**ARRESTED FOR DWI IN NEW JERSEY?**

**(USEFUL INFO REVEALED THAT MAY HELP YOU**

**DEFEND YOUR DUI CASE)**

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This publication is intended to be of an informational nature only.

No legal advice is being given, and no attorney client relationship is intended to be created by reading this material.

If you are facing legal issues, whether criminal or civil, seek professional legal counsel immediately.

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**WHAT CLIENTS SAY ABOUT AAROE LAW OFFICES**

*"I lost faith in the justice system when I spent a lot of time trying to find the man who stole from me. When I caught him selling my possessions in New Jersey, the*

*Commonwealth of PA took him to court and the jury found him not guilty. I lost all faith in the system. On top of that, this person sued me for $10,000 and all of my possessions he had stolen.*

*I hired Attorney Paul Aaroe who was one of the best decisions I have ever made in my life. He takes the time to listen and gives you your options. He pulls no punches. Be honest and you will win. Little pricey but remember, you get what you pay for. It feels good when you know the bad guy actually got what he deserves, and justice prevails."*

***- Paul C.***

*------------------------------------------------------------------* *"At the end of my case, my penalties included some costly fines, court costs, as well as stringent requirements for interlock devices and license suspensions for set periods; mandatory minimums given the offense. The outcome resulted in three of four charges from that night being dropped and the absolute minimum penalties that accompanied the most heinous charge.*

*I learned some valuable lessons that hurt my pride and pocket, but most of all my integrity. Paul helped me through this dreadful process with a candor and commitment that helped to make a terrible situation a little more bearable."****- Mark Z***

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# ATTORNEY INTRODUCTION

Paul: My name is Paul Aaroe. I have been practicing law in Northampton County and Lehigh County in Pennsylvania as well as in Warren and Hunterdon Counties in New Jersey for almost 30 years. I have been everywhere in New Jersey from Cape May at the southern tip, all the way up north to the top of New Jersey.

I graduated Law School in 1988, clerked for a year, and then started practicing after that. I’ve been doing DUI/DWI defense since 1989 and am locally known as the “DUI Guy”. I actually advertise my practice using that moniker. About 95% of my clients are DUI clients. I was the first attorney to be certified in the Alcotest, probably the test most DWI’s were given if it is a breath case.

Interviewer: Since you’ve been doing this for over 20 Years, how many DUI cases you think you’ve handled since that time?

Paul: Thousands.

Interviewer: Wow.

Paul: I do a lot of volume. In 2017, our office helped over 300 good people who got arrested for a DUI.

# THE IMPORTANCE OF HAVING AN ATTORNEY IF YOU'RE ARRESTED FOR DUI IN PENNSYLVANIA

Interviewer: For the sake of this guide, we’ll talk about New Jersey DWI exclusively. Once a person is arrested, charged and released, what are some of the first things they need to do to determine if they are facing a real serious situation? Do they even need an attorney for DWI cases?

Paul: In New Jersey, a DUI is not a criminal offense. However, there are criminal penalties including jail, license suspension and fines. There is no question that they should be represented by counsel. If convicted, they will have a record for the rest of their life on their driver’s abstract.

A conviction carries with it a mandatory license suspension, without a work license, even on the first offense. Nevertheless, you will lose your license for one year and incur fines and costs between $3,000 and $5,000. Jail is possible for up to 30 days, but I haven’t had a first offender ever do jail time.

Most of the time this can be minimized or avoided, so there should be no question that you should be represented by an attorney who has extensive experience with DWIs. If you don’t bring in legal representation early on in your case, it’s quickly going to be too late for an attorney to help you.

# WHAT IS THE DMV'S ROLE IN

**REGARD TO A DWI CHARGE?**

Interviewer: I’m not sure if people realize, but besides their criminal charges, there are also issues with the motor vehicle department in regards to their license being suspended, right?

Paul: Yes, that's correct. In New Jersey, there is an in court suspendion with a conviction and then the DMV gets notified. The Motor Vehicle Division handles

the driver's license loss, and the loss is mandatory once charged with DUI, and there are a lot of things people need to know about the process of getting their license back, also.

If there’s a refusal to take the blood, breath, or urine test, there is double the suspension and other penalties on top of the DWI. So typically, it’s not a good idea for someone to refuse chemical tests administered at the police station, especially on a 1st time DUI.

What happens with the DWI charge, and whether you have experienced DWI counsel will make a big difference in whether you're going to get that license suspension doubled or not.

