal representation TODAY! Why today?**
- **Your arraignment**, your next required court appearance, is coming up soon and your lawyer can go for you. Florida law permits an attorney to file a not guilty plea on your behalf.
- **A DUI legal team needs time to review the details and investigate your case.** DUI cases are often won based on details. It is important to start the investigation ASAP as details and evidence at the arrest scene can change, and witnesses can become difficult to locate.
- **An experienced DUI legal team can guide you** so that you do not make any of the common mistakes that, once made, may make it nearly impossible for you to recover from.
- **DUI cases are complex and more complicated** to defend than many felonies. Not all criminal defense lawyers do DUI defense, or do it well, it is a specialty.
- **The goal of the DUI legal team at the Law Office of Jeffrey Meldon is to be an effective advocate for clients charged with DUI.** Our team knows how to find weakness in DUI cases and get them dismissed, to plead to a less serious charge, or to win at trial. *Over the past twenty years we have successfully represented more people charged with DUI than any other Gainesville law firm.*

2. Driver's License Suspension: At the time of your arrest, the police officer took your drivers license and gave you a DUI citation. This citation acts as your temporary driver's license for 10 days. After these 10 days your license will be suspended for 6 months to 1 year, for a first offense. ***You have 10 days to appeal this suspension.***

- **During these 10 days and only during these 10 days**, you have the right to appeal the suspension by requesting a Formal Review Hearing (FRH)
- **Remember:** You must file your appeal within 10 days of your arrest. It is written in the fine print of your citation. (The officer or the judge probably did not tell you about this appeal.)
- **If you file your appeal within 10 days, you will be granted a FRH** (usually within 30 days) and given an extended business and/or school driving permit for 4 to 5 weeks.
- **If you fail to appeal the suspension within 10 days**, you will lose your right to a FRH and your driver's license suspension starts immediately!
- **IN ADDITION**, if you fail to file your appeal within 10 days, you will be given a period of 30 or 90 days of **"hard time"**, during which you cannot drive at all!! Not to school, work or anywhere! **Beware:** This period of "hard time" has led many people to lose their jobs) After this "hard time" you will have a greatly restricted license for 6 months to 1 year.
- **If you win your case at your FRH, the Department of Motor Vehicles will give you back your driver's license without limitations.**
- **If you lose your FRH**, you will get the same amount of "hard time" and you can get a restricted license for 6 months to 1 year, with the ability to drive to work and school. To become eligible for a restricted license you must register and take the DUI School.

Important Information:

- **The FRH can be the single most important part of winning your Criminal DUI case!** Because, even if you lose your FRH, this hearing gives you and your lawyer the chance to obtain valuable evidence and testimony months before your criminal case is ready for trial. The information obtained from the FRH may lead to successful plea negotiations or a “not guilty” at trial. It is like a “mini” trial.
- **The FRH is often won on technicalities and having an experienced DUI lawyer with you is an important factor in winning your appeal and your case.**
- **If you can not afford** to hire an attorney, you can request an Informal Review Hearing.
- **Public Defenders are not allowed to do Formal Review Hearings (FRH).**
- **Some attorneys in town do not do Formal Review Hearings, or they charge extra for it.**
- **Jeffrey Meldon and Tom Copeland have more experience in winning the FRH than any other Gainesville law firm.** Representation at the FRH is included in our fee.

3. University of Florida Student Suspension or Expulsion: Within a few days of a DUI arrest of a University of Florida student, the University is usually notified of the arrest, even if the arrest occurred off campus. The University will then contact you, usually by mail, and request that you schedule a meeting with a Student Judicial Affairs Officer.

- **The Officer will review** with you your options for a “hearing” on your case. Essentially, the options are to have a formal or an informal “hearing”.
- **In these “hearings”,** formal or informal, you will have very limited rights. Fewer rights than with any other aspect of your DUI case.
- **Basically, if the University of Florida finds you “responsible” for violating the student conduct code,** they can impose sanctions that range from conduct probation to suspension or expulsion from the University, even if you are found not guilty of the DUI charge in criminal court.
- **You may be suspended or expelled.**

Important Information:

- **It is possible** to have your attorney with you at this “hearing”. However, they cannot speak on your behalf, but they can advise you.
- **Jeffrey Meldon and Tom Copeland have frequently intervened** on a student’s behalf, worked with the University and in some cases avoided suspension for the student. Representation at the University of Florida “hearing” is included in our fee.

Chapter Two

The Two Biggest Mistakes Commonly Made After Being Charged With DUI

During our 60 years of our combined experience defending people accused of Driving Under the Influence we have seen people make common mistakes. Mistakes that have negatively and permanently affected their lives; mistakes that could have been avoided.

These common mistakes fall into two main categories:

- 1. Waiting too long before hiring an attorney to represent them.**
- 2. Not hiring the most qualified or experienced attorney.**

1. Waiting too long before hiring an attorney:

People that have been arrested for DUI have been through an ordeal. They have been arrested, handcuffed, thrown in jail, harassed, had a sleepless night, and appeared in front of a judge. The great majority of the time, they are embarrassed, tired, and scared. Often, it feels like a nightmare that they just want to wake up from. While some wish it will just go away and do nothing for a while, others know they have a serious problem but have no idea how to solve it. The thought of talking with their family, their parents or even their spouse and revealing their recent DUI arrest may seem too difficult, so they do nothing for a time and/or try to deal with it on their own. However, their inaction or poor decisions early on in the case can make it more difficult to win their case later on. DUI is a nightmare, and it will not go away.

