

4 Steps to Take to Win Your Drunk Driving Cases

Written by Alex

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OUI have traditionally been one of the most litigated criminal cases in MA. There are a lot of defenses and many cases that do not look winnable can become so. Do not automatically plead out to your case. A few things to do are:

1. Have your attorney file an omnibus discovery motion that includes asking for the officer's training material and notes along with certain certifications and appropriate convictions for subsequent offenses. Many times you can have the charge reduced- I had a 5th offense reduced to a second a few months ago because the DA could not produce the appropriate paperwork which made the offense on that did not have a mandatory jail sentence of 2 1/2 years. The defendant was told by his prior attorney to plead to a 5th offense.
2. Filing pretrial motion to dismiss the case(if appropriate), suppress the stop or speech. I had a case with a .08 BT dismissed at the pretrial stage this year based on lack of probable cause. I have had parts of searches, stops and statements suppressed(not be uses against)
3. Motion in Limin- Motions before trial to have the Breath test excluded and others. many times you can keep crucial evidence from being admitted at trial.
4. Go to trial! An OUI is a very defensible case. There are a lot of fact specific evidence that is based on assumptions. The state has the burden of proof and must prove the OUI beyond a reasonable doubt or to a moral certainty. You can attack many of the facts as simple assumptions. Most times you have a very reasonable ability to win a case. I have won over 70% of my OUI cases that went to trial.

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