Interviewer: Since most people are unaware that not only are they facing criminal penalties, but they’re also facing a driver’s license suspension as well, they definitely need an attorney, right?

Paul: Yes, most people don’t know. They’ve heard through the grapevine some things about DWIs, but they really don’t know what it’s about.

When I meet with them, I usually take between a half an hour to 1 hour just to explain their rights, what they're facing, what the procedure is, and what the possible outcomes are. That’s in my initial conference, and it is not simple; it’s actually very complicated. There’s a whole chart about the penalties, depending upon each factual situation, and prior history of DWI’s in, and even outside, New Jersey.

# WHAT ARE SOME MISCONCEPTIONS PEOPLE HAVE BEFORE COMING IN

**FOR THEIR INITIAL CONSULTATION?**

Interviewer: I’m sure people have a lot of misconceptions before they come and see you. What are the top ones that you can talk about, so anyone reading this can better understand what’s going on before they come see you?

Paul: There are many misconceptions, however, the number one misconception is that people under or overestimate the seriousness of their charges.



Some people, for instance, come in with a simple case where there are no injuries and no children in the car. They are extremely fearful of what is going to happen to them. For the most part, I have to be able to keep them out of jail. They will probably be able to keep their job and have a very short license suspension.

Others do not take the charges seriously at all. They are the ones that typically do not hire an attorney and, in a lot of cases, call me after it is too late. I end up having to tell them, and I hate to say it, “but you should have come in earlier because I cannot help you now.”

Interviewer: Are there any other common misconceptions that you hear over and over from potential clients?

Paul: Another big misconception is that they’re going to automatically get leniency. Prosecutors can be cruel and really don’t care about your personal situation. In order to get a good deal, you need to find some type of defense.

People do ask if they can just go in and plead guilty, but that has a lot of bad repercussions, and you don’t want to think about doing that.

Interviewer: It sounds like there are 2 major misconceptions in there. Misconception #1 is that there’s a friendly Court and Prosecutor there to guide them and not have to worry about all the normal DWI consequences. Somehow their situation is different and they will be cut a break.

Misconception #2, people are thinking “I’ll just plead guilty and throw myself on the mercy of the court, it won’t be that bad, it’ll be over quickly, and they don’t need a lawyer because it is all so cut and dry.” Is that right?

Paul: Yes, however another big misconception is that people think that out-of-state DUIs don’t count and won’t enhance your penalty in New Jersey; and most of the time they DO count and DO enhance your penalties in NJ. DWI’s are not simple. If they have an out-of-state DUI, (let’s say from New Jersey or New York), the mandatory penalties will be enhanced.

The legal system isn’t either. As Abraham Lincoln said: “A person who represents themselves in court has a fool for a client!”

Interviewer: Will a DWI also affect your auto insurance rates as well, forevermore?

Paul: It likely won’t affect your auto insurance forever. Usually insurance companies look back 3 years. It certainly can affect your ability to get employment, if you’re required to drive. If a prospective employer has a choice between you with a DWI on their driver’s record and somebody else that doesn’t have one, they are probably going to pick the other person.

**WHAT OTHER CHARGES CAN BE INCLUDED WITH A DUI?**

Interviewer: What other charges ride along with a DWI that people commonly receive?

Paul: Usually there’s some Motor vehicle offense. You could be charged with weaving over the line which is charged as failing to maintain lane. That is probably the lowest and the simplest charge you can get.

More often there is an accident, or you were believed to be incapable of safe driving or even having illegal drugs in the car. Even these types of charges sometimes can get dismissed. Reckless driving, careless driving, failing to stop all have serious consequences, points, fines, and license suspension also can result from these charges. We often get them dismissed.

**WHAT CAN YOU EXPECT TO HAPPEN ONCE YOU’VE BEEN**

**ARRESTED & CHARGED WITH DWI?**

Interviewer: What are some of the negative things that will happen in the DWI timeline and how long will they take to happen?

Paul: In New Jersey, the first thing that will happen after your arrest is that you will have to appear in court to be arraigned. (Told what you are charged with).

Interestingly, after you get arrested, it’s important to call and retain an attorney right away.

When you get your charges, you will also be notified of your court date which will be very soon after your arrest, in most instances.

An Attorney’s role for you is to go to Court and meet with the Municipal Prosecutor. In many instances, what’s going to happen in your case is pretty much determined right then, so it’s important that people have legal counsel right away.