Problems with waiting too long to hire legal representation include:

- **DUI cases are often won based on the details surrounding the stop and the arrest.**
- **Details require time and expertise to investigate and examine.**
- **Evidence can get cold.**
- **Details can change.** For example: Roadside conditions can change daily, witnesses can become difficult to locate and memories fade.
- **There is only 10 days to file an appeal of the driver's license suspension.** If no appeal is filed, then "hard time", time during which the person cannot drive, even to school or to work, will result.

- **The appeal of the driver's license suspension, the Formal Review Hearing, may be the single most important factor in winning the criminal aspect of a DUI case and avoiding a DUI conviction.** (Jeffrey Meldon and Tom Copeland include the FRH in their fee.)
- **A lawyer can represent the accused at the arraignment**, which means the case gets worked on earlier and the accused does not miss another day of work.
- **Mistakes can be made without an attorney on your side** that may adversely affect your case, making it more difficult to get the charges dismissed or plead to a lesser offense.

What you can do to increase your odds of getting a successful result in your DUI case:

- **If you are reading this because you were just released from jail, you need to call us today for our expertise in representing people charged with DUI!** (Or, get help elsewhere.)
- If you have already waited too long, it is still important to call an attorney **ASAP.**

2. Not hiring the most qualified or experienced attorney:

People that have been arrested for DUI often are too embarrassed or afraid to talk to their parents or spouses about their arrest and discuss the financial situation they are in. They don't want to borrow money, so they look for the least expensive attorney, thinking all lawyers are the same. (If you required brain surgery would you go to a general surgeon, or to a specialist in brain surgery that has preformed the exact same surgery many times successfully and has the latest technology and education? Or would you choose a doctor based on how cheap their fees were?)

Factors to consider in hiring the least expensive lawyer for your DUI case:

- Some people stay with the public defender if the judge appointed them one, only to find out that the judge may not have told them that the public defender can not represent them at the driver's license appeal hearing (FRH) nor at the University of Florida hearing (for UF students). So valuable representation is lost, making it more likely for them to lose the case resulting in a DUI conviction. **It is common for the public defenders with the least experience to be assigned to the DUI cases; they have an overwhelming case load and are just learning their way around the court house.**
- Many people call around to find the least expensive attorney, rather than the most qualified or experienced, with the sole criteria for their choice being

how low the fee is. They fail to realize that **the most significant financial costs of a DUI conviction are not the attorney fees, but rather the skyrocketing insurance bill, and the effect on employment, future education, or military plans.**

- Some of these low cost attorneys do not represent their clients at the Formal Review Hearing, or they charge extra, and may not have the experience to give you the best chance of winning the FRH.
- Often by the time these people realize that they made a mistake in their choice of attorney, it is too late, and the damage is done.
- **DUI defense is a specialty, a subcategory, within criminal defense.** Not all criminal defense lawyers do DUI defense, and it is difficult to be on the cutting edge of DUI defense without doing it day in and day out on a regular basis.
- There is a “myth” that just because a criminal defense lawyer says that they were a former prosecutor, that they are skilled at DUI defense, or that they have “connections” with the prosecutor that will help get their client’s case dismissed. This just isn’t so. It is experience that counts. *The number of DUI cases successfully defended over a long period of time is how a lawyer becomes skilled at DUI defense. This is the single most important criteria for selecting a DUI attorney and having the best chance of winning a DUI case.*

What you can do to increase your odds of getting a successful result in your DUI case:

- **Hire the best, most experienced, and most qualified, DUI legal specialty team in the city where you were arrested.**
- Hiring an attorney will not guarantee that you will avoid any of these consequences but not doing anything will almost certainly result in a DUI conviction.

Chapter Three

The Typical Course of Events in a DUI Arrest: From the Initial Stop until the Next Afternoon

Before the police officer turns on the lights and siren in their police cruiser and requests that you pull over, the officer most likely saw something out of the ordinary in the way you were driving your vehicle, or maybe with the vehicle itself, and because of this, decided to check you out. Or maybe, you were in an accident. Once pulled over, the officer will ask to see your driver's license and vehicle registration. If the officer is suspicious, or thinks he or she smells alcohol on your breath, the officer will ask you if you have been drinking. **Once this question is asked, you will probably be arrested for DUI!**

Here is the typical course of events, if you are arrested for a DUI in Gainesville or Alachua County, from the initial stop until the next afternoon.

You will be:

1. Asked to step out of the car.
2. Asked some further questions (e.g. how much have you been drinking and where?)
3. Asked do to some Field Sobriety Tests (FST).
4. Given FST (if you consent to them).
5. Arrested and handcuffed.
6. Offered a breath test to be done at the station or with a mobile unit on site.
7. Put in the police car (your vehicle will be towed or turned over to a passenger).
8. Taken to jail.
9. Asked once again to take the breath test.
10. Asked some more questions (including "trick" questions to help convict you, even if you are innocent).
11. Given the breath test (if you consent to it).
12. Turned over to the jail staff.
13. Put in a cell.
14. Appear in front of a judge, the next morning.
15. Probably be released, by the judge, on your own recognizance with special conditions (conditions such as: curfew, no driving, no alcohol consumption).
16. Be released that afternoon (unless the judge sets a high bond).

