

MUNICIPAL COURT DEFENSE PART 2

Part of defending traffic violations in Municipal Court is checking the admissibility and accuracy of the State's case. This has application in all cases, but particularly in DWI/DUI and speeding cases, where the state relies on technological systems (Alcotest and radar/laser/vascar systems) to provide the evidence of a violation. The State has the obligation to show the equipment was properly working and that it gave accurate information. The State must also show that the operator of the equipment is qualified to operate it. In addition, the equipment, which does its measuring electronically, is subject to radio frequency interference. (RFI). While the State can also use the officer's observations, there may be a basis to exclude them.

If the State cannot show all elements, then the evidence is excludable. No evidence, no case. Competent counsel will know how to obtain the information and make the appropriate showings. Maintenance records, daily logs, training certifications are available through the discovery process (See Part 1 of this series). There are other tools to use to determine the location of cell towers and other sources of RFI. It is the goal of defense counsel to raise reasonable doubt and earn either an acquittal or a favorable plea deal.

To discuss your summons this office offers a free initial consultation. We are available by telephone or e-mail. Avoid fines, points, suspension, and increased insurance costs. Get the best result possible.