Interviewer: How about in regard to your

New Jersey driver’s license? What’s the timeline on the case affecting your license? Does it get suspended immediately, and if so, can people contest suspension?

Paul: No, it’s not immediately suspended in New Jersey, at least the way the law is now. What happens in New Jersey is that you don’t get a license suspension until you ‘reconvicted But that’s usually down the road from the arrest. It’s the term of the suspension that is the issue. In New Jersey, a first offense is up to a year, a second is for 2 years, and a third offense is a 10 year suspension.

**WHAT HAPPENS IF YOU REFUSE**

**CHEMICAL TESTS?**

Paul: If you refuse either the drug or alcohol testing, an double suspension can be imposed as well as double penalties, in addition to the DWI penalties. 

Interviewer: To clarify, there are two sets of tests: The roadside tests, which may be a preliminary breath test, walk the line, one leg stand, and/or follow the pen with your eyes. And then there are breath, blood or urine tests at the police station where you are asked to: blow into a breathalyzer or take a blood or urine test.

So, when you say “refuse testing”, which tests can be refused and which ones can’t?

Paul: Any chemical testing done in the station cannot be refused without penalty.

If you operate a vehicle in New Jersey, you want to politely consent to those in station tests. You do not have to cooperate with the roadside tests, however.

Not cooperating with roadside tests cannot be considered a refusal since you are not entitled to have or talk to counsel before you decide whether or not to take them.

**WHAT OTHER MISTAKES MAKE A DWI CASE HARD TO DEFEND?**

Interviewer: Besides waiting too long and not hiring an attorney, what are some other big mistakes people make that mess up their case and make it harder to defend?



Paul:

You're facing a permanent record and serious consequences on any DWI case. Not taking it seriously is one of the biggest mistakes.

What people don’t realize is that anything they say before they're arrested can be used against them. More often than not an officer will walk up to the car and say, “Have you been drinking?” The answer to that can be admitted in evidence against the person.

If they answer, “Yeah, I had a couple of beers”, that gives the police officer probable cause to arrest them.

That is the typical answer given whether they 2, 5 or 15 beers. They are also prone to admit to operation of a vehicle even if they are out of the vehicle and there are several people there.

A police officer says, “What happened?” and they answer, for instance, “I swerved to miss a deer.”

They just admitted that they were operating the vehicle. So the best words out of your mouth should be, “I’d like to speak with my attorney.”

**UNDERSTANDING YOUR**

**MIRANDA RIGHTS &**

# MISCONCEPTIONS ABOUT THEM

Interviewer: You talk about knowing your rights and I’m sure a lot of people think their Miranda rights mean that anything they tell the police will be excluded from their case. Do you have to exercise them by saying, “I decline to answer questions right now and I wish to remain silent.” ?

Paul: Definitely, and also there’s a big misconception that just because they don’t read you your Miranda rights doesn’t mean that you get off. They don’t have to!

The Miranda Rights basically say that you’re in custody and we’re going to ask you some questions. If you answer those questions they can be used against you. If you refuse to answer them, or ask for an attorney, they can’t use the answers even if they continue to question you. But you need to exercise those rights.

The biggest thing is that people typically get themselves in trouble during the pre-arrest questions.

Answers to any questions can still be used against them even though they are not in custody and they haven’t been read Miranda.

“Tell us what happened”, they may ask. “Well, I swerved to miss a deer.” That is the one of the two elements of a DWI, operating the vehicle; the other is being over the legal limit. So right there you’ve just tipped the scale to admit operation. That’s a huge mistake from the defense standpoint; most people don’t know to ask for an attorney at that stage.

**CAN YOU TALK YOUR WAY OUT**

**OF BEING ARRESTED FOR DWI?**

Interviewer: I bet a lot of people think that they might be able to be nice and talk their way out of an arrest. They just have to explain themselves properly and the officer will see the light and say, “All right, well I’ll let you go home.”

Paul: I believe you are correct. I think that most people think that. I had a person in recently that said, “I told the officer that I was going to lose my license for 10 years if he arrested me because I have priors in New Jersey.” He thought that the officer was not going to arrest him because that would be such a serious effect on him.

Those types of pleas don’t help. Obviously telling him that he had priors in New Jersey isn’t going to help.

People want to cooperate with the police officers. They want to be nice, they don’t want to aggravate the police officer for fear that the police officer’s going to arrest them and put them in jail.

