



Drunk Driving

by John D. Whitaker

If you are looking for a way to make your life more complicated, go get yourself arrested for drunk driving. I can't think of a more surefire way to spend some time in jail, learn about the court system, lose your driver's license, lose your insurance coverage and, as a bonus, you get to make your family angry and embarrassed. It only takes a couple of minutes and it works every time. So, how bad can it really be? Well, let's talk about what happens the very first time you get arrested for drunk driving.

Let's start with the proposition that drunk driving is against the law. So, when you are first arrested, you go to jail. You do not pass Go, and you do not collect \$200. You will be forced to post a bond to get out of jail. Your name will usually appear in the newspaper. You will probably want to hire a lawyer because the official legal process becomes pretty complicated as you begin the march toward trial.

In Wyoming, the penalty for a first time drunk driving conviction includes imprisonment of not more than 6 months and/or a fine of not more than \$750. In addition, you will lose your driver's license for at least 90 days. This penalty assumes that you did not get into a wreck and hurt someone. If you do happen to hurt someone, then the penalties will increase dramatically. Also, if there was an accident you will likely be sued for damages in a civil case. This will put all of your assets at risk.

In Wyoming, we also have the "implied consent" law. This law gives law enforcement the right to ask a suspected drunk driver to submit to a blood, breath, or urine test. The test results are admissible in court, and a



refusal to take the test can result in a much stiffer license suspension.

Next, you get to explain the arrest to your family. This can get ugly, and this step has its own set of possible complications that are too numerous to mention here. Suffice it to say that the penalty you pay at home can significantly outweigh what happens in any courtroom.

As in any criminal case the defendant has two options. First, you can take the case to trial. This is expensive and risky, but we are all presumed to be innocent and not all arrests are proper, so you may win at trial. Unfortunately, it is expensive to go that far,

even if you win.

The second option is to make a plea bargain. You may be able to negotiate terms that are more lenient than you might expect if you tried the case and lost. However, the court will still likely impose a significant fine, require you to make a contribution to the victim's compensation fund, impose court costs, and impose some probationary term that will probably include a suspended jail sentence which you will actually have to serve if you violate your probation. You will also be required to obtain an alcohol evaluation to determine whether you have a drinking problem, and enter and complete any counseling that is recommended by the court-ordered evaluation. You may be subject to random urine testing to make sure you don't drink during your probation. Finally, you will most likely lose your insurance.

So, the next time you are thinking about driving home after having a few drinks, just take a moment to evaluate how complicated you want your life to be. Then call a cab.

The Wyoming State Bar does not certify any lawyer as a specialist or expert. Anyone considering a lawyer should independently investigate the lawyer's credentials and ability, and not rely upon advertisements or self-proclaimed expertise. This informative column is brought to you by John Whitaker who practices personal injury and criminal law throughout Wyoming. He can be reached at JDWTL@aol.com or by calling his office in Casper at 265-6204.