And this is only the VERY beginning of your ordeal!

Chapter Four

Know Your Rights During a DUI Arrest

Discussed below are five important events in a DUI arrest that generally occur once you are stopped by the police officer up to the time that you are put into the jail cell for the night. Each event is described along with what rights you have at that particular time.

1. The police officer will ask you if you have had anything to drink. **Warning:** Do not make your situation worse. **Remember:** By the time the officer asks you this question; your DUI investigation has already been well underway, and you will probably be arrested for DUI. This is because; the officer already felt he or she had “probable cause”, or some reason, for stopping you. That was the beginning of your DUI case. From the moment the officer has been in contact with you, he or she has been looking for any and all possible signs of drinking or drug use to support their suspicions, such as: odor of alcohol or marijuana on your breath or in your car, slurred speech, bloodshot eyes, unsteadiness on your feet, and others. The officer will also be looking for any signs of drugs or drug use in your car.

****When the officer asks you if you have been drinking:**

- **You have the right to remain silent** and to not answer the officer’s questions. (However, if you know you have not been drinking you should say so)
- **You should ask to speak with your attorney.** **Note:** It is important to ask to speak with your lawyer ASAP! Because when you do so, the police officer should stop asking you questions. This can help keep you from answering leading questions by the officer and making incriminating statements. Also, if the officer does not allow you to speak with your attorney, it will show that the officer was not respecting your constitutional rights, which may look unfair to a jury. **Note:** The officer probably will not allow you to speak with an attorney until you are booked into the jail.
- **You should show the officer your** - *Jeffrey Meldon, Know your Rights Card.* (If you do not have one in your wallet you can contact the Law Office of Jeffrey Meldon today @ 352 373 8000 to get your free wallet card today.)

2. The police officer will ask you if you would like to take some “simple tests”. After more questioning by the officer he or she will then ask you if you would like to take some “simple tests” to determine if you have been Driving Under the Influence of alcohol. These “tests” are often referred to as **Field Sobriety Tests (FST)**. **Warning:** Do not make your situation worse. These tests are proven to be unreliable and are difficult to do under ideal conditions! FST are not scientific “tests” at all; they are only exercises that are subjectively graded by the officer. Most of the time, even if someone scores a 90% on these “tests”, the officer will say that they failed them and will then arrest the driver for DUI.

****When the officer asks you to do these “tests”:**

- **You have the right to refuse to do these exercises** and in most cases you should refuse to do them.
- **You should ask to speak with your attorney.** **Note:** Before you are arrested and are just pulled over, there is debate among legal scholars as to when you are entitled to speak with an attorney. Our advice is to ask right away and let your attorney sort it out later.
- **You should show the officer your** – “*Jeffrey Meldon, Know your Rights Card*”.
- **You should ask the officer if you are free to leave.** **Note:** If you do not know if you are under arrest or not, just ask the officer if you are free to go. If you are not free to go, the officer probably intends to arrest you very soon and is only trying to get more evidence for his or her case against you.
- **You always have the right to remain silent!**

3. The police officer will ask you to take a Breath Test. After the police officer has decided that you failed the FST, you will then be asked to take a breath test (BT), either on site or at the jail. **Note:** You must be arrested **BEFORE** the officer can legally ask you to take the Breath Test.

****When the officer asks you to take a Breath Test:**

- **You can refuse to take a breath test.** (If you have previously refused to take a Breath Test there may be additional criminal penalties for a 2nd refusal).
- **You have the right to ask to speak with your attorney.** **Note:** After you are arrested you should request to speak with an attorney before making any other statements, you have a right to.
- **You should show the officer your** - Jeffrey Meldon, *Know your Rights Card*
- **If you have had nothing or very little to drink, it may be wise to take the Breath Test.** **Warning:** You may feel sober and still be over the legal limit.

4. You will now be put in the police car and taken to the jail. **Warning:** The police officer may have part or all of the events up to this point recorded on video and may also have a video camera on you in the patrol car. **Warning:** On the way to the station, the officer may engage you in conversation, with the camera running, trying to get you to make self incriminating statements that will damage your case.

****In the patrol car:**

- **You have the right to remain silent** and probably should do so.
- **You have a right to a copy of any video taken during your arrest.** (This video is evidence that can help or hurt your case.)

5. At the police station, the police officer will ask a number of “trick” questions, designed to get you to make more self incriminating statements. This usually occurs in the Breath Testing Room. **Warning:** These questions often start off simple and then they lead you down a path until no matter what you say or how you answer, it will hurt your case!

**** At the police station:**

- **You have the right to be silent and refuse to answer any questions,** and probably should do so.
- **You have the right to ask to speak to your attorney,** and should. **Note:** After being arrested, once you ask to speak with your attorney, the officer should stop asking you questions. If the officer continues to ask questions, you should continue to ask to speak with your attorney.

Chapter Five

What Constitutes a DUI Charge in Florida

In the State of Florida, in order to be charged with DUI* or Driving Under the Influence, it is necessary for the prosecutor to prove that you were **either**:

1. Driving a motor vehicle with an unlawful blood alcohol content (BAC); in excess of .08%.

This can be proven by:

- **Breath Testing results.** Breath Testing machines convert alcohol in the breath to the level of alcohol in the blood. Breath testing can be done on the road or at the jail.
- **Blood test results.** Blood is sometimes drawn at the crash site or the hospital, if you are in an accident.

