

What to Ask a Pennsylvania DUI Attorney

PHILADELPHIA, PENNSYLVANIA, UNITED STATES, November 1, 2019 /EINPresswire.com/ -- There were 1,137 fatal vehicle crashes in 2017 in the state of Pennsylvania, as reported by the Pennsylvania Department of Transportation. Alcohol impairment played a role in 314 of these deaths—28 percent of the total. According to the U.S. Centers for Disease Control and Prevention, there is one death every 50 minutes from an accident related to alcohol impairment across the United States.

If you or a family member have been arrested in Pennsylvania on a driving under the influence, DUI charge, you may understandably have important questions to ask your lawyer. Below are the answers to the most common list of questions our DUI/DWI attorneys at the law offices of Scarpello & LaTour have received throughout their DUI cases.



WHAT PENALTIES CAN I FACE WITH A PENNSYLVANIA DUI?

In Pennsylvania, all penalties of your charge depend on the blood alcohol content (BAC) you allegedly possessed while driving. Possible outcomes you can face include fines, jail time and or probation, driver's license suspension, mandated treatment, and even the requirement that an ignition interlock device (IID) be installed in your vehicle. These IID devices make it impossible to drive your vehicle if they sense alcohol.

In Pennsylvania, there is a three-tier system for DUI offenses. The higher the BAC rises, the more severe the penalties become. They also become worse for a second and third offense. In the state of Pennsylvania, DUI convictions remain on a driver's record for ten years. This means that if you are convicted of a DUI this year in 2019 but were also convicted in 2010, it will count as a second offense. Additionally, treatment can be court-ordered for all levels of offenses.

There are three levels of impairment:

General Impairment: If the BAC is from 0.08 percent to 0.099 percent

High BAC: The BAC is from 0.10 percent to 0.159 percent

Highest BAC: The BAC is from 0.16 percent or above

GENERAL IMPAIRMENT

If your BAC levels fall under general impairment, you can be charged with a misdemeanor. The penalties for general impairment are a \$300 fine, probation for up to six months, and attending alcohol safety classes.

For a second offense general impairment, you'll be charged with an ungraded misdemeanor. This means you can be fined from \$300 up to \$2,500, be sentenced to jail for five days to six months, have your driver's license suspended for a year, have an IID installed in your car for a year, and be mandated to regularly attend alcohol safety classes.

If you are convicted of a third offense, it will be considered a second-degree misdemeanor, which can result in a fine of \$500 up to \$5,000, ten days to two years in prison, a suspended license for one year, and also an IID in your vehicle for a year.

HIGH BAC LEVEL

For your first offense under a high BAC, you'll be charged with an ungraded misdemeanor, which can carry a fine from \$500 to \$5,000. Jail time for a high BAC level can range from two days to six months. Your license and driving privileges can be suspended for one year, and you will be ordered to attend classes on alcohol safety.

The second offense carries an ungraded misdemeanor charge as well, but the fines are raised to \$750 to \$5,000. The jail time sentence can be anywhere from 30 days up to six months. License suspension and loss of driving privileges lasts for one year. You may also have an IID for one year and will be mandated to attend alcohol safety classes.

A third offense is regarded as a first-degree misdemeanor with a fine from \$1,500 to \$10,000 and potentially 90 days to five years in prison. Your license can also be suspended for 18 months, and you can have an IID installed in your vehicle for 18 months.

For subsequent offenses, the license suspensions and fines are the same, but the potential jail time rises and could range from one to five years.

HIGHEST BAC LEVEL

The first offense under the highest BAC level is an ungraded misdemeanor with a \$1,000 to \$5,000 fine, jail time of 72 hours to six months, license suspension for one year, and mandatory attendance of alcohol safety classes.

The second offense is a first-degree misdemeanor with a fine from \$1,500 up to \$10,000, 90 days to five years in prison, license suspension for 18 months, and IID for one year.

The third offense and subsequent offenses are considered first-degree misdemeanors with fines from \$2,500 to \$10,000, one to five years in prison, license suspensions for 18 months, and IID for one year.