Well if they’ve been drinking and driving they’re going to get arrested and then eventually they're going to either have bail set or be released.

Defending a case where it can’t be proven who operated the vehicle is a win. There’s a big difference between cooperating and being nice to the police officer and answering those types of questions.

## WOULD JOURNALING WHAT HAPPENED TO YOU BEFORE, DURING & AFTER YOUR ARREST HELP YOUR CASE?

Interviewer: I know people don’t want to re-live the experience, but should they document what they did that day?

For instance, journal or document what they ate, who they were with, and what happened during and after their arrest before they come see you? Would that help you to defend them?

Paul: Definitely. In fact, I ask people to write up narrative, if they haven’t done so already, after they leave my office and have retained me.

I ask for a full narrative with full details of what happened, what they ate, who they were with, if there are witnesses, what the police officer said to them. The quicker they do that, the better. If they do it before they come into my office that’s even better, because then it’s fresh in their mind.

There are many people who don’t remember the exact details of what happened because they were impaired.

## HOW CAN SOMEONE TELL IF AN ATTORNEY IS THE RIGHT ONE FOR THEM?

Interviewer: When people are looking for an attorney, what should they look for to tell them this is good attorney for me, or that I should probably talk to someone else instead.

Paul: I think there are a number of things that people need to look at, but the main thing that you don’t want to do, is hire an attorney that dabbles in handling DWI cases.

DWI is a very specific area in the law, and it has all its own rules, regulations, and procedures. You want an attorney who does significant number of DUI cases.

Each Municipal Court in New Jersey has their own Municipal Prosecutor and Judge with different ways of handling Driving Under The Influence Cases. They have their own rules as far as how they handle plea bargaining, downgrading, and sentencing.

All of them vary from Court to Court, so you want someone who is well versed in these differences.

How well they can guide you when you don’t know what those policies are? It’s vital for your lawyer to know them.

You can ask an attorney what percentage of their cases is DWI, what percentage of their cases is real estate, divorce etc. You obviously don’t want a divorce attorney handling a DUI case just as you wouldn’t want your plumber doing your carpentry.

Interviewer: How about the cheapo guys out there that do DUI’s for $500 or $1,000? What’s wrong with hiring them?

Paul: You don’t want to be charged outrageous fees; however, you want someone who is going to put time and effort into your case.

If you are only willing to pay $500 for an attorney, I can’t imagine that attorney is going to give your case the detail and professional attention that it needs. In fact, they are probably desperate for cases. Seasoned lawyers command decent fees. These are the attorneys you want to take your case.

Lowball attorneys are typically the same ones trying to get any clients in, and ones that don’t get referrals because they do not have the reputation to bring clients in the door.

They can also be very inexperienced. They can also “sell you down the river” by telling you to just plead guilty and we’ll get this over with. You need someone that is going to actually look at the case and that takes time and effort. Sometimes it is better to plead guilty, but not until your case is analyzed and it is determined that this is in your best interest.

Interviewer: I would say that it is desperation or a lack of something significant on the attorney's part that would make them lowball cases, right?

Paul: I agree. Then, however, there’s the other side of the coin is that says, on certain cases you should not charge outrageous fees. I have heard that some attorneys do charge outrageous fees, and in cases where it would be a clear-cut case, high fees aren’t appropriate. We determine our fees based upon a case by case basis.

However, you get what you pay for. You don’t get a nice diamond if you want to pay for a cubic zirconium, or a BMW for the price of a KIA. So, if you get the $500 attorney and he may not be a real DWI lawyer who is going to look into the case and do what’s best for you.

To get a good attorney who has substantial experience in DWI cases, you will pay a substantial retainer fee.

## HIRING A PRIVATE ATTORNEY VS. A PUBLIC DEFENDER

Interviewer: On the extreme end, some people probably think, “I’ll just get a public defender and they’ll take care of it.” What’s the difference between a private lawyer and a public defender? What’s good or bad about them?

Paul: My partner was a public defender at one time, and I honestly believe there are many very good public defenders out there. But a story that she told me about having sixteen juvenile cases that she met with in the morning, and handling all 16 in the afternoon, gave me the perfect example of the problem with public defenders - they’re overworked and underpaid. And they don’t have the time to give each case the attention that it deserves and should have.