2. Driving Under the Influence of alcohol and/or drugs (prescription, OTC, or illegal) to the extent that your normal faculties are impaired.

This is can be proven by:

- **Police officer observations.** This is primarily a subjective determination based on factors such as: driving patterns, behavior, field sobriety testing, statements made, evidence of drinking or drugs, or/and the smell of alcohol or marijuana.
- **Urine Test.** This is often requested if there is a low breath test result and a urine test can detect drugs in the body.
- **Admissions by the defendant,** statements made about drinking and/or drugs consumed
- **Drugs seized** from the defendant or the vehicle: illegal, prescription, or OTC

***Note:** Florida does not have a DWI (driving while intoxicated) crime. Some states have DWI and/or DUI and some states give it other criminal titles. However, in Florida, there is just one crime, DUI.

Chapter Six

How a DUI Case Can Be Won

If you were arrested for DUI, there are a number of legal challenges that can result in your case being dismissed by the judge or the prosecutor. Listed below are five legal challenges to a DUI:

I. Probable Cause: Did the police officer have a lawful reason to stop you? The officer must have a legal reason or probable cause to stop you, for example: speeding, careless driving, crossing into the other lane of traffic, making a wide turn, or driving with your headlights off, to name a few.

Note:

Just because the officer said he or she had a probable cause to pull you over, does not necessarily make it true. You are entitled to an independent evaluation by a judge. Many cases have been completely dismissed because it was proven that the police officer did not have legal basis to stop you in the first place.

II. Jurisdiction: Did the police officer have the right to make a stop in the location where he or she stopped you? Every police officer has a certain jurisdiction, the place where they are authorized to act as a law enforcement officer. For example, a police officer from Miami cannot come to Gainesville and stop or arrest anyone; it would be outside of their jurisdiction.

Note:

Recently, Tom Copeland attorney with the Law Office of Jeffrey Meldon & Associates was able to get a number of University of Florida Police Department (UPD) DUI cases dismissed because UPD officers were stopping and making arrests outside of the university campus itself; on University Ave, and 13th Street. **Our legal team challenged these illegal stops and arrests based on lack of jurisdiction and the judges in Gainesville, Florida agreed with our legal analysis and threw out the cases.**

III. Field Sobriety Testing Conditions: Were the conditions under which the Field Sobriety Tests (FST) given, conducive to proper testing? The purpose of the FST is to prove that a person is impaired. However, these “tests” have been proven to be unreliable even if given under perfect conditions.

Note:

It is important to document the conditions under which your FST were performed. For example: Was the ground level? Was the area well lit? What type of surface were they given on? What were the weather conditions at the time? If it can be shown that the conditions were less than ideal, it means that the tests are not reliable evidence.

This is another reason why it is important to hire experienced legal representation ASAP, as road conditions can change.

IV. Breath Test Admissibility: Can the results of the breath test (BT) be used as evidence against you; are they admissible in court? The purpose of the breath test is to measure your blood alcohol content at the time you were driving. The breath testing device is supposed to be able to do this by converting the amount of alcohol in your breath to the blood alcohol concentration in your body. However, there are many reasons that the breath test results may be kept out of court, such as, if it can be shown that the breath test machine was not working properly or that the breath test was not administered according to the rules.

Note:

There are many problems associated with Breath Testing and Breath Testing machines, and in fact the machines have never been scientifically proven to be completely accurate. Hiring an experienced DUI legal team will greatly increase your chances of keeping the breath testing results from being admitted in court, which could lead to a “not guilty” verdict for DUI or a plea to a lesser charge.

Even if they are admitted into evidence a skilled attorney can prove to a jury that they are unreliable tests and should not be used to convict you of DUI.

V. The Quality of the Police Officer and of His or Her Investigation: Who was the arresting police officer and was the investigation done properly? There are many issues a skilled attorney will evaluate when researching the officer's experience, history, and the quality of their reporting or investigation, such as: Does he or she write the same report for every DUI arrest? Has the officer been disciplined or fined by any police agency? Does the judge have respect for the reputation or for the truthfulness of the officer? How does the officer act in the courtroom? Does the officer make a good witness on the witness stand, or are they argumentative with the defense attorney? Can the officer admit when he or she has made a mistake or do they fight with the defense attorney (juries do not like this)?

Note:

This is another reason to hire a local and experienced DUI legal team to defend you. **The DUI legal defense team at the Law Office of Jeffrey Meldon & Associates has been in Gainesville since 1971;** we know the police officers and their histories. Having this valuable information has helped us win many DUI cases.

Chapter Seven

How to Avoid a DUI Arrest

The best way to avoid a DUI arrest is to not drink and then drive.

Here are some ideas to accomplish this:

1. **Don't drink** alcoholic beverages if you are going to be driving.
2. **Walk** to the bar or restaurant.
3. **Decide on a designated driver** ahead of time and stick to the plan.
4. **Ride the bus.**
5. **Keep \$20 in your pocket for cab fare.**
6. **Use the new Gainesville late night taxi program.** Gainesville has set up two cab stands. One is Downtown on 2nd Ave by the courthouse and the other is Midtown in front of the Swamp restaurant. The taxi stands hours are from 10 p.m. to 3 a.m. Wednesday through Sunday. Keep \$20 for cab fare.
7. **Keep cab fare away from other spending money.**
8. **Take a Party Bus or Limo.**
9. **Drink at home.**
10. **Call a friend or family member** to come get you. Bring your cell phone when you go out.

