

Criminal Defense Attorney Marie Pacyga Clarifies Minnesota's DWI Laws for Sitting in a Vehicle Under the Influence

Explanation of a Minnesota's DWI law that says that individuals may be charged with a DWI while simply sitting in a stationary vehicle under the influence.

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EINPresswire.com/ -- [Marie Pacyga, criminal defense attorney](#) at Ryan Pacyga Criminal Defense, is shedding light on a unique aspect of Minnesota's [DWI](#) laws that extends to individuals who may be charged with a DWI while simply sitting in a stationary vehicle under the influence. A recent court case has brought renewed attention to the nuances and potential pitfalls of these laws.



Can you get a DWI by being under the influence and simply sitting in your car?

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Many people think avoiding driving is enough to avoid a DWI, but Minnesota's 'physical control' standard makes it possible to face charges simply by being in the driver's seat.”

Marie Pacyga, Criminal Defense Attorney

In Minnesota, individuals can be charged with a DWI if they are found to be “in physical control” of a vehicle while intoxicated, even if they are not driving. The law interprets “physical control” broadly, meaning someone sitting in the driver's seat with access to the keys is presumed capable of operating the vehicle, even if they had no intention of doing so.

A recent case highlights the complications of this law. The defendant was found sitting in his vehicle after having had a few drinks, but he had not been driving. The car was not running, and the keys were not inside the car. The keys were actually located outside in one of the wheel wells. Despite the lack of facts showing that the defendant was in a position to operate the vehicle, the prosecutor charged with a DWI under the “physical control” clause. The

defendant and his lawyer convinced the district court judge to throw his case out, but the Court of Appeals disagreed saying that the prosecutor was allowed to proceed against the defendant with their case. Marie Pacyga explained that, "what this case really means for criminal defendants is that those gray areas in physical control cases like this one will have to be decided by juries, not judges."

"Many people think avoiding driving is enough to avoid a DWI, but Minnesota's 'physical control' standard makes it possible to face charges simply by being in the driver's seat," explains Pacyga. "This client's case is a reminder of how easily an innocent decision to wait in a vehicle can result in significant legal consequences."

The case has prompted discussions around the need to distinguish between active drivers and those with no intent to drive. Marie Pacyga advises those under the influence to avoid sitting in the driver's seat altogether or to secure their keys in a way that makes them inaccessible.

Read more about this case here - <https://www.arrestedmn.com/blog/2024/10/minnesota-court-levels/>

About Ryan Pacyga Criminal Defense

Ryan Pacyga Criminal Defense provides comprehensive support and representation for clients facing criminal charges across Minnesota. The firm is committed to protecting client rights and upholding fair legal standards in every case.

For more information, visit www.arrestedmn.com or contact Marie Pacyga at 612-339-5844.

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