



## **5 Things To Know About Your Louisiana DWI**

1. **Penalties.** If you've been arrested and charged with operating a motor vehicle in Louisiana while under the influence of alcohol or drugs, you may be subject to *civil penalties* and *criminal penalties* with respect to your driver's license, in addition to imprisonment and/or fines after a conviction.
  - Civil Penalties - No conviction required. State will suspend your driver's license if: i) arrested and refuse a test; or ii) test over the legal limit. You can request a hearing to contest the suspension within thirty (30) days of your arrest.
  - Criminal Penalties - If convicted and sentenced you may face: i) imprisonment and/or fines; and ii) suspension, revocation, or cancellation of your driver's license.
2. **Scope.** You can be convicted even though weren't *driving* the vehicle; Louisiana law only requires that the State prove you were *operating* the vehicle, i.e., exercising some control or manipulation over the vehicle such as steering, backing, or any physical handling of the controls for the purpose of putting the car in motion. Also, Louisiana law doesn't limit the prohibition of drunk driving to public property, roads, or highways. You can be convicted even if the operation of the motor vehicle wasn't on a public street, highway, or road. For example, the State has obtained convictions where the defendant was in a ditch, the neighbor's yard, a parking lot, etc.
3. **Breathalyzer/Chemical Testing.** If the law enforcement officer arrests you with probable cause to believe you were driving while intoxicated, the results of any chemical tests will be inadmissible at trial if the officer failed to inform you of your right to refuse the chemical test prior to conducting it. Likewise, any breathalyzer test must be performed according to methods approved and promulgated by the Department of Public Safety and Corrections (DPSC), and results may be challenged as inadmissible if not.
4. **Deferred Sentencing.** For a first or second offense DWI, your sentence may be deferred by the court if certain conditions are met. At the conclusion of the deferral period, if you haven't been convicted of any other offense and no criminal charge is pending against you, the court may set the conviction aside and dismiss the prosecution.
5. **Representation.** A good defense attorney will examine the facts and circumstances surrounding your arrest and challenge the admissibility of any evidence not properly obtained. If the evidence is good and no defenses are found, your attorney should ensure proper sentencing in the event of a conviction or plea. At Southern Oaks, we comb through the details of every case to ensure the best possible outcome for our clients. If you have additional questions, feel free to call and schedule a no-pressure consultation.