CAN I LEGALLY REFUSE TO TAKE A BREATHALYZER TEST?

In Pennsylvania, there is an implied consent law. Basically, this law means that by obtaining a driver's license and driving, you have implicitly granted consent to a breath, blood, or urine test if a police officer has probable cause to believe you are impaired by alcohol consumption.

Probable cause refers to signs of alcohol impairment, including slurred speech or weaving while walking or driving. Probable cause can also include visually seeing alcohol in your vehicle if you were stopped for a traffic or driving violation.

Under the law, police officers are mandated to observe you for 20 minutes before administering a breath test. And, all chemical tests need to be conducted within two hours of the time you last drove.

Unfortunately, some individuals are tempted to refuse a Breathalyzer test or any other test, under the belief that if there are no test results, there will be no evidence. However, if you refuse any breath, urine, or blood test, there will be penalties. Your driver's license will be suspended by the Department of Motor Vehicles (DMV) for one year in a first offense and 18 months in a second or subsequent offense. And, if you choose to refuse a test and have a previous DUI conviction, it will also be suspended for 18 months.

CAN I BE CONVICTED WITHOUT A BREATHALYZER TEST?

Yes. You can be convicted of a DUI whether or not you take a Breathalyzer or other chemical test.

Aside from a failed test, a police officer can testify that your actions indicated alcohol impairment. This means that stumbling around or slurring your words, having alcohol visibly present in the vehicle, the smell of alcohol on your breath, or other physical signs can all be validated as evidence.

And, if you end up convicted of a DUI without undergoing a chemical test, you can receive penalties for both the DUI conviction and refusing to take a chemical test.

WHAT ARE SOME OF THE MOST COMMONLY USED DEFENSES AGAINST A DUI?

If you are charged with a DUI, your lawyer may employ many plausible criminal defenses, depending on the circumstances. Below are some of the most common DUI defenses.

MEDICAL ISSUES

There are many physical and medical conditions that can lead a police officer to assume you are impaired by alcohol when you're actually not. Conditions such as acid reflux or ketosis, can cause a person's breath to smell like alcohol. Kidney problems can also cause false readings. Some neurological conditions and brain injuries can result in slurred speech or poor mobility, which can be viewed as indicators of alcohol impairment, but are not. People with allergies may have bloodshot or watery eyes.

INACCURATE TEST RESULTS

Breathalyzers and other chemical tests don't always deliver reliable results. The officer may have incorrectly administered the test or administered it before the 20 minutes of observation or after the two-hour limit, as explained earlier. The equipment can also become unreliable if not properly maintained or calibrated. Forensic laboratories can also make mistakes in testing and storing the blood.

IMPROPER COMMUNICATIONS BY LAW ENFORCEMENT

Law enforcement authorities must advise an arrestee of their Miranda rights during the arrest, including the right to remain silent and the right to be represented by a [Philadelphia DUI attorney](#). If you invoke these rights, you cannot be questioned by police until a [criminal defense lawyer](#) comes.

If you have not received your Miranda rights or an officer started questioning you after invoking them, the court might throw out a confession to a DUI or other incriminating answers.

INCORRECT POLICE OFFICER TESTIMONY

Police officers are able to testify to your condition and the events that transpired when they stopped and arrested you, but your DUI defense attorney can also interrogate them at your court date. This means that your attorney may be able to find inconsistencies in their testimony or other evidence than they are incorrectly remembering and testifying regarding field sobriety tests and other events.

PLEADING GUILTY TO A LESSER OFFENSE OR ACCEPTING A PLEA BARGAIN

It may also be possible to plead guilty to a lesser offense than a DUI. For instance, if you are

accused of a traffic accident or violation that is alcohol-related, you can plead guilty to a charge referred to as a "wet reckless."

START WITH AN INITIAL CONSULTATION

If you have been arrested for drunk driving and charged with a DUI or DWI, you need a defense attorney by your side to provide you with legal advice. The law firm of Scarpello & LaTour is experienced in DUI cases and other areas of criminal law, and ready to take on your case. Contact the DUI lawyers of Scarpello & LaTour today at (215) 732-0460 for a free consultation.

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