

Do not take the field sobriety test

It is impossible to pass the field sobriety tests regardless of how well you believe you did! So why take it? If you are pulled over and you have been consuming alcohol, prior to even speaking with you, the officer has most likely already decided to arrest you and charge you with DUI. EVERYTHING he asks and does is designed to gather evidence of your guilt!

Since there is no penalty for refusing to take the field sobriety test, there's really no reason to take it.

Practical Guidelines

1. Show the officer your driver's license, registration and proof of insurance.
2. Be polite, respectful and courteous.
3. Inform the officer that, upon the advice of an attorney, you refuse to answer any questions. **DO NOT ANSWER QUESTIONS OR AGREE TO BE INTERVIEWED!**
4. Refuse to perform the eye test or any other physical test, sometimes called "field sobriety tests" or FSTs.
5. Request an immediate CONFIDENTIAL call to:

The Law Offices of JOE SAIENNI, P.C.
(602) 953-5550



BAC: To Test or Not to Test?

Under the law, everyone who drives in Arizona grants implied consent to a blood, breath or urine test if so demanded by law enforcement. Refusal to submit to such a test will result in a one-year suspension of your driver's license. If you refuse some officers will obtain a search warrant and forcibly take your blood for testing. If you are arrested for DUI, it is your first offense or first offense within a seven-year period, and your BAC is 0.08 or more, your license will be suspended for 90 days. If there has been no accident with injury to another person you may be eligible for a restricted license for the final 60 of the 90 days.

If you are arrested for any offense other than a first offense and your BAC is 0.08 or more your license will be revoked for at least one year.

First offense

On a first offense, most people do not want the longer one-year suspension so most will submit to a test. If you absolutely want to deprive law enforcement of as much evidence as possible regardless of the license suspension, refuse to test. **Request to be released for an independent blood test, demand an independent test and go get one upon release!**

Second Offense

On a subsequent offense, you have nothing to lose by refusing to test. If the officer does not obtain a search warrant, and sometimes they won't, you have deprived them of your BAC % as evidence.

Third Offense

On any felony DUI (3rd DUI within seven years, DUI on a suspended license, or DUI with a person under 15 years of age in the vehicle) the potential penalties are **VERY** severe and include prison time so **do not submit to any tests or answer any questions PERIOD...**

Use the attached complimentary resources to help you in your time of need.

DUI Do's and Don'ts

- **DO** be polite and courteous
- **DO** provide your license, registration and insurance
- **DO** immediately request an attorney (it's your right)
- **DON'T** answer any questions (no penalty)
- **DON'T** perform the "eye" test (no penalty)
- **DON'T** perform any Field Sobriety Tests (no penalty)
- **DON'T** submit to any breath or blood alcohol test **without** thoroughly reviewing the material in this brochure or consulting with an attorney.

MEN		Approximate BAC Percentage in 1 Hour							Effects
Drinks	Body Weight in Pounds								
	100	120	140	160	180	200	220	240	
1	.04	.03	.03	.02	.02	.02	.02	.02	Impairment begins
2	.08	.06	.05	.05	.04	.04	.03	.03	
3	.11	.09	.08	.07	.06	.06	.05	.05	Driving is affected and information processing altered
4	.15	.12	.11	.09	.08	.08	.07	.06	
5	.19	.16	.13	.12	.11	.09	.09	.08	Legally intoxicated, criminal penalties, reaction time is slowed, loss of balance, impaired movement and slurred speech
6	.23	.19	.16	.14	.13	.11	.10	.09	
7	.26	.22	.19	.16	.15	.13	.12	.11	
8	.30	.25	.22	.19	.17	.15	.14	.13	

WOMEN		Approximate BAC Percentage in 1 Hour							Effects
Drinks	Body Weight in Pounds								
	90	100	120	140	160	180	200	220	
1	.05	.05	.04	.03	.03	.03	.02	.02	Impairment begins
2	.10	.09	.08	.07	.06	.05	.05	.04	
3	.15	.14	.11	.10	.09	.08	.07	.06	Driving is affected and information processing altered
4	.20	.18	.15	.13	.11	.10	.09	.08	
5	.25	.23	.19	.16	.14	.13	.11	.10	Legally intoxicated, criminal penalties, reaction time is slowed, loss of balance, impaired movement and slurred speech
6	.30	.27	.23	.19	.17	.15	.14	.12	
7	.35	.32	.27	.23	.20	.18	.16	.14	
8	.40	.36	.30	.26	.23	.20	.18	.17	

One drink is 1.5 oz. shot of hard liquor, 12 oz. of beer or 5 oz. of table wine. Subtract .015 for each hour that you take to consume the number of drinks listed in the table. For example, if you are a 160 pound woman, and have two drinks in two hours, your BAC would be .06 - (2 x .015) = .03. BAC charts only provide extremely rough estimates and should never be used alone to determine any individual's safe drinking level. Adapted from BAC charts produced by the National Clearinghouse for Alcohol and Drug Information.

Remember to keep this brochure in your glove box with your vehicle registration and insurance!