Frankly, the general public doesn’t want to pay to defend “criminals”, they want to pay to prosecute. Therefore, a lot of money doesn’t go to public defenders, they don’t have the resources. However, the government has unlimited resources to prosecute you (your taxes), and you need someone competent to fight them if necessary.

You are paying a private attorney and from my standpoint, I want to do a good job for you so that you recommend another person to come to me. So, when you pay me to do the job, expect me to do it.

Interviewer: I heard that public defenders can’t even address some of your problems. So, you even if you have problems that are collateral to your DWI, they won’t address them.

Is that true?

Paul: First of all, in most Municipalities, the Public defender is a private attorney that is willing to take a very small fee to handle each case. This should tell you something.

In addition, you have to qualify for a Public Defender. If you are employed or if you have a modest income in your home, you probably will not qualify. So it’s not even a choice in most cases, therefore, if you want an attorney, you are going to have to hire one.

Interviewer: Isn’t that an erosion of peoples’ constitutional rights to a fair trial when accused of a crime?

Paul: Frankly, I think the system is weighted in favor of the State. If you want Justice, you will have to pay for it, in my opinion.

**HOW DO MOST PEOPLE REACT TO BEING ARRESTED FOR DWI?**

Interviewer: What have you learned about peoples’ behavior and their reaction to being arrested for DWI? What insights have you gained through this whole process?

Paul: People react differently. Some take the arrest very seriously, they’re very scared, they are adamant, at least initially, that they’re not going to drink and drive anymore.

In most instances after I’ve talked to them about what’s going to happen, they walk out feeling much better. They typically remain very nervous and scared because they have to appear before judges, prosecutors, and that sort of thing.

And then there are people who take it much too lightly.

They think it’s a big joke, it’s just a money-making scheme for the courts. It is a revenue generator. I don’t think the government has ever made money, it costs more to prosecute these things than it does to take the money away for the fines and costs and the like. But there is a Bureaucracy that is funded, at least partially, by these cases.

These people are often the multiple offenders; they really don’t realize how serious it gets, because the penalties on a first offense are not as bad as subsequent offenses. I think those are the two types, generally, of people that you have.

It’s hard because most of the time a first DWI is the first time those people have been arrested. So, you get a lot of good people, and that’s one of the reasons why I like handling these cases.

Most of the clients are good, normal, hardworking, everyday people who made the mistake of drinking, smoking, or even taking their prescribed medications, and driving or didn’t understand how serious it was, and I’m helping them.

## HOW DEFENSIBLE ARE DWI CASES AND CAN YOU HELP OBTAIN ALTERATIVE SANCTIONS?

Interviewer: When someone’s arrested for DWI, is it common for them to feel doomed? That they're going to go to jail, they're going to have all these problems.

How defensible are these cases?

Paul: Yes, people do that feel that way. I have a notion my in front of me desk right now that the person said,

“I just want to plead guilty.”

You’re not doomed. There are alternatives to the sanctions that are in the statutes and online. There are circumstances where the cases can be completely dismissed and there will be no penalty.

In most instances, I can help reduce the different penalties which include the jail, license suspension, fines, and costs. Most instances I help people get them reduced. So, it’s not a time to feel doomed, but it is time to reflect on why you have been charged.

And many people, especially those that have drinking problems or are medicating with alcohol or other drugs, get multiple DUIs, one right after another, because they become depressed and they continue to drink, and make the stupid decision to drive.

I represented a nurse who had her 4th, 5th, and 6thDUI pending all at the same time with a 1-5year mandatory minimum penalty on each. That’s 4-20 years in state prison. When we resolved it, the judge said, “She got the best plea bargain he’s ever seen.”

Interviewer: So when someone asks you how often you may be able to mitigate at least some of their circumstances, it sounds like a majority of the time.

Without promising, but it sounds like it’s often.

Paul: Honestly, I can’t say that I’ve ever handled a case where I haven’t helped someone in some way. And if I’m going to ask someone to pay me money, it’s going to be because I’m going to help them in some way that’s important to them.

So, I can almost say that in almost every case that I handle, I am helping the people to the level where it is worth it for them to pay me.

I’ve declined to take cases where people say, “I want you to try and do this.” I don’t believe that them paying me is anything but throwing good money away for bad, and in these cases, it’s not.

**IN WHAT WAYS CAN A DWI CHARGE**

**BECOME MORE SERIOUS?**

Interviewer: What can happen that can make a DUI case a lot more serious? What if someone blows a .20 versus a .08 or if they’re in an accident or they have kids in the car? Is that called anything and what happens to them then?