Chapter Eight

Information About Field Sobriety Tests

Field Sobriety Tests (FST) are a set of exercises given on the roadside, such as: walking on a straight line, standing on one leg while counting out loud, and touching your finger to your nose with your eyes closed. The intended purpose of these so called “tests” is to prove that a person is impaired.

These “tests” are then “graded” by the police officer as they are performed. However, the “grading” is almost entirely subjective on the part of the officer. Whether you pass or fail these “tests” is largely based entirely on the officer’s personal observation and impressions, not on any objective criteria.

Note: By the time the officer asks a person suspected of driving under the influence of drugs or alcohol to do these roadside exercises, the officer has probably already decided the person is guilty of DUI, the officer is just looking for more evidence to support their decision, which in turn affects their ability to be objective in “grading” the “tests”.

In reality, these FST have been proven to be unreliable even if given under perfect conditions and are somewhat meaningless when it comes to proving DUI, no matter how well trained the officer is in assessing the results. In fact, roadside sobriety tests have little or no scientific validity at all. In addition, many things can make conditions less than perfect. For example, road and weather conditions, lighting, type of footwear or clothing, and safety considerations, are just a few things that can negatively affect a persons performance. The police manual also says that these tests are unreliable if a person has an injury, is overweight, or is older. An experienced DUI defense lawyer can prove this to a jury.

If you have been arrested for DUI and performed Field Sobriety testing, it is extremely important to hire an attorney experienced in DUI defense ASAP so that the actual location of the “testing” can be examined. Roadsides can change. For example, grass can be mowed or overhead lighting repaired. It is important to have an expert examine or video a suspicious testing site without delay. **Note:** DUI cases are often won on the little details of the case. Don’t let the details get lost by waiting too long to hire a lawyer.

Beware: Do not let the police officer trick you with their roadside sobriety tests; you will probably flunk, even if you score 90% and even if you are not impaired.

Remember:

- **You have the right** to refuse to do these exercises.
- **You have the right** to remain silent.
- **You should** show the officer your, *Jeffrey Meldon, Know your Rights Card*.
- **You should** ask the officer if you are free to leave.
- **You should** ask to speak with your attorney before doing them.

Chapter Nine

Information on Breath Testing

The purpose of a breath test is to measure a person's Blood Alcohol Content (BAC) in a less invasive way than drawing blood. There are machines that police officers use to do this. The CMI Intoxilizer 8000 is the breath test machine that is currently used in Florida. Basically, these machines are set up to work in this way - when a person exhales, or "blows", into the machine, through a mouthpiece attached to a tube, the machine is supposed to measure the amount of alcohol in the breath, and convert it to the BAC in the body. However, this machine has never been scientifically proven to be accurate 100% of the time and there are some serious problems with it.

Here are some of the problems:

1. The breath testing machine is just a machine and one that frequently breaks down and needs to be sent back to the manufacturer for repairs.
2. The manufacturer of the machine, CMI, refuses to disclose the computer software program which the machine operates on. So there is no way to evaluate if the machine is based on sound scientific principles.
3. The breath testing machine utilizes averages, averages for the entire population. An average is not an accurate representation for an individual, and may overstate or understate a persons actual BAC.
4. The breath tests are usually administered at the jail. It could take you one to one and a half hours to get to the jail from the time you are first pulled over by the police, or are in an accident. This test is supposed to reflect the BAC at the time of driving, not the BAC at the jail. By the time a person arrives at the jail their BAC level could be increased or decreased.
5. The machine must be accurately calibrated, if not, it may be registering an inaccurate reading.
6. The breath testing machine does not distinguish between alcohol in the mouth and alcohol in the lungs. Residual alcohol in the mouth can result in a mistakenly high reading.
7. Other factors affecting the results of breath testing can be: belching, hiccupping, or vomiting prior to testing, the temperature of the breath, and health conditions such as diabetes, to name a few.

Should you blow or not blow?

To “blow” or not to “blow”? This is probably the most commonly asked question of any DUI defense attorney. No one wants to be convicted of DUI based on unreliable evidence, so here are our suggestions:

Yes, Blow – *If* you have had nothing or very little to drink, but remember your judgment may be impaired and/or your alcohol level may be over the limit and you may feel sober.

Don’t Blow – *If* you have been drinking. **Warning:** you may face additional penalties if you refuse to take the breath test especially if you have previously refused a breath test. However, if you do not take the breath test, it may be more difficult for the prosecutor to prove you are guilty of DUI particularly if you look sober on the video.

Other Important Information on Breath Testing:

- ***Remember:*** You must be arrested before taking the breath test. Even if you have not been drinking and you take and pass the breath test, you are under arrest and the arresting officer cannot un-arrest you. However, a low breath test result will go a long way towards proving that you are innocent of DUI.
- Once you are under arrest you have the **right** to speak with your attorney.
- Asking to speak with your attorney before you make the decision to take or refuse to take the breath test is a good idea. **Here is why:**

1. **If the officer allows you to speak with an attorney (which is rare), follow your attorney’s advice.**
2. **If you are not permitted to call your lawyer, the officer will have to explain to a jury why you were denied your right to counsel.** Most people consider this unfair. It may also help explain why you decided to refuse to take the breath test. (Why would you want to take a test that has been proven to be unreliable without talking to a lawyer first?)

