

YOU HAVE BEEN ARRESTED FOR A DUI IN DC: NOW WHAT???

Bruckheim & Patel has specialized experience in representing individuals charged with Driving Under the Influence in the District of Columbia. Partner Michael Bruckheim has taken hundreds of hours in training in field sobriety testing, breath testing and urine testing so he is prepared to confront all possible issues resulting from a DUI arrest. Mr. Bruckheim formerly worked in the prosecutor's office where he was the Chief of all DUI prosecutions in the District. He authored the book "Understanding Changes to DC DUI Laws," which is the only written resource for DUI defense in the District and is relied upon by defense attorneys and judges. Attorney Sweta Patel is trained in field sobriety testing, the same training officers go through, and has received countless not guilty verdicts at trial before DC Superior Court. The [team at Bruckheim & Patel](#) has the skillset and reputation necessary to fight for your case. Our results speak for themselves.

You may be wondering what happens next after you have been arrested? Here is a simple guide to ease your concerns and help you begin the process of defending your rights and preparing to fight DUI charges.

"THE STOP"- THE SCENE OF THE ARREST

Most DUI arrests begin with an officer either stopping your vehicle because they believe you committed some type of traffic violation, or they are responding to the scene of a collision in which your vehicle was involved. Officers typically begin a DUI investigation by asking questions such as:

- 1) Were you driving?
- 2) Where were you coming from?
- 3) Where were you going?
- 4) Have you had anything to drink tonight?
- 5) What did you drink and when did you drink it?

They will ask for you to provide your driver's license, proof of registration and proof of insurance. At this point, officers will ask you to step out of the vehicle to continue their investigation.

Officers will then administer field sobriety tests. Usually they won't ask if you *want* to participate...they will just tell you they are giving you the tests. If the officers think they saw some clues of impairment on these tests, they will place you under arrest. Some officers will give you an opportunity to blow into a portable breath machine at the scene. The results of this test are not admissible in any court proceeding and are only used to assist the officers in making an arrest decision.

THE STATION HOUSE

After you have been arrested, the officer will transport you to the station where you will be processed, fingerprinted, and photographed. The officer will take you into a side room with a breath machine (bigger than the portable one at the scene of the arrest) and will go over a form with you called the ***Implied Consent form***. The officer will read this form to you and make sure you understand it. The form advises you as to the law in DC regarding breath tests and informs you of the consequences if you refuse to submit to testing. If you refuse, the officer will have you sign the form and you will await your release. If you agree to submit to a breath test, the officer will have you sign the form and check your mouth for any foreign objects. The officer then must observe you for a period of 20 minutes to ensure that you do not consume anything to drink or eat, burp, or regurgitate. If any of those things happen, the officer must restart the observation period. After the 20 minutes is up, the officer will take two breath samples from you.

Sometimes officers will ask for a urine sample instead, or they will ask for a urine sample after you blow into the machine. If they ask for a urine sample after you blew into the machine, it is usually because you submitted a low breath score and the officers want to see if there are any drugs in your system.

Once the officers have taken all the samples they need, they will prepare your paperwork and you will be released. If the officers see some prior contacts in your criminal history, then you may be held and processed as a “lockup” where you go through the court on the next available court date.

THE PAPERWORK

If you are released from the station, you will receive paperwork with you. The paperwork typically consists of:

- 1) A citation to appear: It orders you to appear for court at a date typically 3 weeks from the date of your arrest;
- 2) A notice of proposed revocation: The document, often pink in color, explains your rights to request a hearing about your DC driving privileges at the DC Department of Motor Vehicles;
- 3) Breath Test Results: Depending on the police agency that arrested you, you may receive paperwork about your breath test result;
- 4) A property form detailing the property released to you;
- 5) A towing form providing information about where your car was towed (if it was towed).

WHAT DOES THIS ALL MEAN?

