

# THE DUI 411

## Criminal and DMV Consequences

*What one should know if arrested for DUI*



### CRIMINAL CONSEQUENCES

A DUI may be filed as either a misdemeanor or a felony. If a person was injured or if the arrestee has had three prior DUI convictions in the last ten years, a felony will be charged. A misdemeanor DUI will be charged if the arrestee has never been convicted for a DUI, or if they have had one or two previous convictions.

A felony may carry a prison sentence and a misdemeanor may carry a jail sentence. The facts of the case along with the arrestees prior record will determine the type of sentence.

### DMV CONSEQUENCES

The DMV Hearing is separate from the Court proceedings. The DMV has a lower burden of proof and a separate body of laws. administered. Then there is a minimum of five-months of restricted driving for work and the DUI class.

The first-time offender's driver's license will be suspended for thirty days where either a blood or breath test was A multiple offender, or where there is a refusal to take a breath or blood test, may receive a one-year driver's license suspension.

### IO DUI Facts

1. A speeding ticket may turn into a DUI arrest
2. Some Orange County police agencies video and audio record their investigations
3. Breath testing may over-estimate or under-estimate the true blood alcohol level
4. Police may make a DUI arrest even when the blood alcohol level is below a .08
5. Medicine may give the police reason to make a DUI arrest
6. A DUI has criminal and driver's license consequences
7. Refusing to take a breath or blood test may increase the driver's license suspension period
8. DMV must be contacted ten-days from the date of arrest to preserve the driver's license
9. DUI defenses range from the stop, the science, to police procedures
10. A DUI conviction may cost thousands