- ***Remember:*** The prosecutor can prove a DUI case in either one of two ways:

1. **You were driving in Florida with an unlawful BAC**
(over .08%)
or
2. **You were driving while impaired by alcohol or drugs**

Without a breath test as evidence to prove your BAC level, the prosecutor is limited to proving your case by the second theory only i.e., you were driving impaired. Many times the prosecutor will realize that a jury is unlikely to convict you of DUI based on the “flimsy” evidence that the police officer has assembled. (This is more common when you look normal on the video and have not made any incriminating statements.)

- In some cases the prosecutor may be willing to drop the DUI charge in exchange for a plea to a reckless driving charge. Reckless driving is not as serious a charge as a DUI. If you get this plea offer it is usually wise to accept it unless you have a good chance to get the whole case dismissed or you are willing to “roll the dice” on a jury trial.
- An experienced attorney will increase your chances of getting the best pretrial plea offer or a not guilty after a jury trial.
- Even if the breath test is admitted into evidence, a skilled and experienced DUI lawyer can prove to a jury that the results are not reliable and do not meet the burden of proof required for a DUI criminal conviction (proof beyond and to the exclusion of every reasonable doubt).
- An experienced attorney who is updated on the latest technology and cutting edge defenses will know how to check the history of the breath test machine used in your case and what to look for. For example: If the machine has a history of making mistakes or breaking down and needing repairs, then why should it be trusted?
- **Beware:** The police officer may tell you that your driver’s license will be automatically suspended if you refuse to take the breath test. The officer, more than likely, will intentionally fail to inform you that you can appeal the suspension and possibly get your license back; he or she wants you to take the breath test to obtain more evidence against you.
- If you have not been drinking, or have had very little to drink, then it may be wise to take the breath test. **Warning:** You may feel sober and still be over the legal limit.
- **Warning:** If you have previously refused to take a breath test, there are additional penalties for a second refusal.

Chapter Ten

Effects of Alcohol on the Body

Before drinking and driving, Remember:

- **The first thing affected after drinking alcohol is a person's judgment.** This means that you may think you can drive safely when you can't.
- **Alcohol also effects your vision and reduces your alertness and response time.**
- **Alcohol affects you differently at different times.** If you are upset, overtired, or have an empty stomach, drugs or alcohol may have a stronger effect on you.
- **Physical exercise, black coffee, fresh air, and cold showers DO NOT effectively help sober someone up.** Only time will help.
- **It takes over one hour to cancel the effects of one "drink"** (see below for an explanation of what one drink equals). So it takes more than 4 hours to cancel the effects of 4 "drinks".
- **Mixing drugs and alcohol can produce a strong reaction,** even if the drugs are prescribed by your doctor or are over the counter medication.

DO NOT DRIVE if you have been drinking or taking drugs. More than half of all Florida accidents in which someone is killed involve a driver who has been drinking or taking drugs.

Alcohol and drugs can:

- Affect your judgment.
- Slow down your reactions.
- Make you think you are driving well when you are not.
- Make it harder for you to concentrate and judge distances.
- Affect your vision.

ONE "DRINK" equals:

- 1 oz. shot of 80 proof vodka, tequila, rum, etc
- 3 oz. glass of wine
- 12 oz. beer

How much alcohol it takes to make you “impaired” depends on several factors:

- How many ounces of alcohol you have consumed.
- How quickly you drink it.
- How much you weigh.
- How much food is in your stomach.

For example: If you weigh 140 pounds and have 3 “drinks” in an hour*, your blood alcohol level will be at .08%, the legal limit. If your stomach is empty, or if you are tired, on medications, or emotional, less than 3 drinks in an hour can have a significant effect on you.

***Remember:** It is the number of ounces of alcohol in a drink and not the number of drinks that makes the difference.

Warning: Not all drinks are the same. A mixed drink may have 3 ounces of alcohol in it, (the equivalent of 3 drinks). A martini typically has 2 ½ to 3 ounces of alcohol in it, depending on the restaurant or bar.

Warning: If you have one martini, it can take over 3 hours to cancel the effects of the one drink! Beware of martini night specials.

Chapter Eleven

What to Look For In a DUI Defense Attorney

Choosing an attorney to represent you in a DUI charge is probably **the single most important decision to make after your arrest.** In fact, the same care should be taken in selecting a lawyer that would be taken in selecting the best and most specialized doctor in the face of a life threatening illness. In either a medical or legal situation, it is important to choose a professional who specializes in the specific field of practice, one who has experience and a proven record of success, and is current in the latest education and technology. This will give you the best chance of success.

Here is a list of some of the primary criteria you should use in evaluating a DUI lawyer.