Paul: The three levels of blood alcohol concentration in NJ are .08 to .99, .10 to .149 and .15 and above. The higher the blood alcohol level the worse the penalties.

If you are in a school zone or if you cause an accident with injuries to someone else, you will certainly have other charges and increased penalties that you face. You may be facing mandatory jail time penalties if you do not win the case.

If you kill someone, and it could be your brother, a passenger in your car, someone on the street, anyone, you are looking at a 3-year mandatory jail sentence at a state prison, without parole, and that is not negotiable in most instances. That’s the plea bargain, so you don’t want that to happen.

Interviewer: How about if you just have a high blood alcohol level, above the .10 or above the .16, what are the penalties in those situations?

Paul: I’ve had people with very high blood alcohol levels. If they are capable of rehabilitation, and they have a good lawyer, they still can minimize their penalties.

Also, if the defendant is not a citizen, they have other issues to deal with like deportation. We typically involve an immigration attorney in those cases to advise and defend those issues.

Interviewer: What’s the highest BAC you’ve ever encountered?

Paul: I believe I had someone with a .43. I’ve actually heard of higher than that. The highest number of DUI’s I’ve ever seen a client have was 13. Yes, 13. He had done 6 years in state prison for DUI and still drank! I was able to get him 60 days. However, I believe he might have gotten another DUI after that. I would imagine that he will serve a long sentence on that one if there are no defenses. The wasn’t much we could do to help him. That was a Pennsylvania case, by the way.

**WHAT ABOUT DUI CASES DUE TO**

**ILLEGAL OR PRESCRIPTION DRUGS?**

Interviewer: How often are you seeing DWI cases due to drugs? Whether illegal drugs or even prescription drugs?

Paul: Prosecutors are are learning now to prosecute them better as are more attuned to them. Therefore, I am seeing more and more.

In addition, there are DWIs due to prescription drugs. This is where you can have a legitimate prescription but if it impairs you, it’s still an offense. It can happen to you, even if you’re taking the prescribed amount, so you need to read those labels carefully.

There are also cases where alcohol and drugs are both involved. If you mix drugs with alcohol and your blood alcohol level tests very low, you're still considered guilty if the combined effects of drugs and alcohol impair you.

Essentially, it’s the same as having a .08 or above. Refusals also have the highest penalties in this situation. They practically double your penalties.

## WHAT TYPE OF PRESCRIPTION DRUGS CAN GET YOU IN TROUBLE?

Interviewer: You mentioned even prescription drugs can get you in trouble, but what kind of prescription drugs? Do you mean painkillers like Vicodin, Oxycodone, Percocet and Oxycontin?

Paul: Yes, those are good examples. Sleeping medications such as Ambien and Lunesta are common ones that are abused and often result in a DWI.

I had one lady who was charged with an Ambien DWI and I ended up getting the case dismissed because her levels were so well within the therapeutic range. I had a doctor say she was having a seizure and she wasn’t impaired by the Ambien. They voluntarily dismissed that case. I didn’t have to go trial; the district attorney listened to me and agreed.

**ARE DRUG DUI CASES EASIER OR HARDER TO DEFEND?**

Interviewer: Are drug cases easier or harder to defend?

Paul: No case is easy to defend; they are all complicated. However, the drug cases, I believe, have more areas to criticize and come up with defenses.

Because the police are in such a routine with the alcohol cases, the drug cases are kind of unique and they aren’t as well trained in identifying what the symptoms are, for instance, in someone who abuses Ambien.

The police don’t know, for instance, how someone’s eyes may be affected by prescription drug abuse, and what are the typical symptoms are with different drugs. It is more difficult to prosecute those, which means that they have more fertile ground to defend.

Interviewer: In New Jersey, will they ask for a urine test or a blood test, if they suspect drugs?

Paul: Yes. Usually a blood test. After your arrest they will ask to stick you with a needle. They then take you to a police station or hospital which is staffed by phlebotomists. Your sample is then given to a technician who will test it. A report is generated and is presented in the discovery we get when we represent a client.

Interviewer: Are there laws in New Jersey that address drivers with a BAC below .08?

Paul: Yes, you can get a DWI below a .08. If you're under the age to buy alcohol legally, your BAC is lower that you must have. But even a 50 year old who has a .06 could be found guilty of a DUI.