The most important papers you receive are the citation to appear and the notice of proposed revocation. Here is what the paperwork actually mean:

- 1) The citation to appear tells you when your court date is and provides the time and the courtroom number for you. The document exists solely to make sure you come to court. If you do not come to court, the prosecutor will provide a copy of the citation to the judge to show that you had a notice to appear and the court will issue a bench warrant. The citation is not a charging document and carries no other legal weight behind it.
- 2) The notice of proposed revocation explains your rights to a hearing at the DC DMV. The notice is **NOT** a notice of revocation and your driving privileges are **NOT** revoked at the time you receive this notice, even if you refused a breath test. Many citizens make the mistake of ignoring this notice and assume they are already revoked. Do **NOT** ignore this notice. The notice informs you that you have 10 days from the date of the notice to request a hearing at DC DMV if you are licensed to drive in DC, and 15 days to request a hearing if you are licensed anywhere other than DC. It is **VERY** important to request a hearing in this timeframe. A hearing request will preserve your privileges to drive in DC at least until the hearing date. The hearing is held at DC DMV and is separate from any court proceeding. If you do not request a hearing within the time-frame, you lose your right to request a hearing and your license will automatically be revoked after the deadline to request has passed.

WHAT SHOULD I DO?

You should consult with an attorney from Bruckheim & Patel as soon as possible. There are also some things you can do to prepare for the court case:

Your memory will be the freshest after your arrest. To the extent you can, try to remember as many details as possible and write them down for your lawyer to review. A DUI defense is very detail-oriented, so here are some details to try and recall:

- a) How was my driving? Did the officer tell me why I was stopped?
- b) Did I stop my vehicle as soon as I saw the officer's lights or hear a siren?
- c) Did I have any problems stopping my vehicle?
- d) What did the officer ask me and what did I say in response?
- e) Did I provide my driver's license, registration and insurance when the officer asked?
- f) Did I have any difficulty exiting my vehicle?
- g) Did I have any difficulty walking as directed by the officer?
- h) When the officer gave me the field tests, did I have problems walking on a line, even if it was an imaginary line?
- i) Did I have any difficulty standing on one leg?
- j) How was my attitude and demeanor?
- k) After I was arrested, did I have problems walking with my hands cuffed behind my back?
- l) Did the officer read me my *Miranda* rights?
- m) Did the officer advise me about the implied consent law?
- n) Did the officer answer any questions I had?
- o) Did I submit to a breath test and/or a urine test?
- p) Was I suffering from any type of physical or medical condition at the time and did I tell the officer?

You should make sure to request a hearing at DC DMV within the 10 or 15 day time frame. The hearing request will preserve your privilege to drive in DC. The attorneys at Bruckheim & Patel can handle the hearing request and representation at the revocation hearing date at the DMV for you as part of our representation.

WHAT HAPPENS NEXT?

Your first court appearance will be on the date on the citation. If you need to move the date, the attorneys at Bruckheim & Patel can assist with that. The first court date is called an arraignment. The initial court hearing will take about 5 minutes. The court will inform you of the charges and we will enter a not guilty plea and reserve all your constitutional rights going forward on your behalf. We will receive an initial discovery packet from the government that will contain the police reports and other documents generated by the officers. We will receive body-worn camera video from MPD officers and station house video typically at a later date. The judge will order you not to drive without a valid license and not to drive after consuming alcohol or drugs. If you have prior DUI arrests or convictions, the judge could order you not to drive during specific hours of the day or not to drive at all. The judge also will refer you to a court agency called Pretrial Services (PTS). PTS will do an assessment and make a recommendation as to whether you can benefit from alcohol education or counseling. Every person charged with DUI in DC goes through this process. The counseling recommendation is **NOT** a part of your case and places no role whatsoever in the determination of guilt or innocence.

If you seek out and enroll in an alcohol education program **PRIOR** to your citation date, and bring proof of that enrollment, then the Court can order you to finish that program instead of reporting to PTS. Bruckheim & Patel highly recommends that our clients seek out their own private outpatient alcohol program. We assist our clients in helping them find the right program to attend to satisfy court and government requirements.

Following the arraignment date, the Court will schedule a status date, at which time we will inform the Court whether we wish to resolve the case by some type of plea or other resolution such as a diversion program (Deferred Prosecution Agreement “DPA” or Deferred Sentencing Agreement “DSA”), or whether we would like to set a trial date.

CONTACT US

[Bruckheim & Patel](#) can help you navigate this stressful time and we dedicate ourselves to providing outstanding and successful representation for our clients. To learn more about Bruckheim & Patel, please continue to explore our website at www.BruckLaw.com. We encourage you to read our Google and Avvo reviews for Attorneys Michael Bruckheim and Sweta Patel. We look forward to working with you. Contact us for a free confidential evaluation of your case at 202-930-3464 ([District of Columbia Office](#)) or 240-753-8222 (Maryland).