1. How long have they been a criminal defense attorney?
2. How long have they been specializing in DUI defense?
3. Does the attorney have a reputation for success in the city where you were arrested?
4. Does the attorney specialize in representing DUI defendants at the DMV's Formal Review Hearings? Do they charge more for this?
5. Does the attorney know how to advise University of Florida students regarding the disciplinary proceeding conducted by Student Judicial Affairs?
6. Does the attorney have a statewide reputation in DUI defense?
7. Does the attorney get referrals from other attorneys throughout Florida?
8. Does the attorney get referrals from prior DUI clients?
9. How many DUI cases has the attorney actually tried to a jury?
10. How successful has the attorney been at trial?
11. How successful has the attorney been at getting excellent plea negotiations?
12. Has the attorney won major pretrial issues in DUI cases?
13. Does the attorney have an experienced, knowledgeable, informative, and courteous, team working with them on every case?
14. Has the attorney been selected by well respected organizations to lecture on DUI defense?
15. Has the attorney written any books or publications on DUI defense?
16. Do you feel comfortable with the attorney?
17. Does the attorney work out of a professional looking office?
18. Have you researched the attorney on line?
19. Does the attorney belong to the Florida Association of Criminal Defense Lawyers?
20. Does the attorney belong to the National Association of Criminal Defense Lawyers?
21. Does the attorney have a professional website that describes the important criteria listed above?

Beware: The long term cost of losing your DUI case, and being convicted of DUI in Florida, will far outweigh the short term savings of retaining the least expensive lawyer. It is important to select a lawyer based on the above mentioned criteria, a lawyer who will give you the best chance of success.

Remember: A DUI conviction is a permanent lifelong record that can affect many aspects of your life and can cost as much as \$20,000 in increased insurance premiums.

Notes on Fees: A Law Firm that specializes in DUI defense does not have to charge the highest fee because they are working on these cases day in and day and do not have to “reinvent the wheel” on every case; they have the knowledge base, know the tactics, and have the experienced staff to know what to look for and what to do. If on the other hand, an attorney charges a low fee, it usually means they do not expect to devote much time to the case. Abraham Lincoln once said, “A lawyer’s time is his stock in trade.” It is important that your lawyer plans on spending the time necessary to give you the best chance of success. Many law firms will work out financing terms on the total DUI representation fee.

Remember: As previously stated, it is important to choose the best, not the least expensive, professional when faced with potential life changing problems.

Chapter Twelve

About The DUI Defense Team at the Law Office of Jeffrey Meldon and Associates:

What makes us the Best?

- **Our DUI Defense Team at Jeffrey Meldon and Associates is the most experienced and successful DUI Defense Legal Team in Gainesville, Florida and in all of Alachua County.** Our outstanding, unparalleled expert team of Jeffrey Meldon, Tom Copeland and Abbie Knight has the knowledge, the experience, and the latest technological information available to give you a fighting chance against the mighty forces you are facing.
- **We represent people charged with DUI in Gainesville and Alachua County only.** This focus allows us to know the local police agencies, officers, prosecutors, judges, and roadways, giving us an advantage.
- **The fee we charge for our services in representing people charged with DUI, allows us to invest enough of our time and resources to give our clients the best chance at winning their case.** Our fee includes the DMV Formal Review Hearing and any representation at The University of Florida for university students. We do not take short cuts and we file all motions necessary to give our clients the top legal defense after a DUI arrest.
- **We regularly get referrals for DUI defense from highly experienced lawyers, locally and around the state, and from our previous clients, as we are known statewide as the local experts in Alachua County.**
- **Both Jeffrey Meldon and Tom Copeland have lectured extensively on DUI defense to other Criminal Defense attorneys and are current on the latest cutting edge defense tactics.**
- **Our Team has an exemplary record of past success which is the best indicator of future results.**
- **Jeffrey Meldon and Tom Copeland have 60 years of combined legal experience in Florida courts.**

Technical issues can often be the difference between winning and losing a criminal DUI case or a FRH license suspension. Hiring, a team that specializes in and has vast experience in DUI defense will give you the best chance of recognizing these technical issues and identifying the legal defenses that can make the difference. We have found that our team and our team approach will improve your chance of winning your DUI.

Here is an overview of the Team:

Jeffrey Meldon, Attorney

- 37 years of experience in DUI defense in Gainesville, Florida.
- Recognized statewide for creating the most successful DUI defense team in Alachua County.
- Regular lecturer around the state of Florida on the topic of DUI defense to other lawyers, for the past 15 years.
- Past Chairman (1999-2000) and member of the Florida Bar Traffic Court Rules Committee from 1992 to 2002. (The committee that help write the rules regarding DUI trials.)
- Chairman and lecturer at the Florida Bar DUI Seminars for the last 12 years.
- Chairman and lecturer for Lorman DUI Seminars.
- Served on the Florida Bar Rules of Judicial Administration Committee and the Florida Bar Civil Procedure Rules Committee.
- Teaches in the University of Florida Law School Trial Advocacy Program.
- Mr. Meldon's extensive knowledge of legal tactics in DUI has earned him a statewide reputation as a top gun in DUI defense.

Tom Copeland, Attorney

- 22 years of legal experience in Gainesville, Florida.
- 7 years of intensive DUI defense in Gainesville, handling more DUI cases in one year than many criminal defense attorneys do in their lifetime.
- Mr. Copeland has earned a statewide reputation for his expertise in DUI defense.
- Noted statewide lecturer on DUI defense tactics to other lawyers.
- Current member of the Florida Bar Traffic Court Rules Committee.
- Mr. Copeland recently won the most significant DUI court ruling in Gainesville in the past 5 years. His innovative argument was based on a Jurisdiction issue regarding the right of the University of Florida Police Department to make arrests off campus. The success of his strategy resulted in the dismissal of many DUI cases. This ruling was covered by the major TV news (WCJB/ABC) source in Gainesville and made front page news in the Gainesville Sun and The Alligator.
- Teacher at the University of Florida Law School Trial Advocacy Program.
- Lecturer for the Florida Bar and the Lorman DUI seminars.