This really means you can’t drink anything and drive. If your ability to operate the motor vehicle is substantially impaired and you are incapable of safe driving, you can be convicted of a DWI.

Usually, however, those cases have defenses and we can often get the DWI dismissed.

Interviewer: It probably depends on the court, but how should people expect to be treated? Will they be treated fairly, or are they treated badly because they’re assumed to be “drunkards” or “drunk drivers”?

Paul: Everybody in the system is a little bit different. For the most part, the judges and the prosecutors are good, smart, fair people. But they're not out to help the defense. Their job is to either prosecute or see that justice is done.

The only person that’s out there to see that the defendant’s penalties are minimized is the defense attorney, that’s their job. My job is to minimize the penalty, and advise my clients wat they should do to do so.

**HOW PUBLIC MIGHT YOUR DUI**

**ARREST BECOME?**

Interviewer: How public will someone’s situation be when they are charged with DWI? Even if not convicted yet but just charged, will work, school, friends, or family find out about your charges?

Paul: DWI charges are on the public record. That means that anyone can go in and find out who was charged with a DWI, so there’s no way to stop it from becoming public. That’s why people get mailings after they are charged.

They don’t show most DUIs in the newspaper. Most of them are not published, but it’s kind of the luck of the draw. However, if there is an accident or something newsworthy, it will be printed.

It certainly could come to be public knowledge, it could be published in the newspaper, and your job might find out about it. I would say that in most of cases, that’s not automatic.

**WHAT TYPES OF ALTERNATIVE SENTENCING TO JAIL ARE AVAILABLE?**

Interviewer: For people get convicted of a DWI, are there alternative punishments to help them avoid jail such as house arrest, ankle bracelets, ignition interlocks, that kind of thing?

Paul: There are mandatory jail penalties that after a first offense.

Unlike Pennsyvania, New Jersey has no house arrest or work release for DWI’s. If you get jail, in most cases you will sit there. In some counties there is a SLAP program (Sherriff’s Labor Assistance Program) wich may allow you to do some jail working the streets instead of doing the jail. Some counties do not have this option. On third offenses, half of the MANDATORY 180 days in jail can be served in an inpatient rehabilitation center.

## HOW TO GET BACK TO NORMAL LIFE AFTER A DWI

Interviewer: What do you see people do to get back on their feet, get back to normal life as quickly as possible either while their case is ongoing or after it concludes?

Paul: The first thing to realize is that it is not the end of the world. The reality is that you got in trouble because of alcohol or drugs.

My dad, who was a judge, told me when I was a kid that alcohol was the cause of nine out of ten cases that came before him. Not just with DUI cases, but any kind of case. Alcohol is the underlying cause of most people’s problems in the legal system. I found that to be true.

The first thing you need to do after you’ve gotten charged with a DWI is to address the fact that you're drinking alcohol or doing drugs, and driving. That frankly, is just playing Russian roulette with a full chamber.

It’s something people must think about avoiding all together, because alcohol and drugs make you make stupid decisions.

I don’t want to see good people coming back with a second offense. First offense, usually you can deal with, 2nd or 3rd offenses can be life-changing.

So that’s critical to understand, and to get your life together, is vital. You also do not need to be self-medicating with alcohol because you're depressed over your DWI case either. That just leads to more DWI’s.

Most people can keep their life going after a first offense, but not in all instances. Sometimes the mandatory penalties seem unfair after a first offense because it will affect a person’s livelihood.

For example, a truck driver who gets first offense DUI will lose his commercial driver’s license (CDL) for a year. It’s mandatory if he gets convicted.

That’s life changing for him and has a much more serious impact on his lifestyle than a typical person who may have a desk job and just needs a ride to and from work.

It’s very specific to each person, and each person's situation is different. And I’m trying to make it easy on that person. It’s not a cookie cutter type of a scenario.

# PAUL, HOW CAN PEOPLE REACH

**YOU FOR A FREE CONSULTATION?**

Interviewer: For people that have read this material, and are now convinced that they want to get a free initial consultation with you, how specifically should they contact you?

Paul: The best way is just to call my office and schedule the appointment to discuss the options. My phone number is 908-475-1717. I also can be reached by email, paul@aaroelaw.com.

**DISCLAIMER:**

This publication is intended to be of an informational nature only.

No legal advice is being given, and no attorney-client relationship is intended to be created by reading this material.

If you are facing legal issues, whether criminal or civil, seek professional legal counsel immediately.

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