

## DWI / Drunk Driving

Drunk driving charges in the State of New York are very serious. If convicted, you could face jail time, license suspensions, steep fines, and the social stigma that often results in increased insurance rates.

### The System is Designed to Convict You

Many people unwittingly face a criminal system armed with unlimited resources to convict defendants. While it is true that many people are stopped without proper authority, subjected to fallible sobriety tests, and arrested because of inaccurate intoxilyzer readings, none of it matters without challenging the State's evidence (or knowing how to do it).

To believe that an officer's observations, or a breathalyzer's readings are always accurate is to assume that people are never wrong, and machines never break down. Furthermore, there are other factors that can cause false readings and conditions under which the readings are practically meaningless. A skilled criminal defense lawyer can properly challenge the State's evidence, and guide you accordingly. Even if a conviction is inevitable, he can still negotiate a relatively favorable disposition with the prosecutor and the judge.

### BARRY BLACK ACHIEVES A MAJOR DEFENSE BREAKTHROUGH IN DWI PROSECUTION

In a recent published court opinion, Barry Black's advocacy affected a major change to the benefit of DWI defendants. In short, the District Attorney used to be limited to 90 days during which to take a Driving While Intoxicated case (Vehicle and Traffic Law Section 1192.3 and 1192.3) to trial, but far more (up to as much as two years) with Driving While Ability Impaired (Vehicle and Traffic Law Section 1192.1). This significant decision held that the District Attorney now has only 90 days for all cases. Since prosecutors typically charge Section 1192.1 along with the higher charges of Section 1192.2 and 1192.3, they used to have far more leverage, knowing that if they ran out of time on the Section 1192.2 and 1192.3 charges they could still have plenty of time to proceed on the Section 1192.1 charge. They no longer have this luxury. Numerous cases have already been dismissed on the basis of this decision.

Read the full court opinion ([Adobe PDF](#)).

We serve clients in Manhattan, Brooklyn, Queens, The Bronx, and Staten Island, as well as Nassau County and Suffolk County.