Abbie Knight, Legal Assistant

- Began working as a legal assistant for the Law Office of Jeffrey Meldon in 1979.
- Has incredible skill at getting things done the right way in DUI cases.
- Has worked on more DUI cases than any other legal assistant in Gainesville.
- Ms Knight's unparalleled knowledge of the in's and out's of the Courthouse and the DMV is invaluable to the team and to winning a DUI case.

**Contact us Today @ 1 800 373 8000 to Find out More About our Team
And
How we can Help You**

Blood Alcohol Chart

APPROXIMATE BLOOD ALCOHOL PERCENTAGES

Drinks* In One Hour	Body Weight							
	100 lbs	120 lbs	140 lbs	160 lbs	180 lbs	200 lbs	220 lbs	240 lbs
1	.04	.03	.03	.02	.02	.02	.02	.02
2	.08	.06	.05	.05	.04	.04	.03	.03
3	.11	.09	.08	.07	.06	.06	.05	.05
4	.15	.12	.11	.09	.08	.08	.07	.06
5	.19	.16	.13	.12	.11	.09	.09	.08
6	.23	.19	.16	.14	.13	.11	.10	.09
7	.26	.22	.19	.16	.15	.13	.12	.11
8	.30	.25	.21	.19	.17	.15	.14	.13
9	.34	.28	.24	.21	.19	.17	.15	.14
10	.38	.31	.27	.23	.21	.19	.17	.16

* One (1) “drink” is equal to 1 oz of 80 proof liquor, which is equal to:

- 1 oz vodka, rum, tequila
- 12 oz beer
- 3 oz wine

Remember: A martini has 2 ½ to 3 ounces of alcohol in it, depending on the bartender. Mixed drinks usually have more than 1 oz of alcohol. **All drinks are not the same.**

Warning: This chart is only a guide and is not sufficiently accurate to be considered legal evidence. The figure you calculate is an average. No food in the stomach, fatigue, medications, and other physical and emotional conditions may cause your actual blood alcohol concentration level to be higher.

This chart was developed by U.S. Department of Transportation, National Highway Traffic Safety Administration.

Florida DUI Conviction Penalties

	1st Conviction	2nd Conviction	3rd Conviction
License Revocation	At least 180 days (up to 1 year)	At least 5 years, if within 5 years of 1 st conviction	At least 10 years, if within 10 years of 2 nd conviction
Fine*	At least \$500 (up to \$1,000)	At least \$1,000 (up to \$2,000)	At least \$2000 (up to \$5,000)
Imprisonment*	Up to 6 months	At least 10 days if within 5 years of 1 st conviction (up to 9 months)	At least 30 days if within 10 years of 2 nd conviction (up to 5 years)
Probation	Up to 1 year	Up to 1 year	Up to 5 years
Community Service	At least 50 hours		
DUI School	Must complete 12- 21 hour substance abuse course for first conviction. The DUI school can require further psychosocial evaluation and treatment, if deemed necessary, without going back to court for approval	Advanced DUI School	Advanced DUI School
Ignition Interlock Device *	Up to 6 months (6 month minimum for BAC over .15)	At least 1 year (2 year minimum for BAC over .15)	At least 2 years
Impounding Vehicle	10 days	30 days	90 days

* Fines and Imprisonment are higher if Blood Alcohol Level is .15% or higher or if a minor is in the vehicle. (Fines: first conviction - minimum \$1000 to maximum \$2000, second conviction - minimum \$2000 to maximum \$4000, third conviction - minimum \$4000 to maximum \$5000. Imprisonment: 9 month maximum on first conviction and 1 year maximum on second conviction. Interlock time also increased.)

** Penalties for DUI causing serious injury or death are **much more severe**.

Contact Us

You can contact the DUI Defense Legal Team at the Law Office of Jeffrey Meldon & Associates at:

1 800 373 8000

TO:

- Discuss your DUI case
- Get your free *Jeffrey Meldon, Know Your Rights* wallet card
- Obtain additional copies of this book

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Warning

The advice in this book is solely for educational purposes. It is not intended to give legal advice for any individual case. It is important to remember that every case is different and only a skilled attorney can analyze your particular case. Do not rely solely on the information contained in this book. ***It is essential to consult an experienced DUI Criminal Defense Attorney about your specific situation.***

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Florida DUI Criminal Defense Attorneys, Jeffrey Meldon and Tom Copeland have over 60 years of combined experience in representing individuals arrested for DUI in Gainesville, Florida. Their expertise, experience, and knowledge of the latest cutting edge defense tactics, have gained them the impressive track record that has earned them a statewide reputation as *the* top guns in DUI defense for Alachua County. Mr. Meldon and Mr. Copeland head up the winning DUI Defense Team at the Law Office of Jeffrey Meldon & Associates, that has successfully represented more people charged with DUI than any other Gainesville Law Firm over the past twenty years.

"You have the right to remain silent and can ask to speak with your attorney if you are stopped for DUI. The best thing to do is to hand your *Jeffrey Meldon, Know Your Rights* wallet card to the officer if you have been drinking."

You can contact the Law Office of Jeffrey Meldon & Associates for your free *Jeffrey Meldon, Know Your Rights* card to keep in your wallet @ 1 800 373 8000.

"The only sure way to avoid the lifelong consequences of a DUI conviction is to not drink and drive"