



Instructions To DWI/Zero Tolerance Client

First and foremost, thank you for retaining our firm and allowing us to represent you. The trust you have placed in us is very important and we intend to provide you with a defense which is competent, zealous and aggressive. Mr. Robinson has over 24 years of criminal defense experience. For more than 15 years, he has taught other attorneys how to investigate, defend and try driving while impaired cases. To assist us in our representation, we ask you to comply with the following:

Court Date: Your initial court date is indicated on your North Carolina Uniform Citation. Our office will notify you of each court date; please immediately advise us of any change in your mailing address, e-mail, or telephone number. You may also check your court date at the website for *The North Carolina Court System*, www.nccourts.org. Click "Court Calendars" under Favorites, "Court Calendars", "District and Superior Court Query", select Pitt County and enter your name for District, Superior or both. On each court date, your personal appearance is required at 9:00 o'clock a.m. unless otherwise instructed by the court or by our offices. It is important that you appear in court on time. The Pitt County Courthouse is located at 100 West Third Street in Greenville. You may obtain more specific directions by contacting our office or visiting the website noted above. Click "Courthouse Directions" under Favorites and follow the on-screen directions. **Please note that it is your responsibility to know your court date and appear at the designated time and place. If you fail to appear in court as directed, an order for your arrest will be issued and you will be arrested.**

Appearance: On each court date, please dress neat and clean. It is important that you create a good "First Impression". Please remember that the first impression may be while you are in the hallways or in the courtroom before your case is actually called for hearing. Therefore, please avoid engaging in any conduct or actions which you would not want the Judge to see or hear, or which you would not engage in if you were sitting next to me while your case is being tried. Avoid expressive or flashy jewelry, and dress conservatively. Under no circumstances are you to wear shorts, or shirts with any lettering or quotes. If you have a mobile phone, pager, PDA or other electronic device, please turn it off before entering the courtroom. If it rings/beeps in the courtroom, it may be confiscated by the courtroom Baliff.

Result .08 or Higher/Refusal (*At End of 30 Day Civil Revocation*): If your intoxilyzer result was .08 or higher, or if you allegedly refused to take the chemical test, your drivers license was immediately suspended for thirty (30) days. This is called a "Civil Revocation" of your drivers license and is independent of the outcome of the criminal charge(s) issued against you. When this thirty (30) day period has expired, you may have your drivers license returned to you by going to the criminal division of the Clerk of Superior Court's Office located on the fourth (4th) floor in the courthouse and paying a \$100.00 restoration fee; **until you pay this \$100.00 restoration fee, your drivers license is suspended and you should not drive.** The Clerk's Office will accept only cash or certified checks (i.e. no personal checks/credit/debit cards). You should not drive during this thirty (30) day period because your drivers license is suspended. If you do drive during this thirty (30) day period and

are stopped, you are subject to being charged with driving while license revoked which will result in an additional revocation of your drivers license for a minimum of one year. In some particular and rare situations, your drivers license could be revoked for an initial period of forty-five (45) days. If that has occurred in your case, we will address this issue with you in your interview.

Identification Card: You may need to have a form of identification during the *30 Day Civil Revocation*. If so, you may go to the DMV and obtain a *Special Identification Card*; the cost is \$10.00. When you have your drivers license returned after the *30 Day Civil Revocation*, you will need to go back to the DMV and pay the applicable fees to have your drivers license reinstated if you obtained this Special Identification Card.

Pretrial Limited Driving Privileges(*During The 30 Day Civil Revocation*): You may be eligible for a *Pre-trial Limited Driving Privilege* to drive during stated hours for work and educational purposes, household maintenance, and during emergencies, **after the passage of at least ten (10) days**, if your drivers license is revoked for thirty (30) days, and **after the passage of thirty (30) days**, if the civil revocation is forty-five (45) days. To apply for this *Pre-trial Limited Driving Privilege*, you must obtain an alcohol assessment as specified below and register for and agree to participate in any recommended education or treatment program; and also supply the court with a DMV form DL-123 from you insurance agent. The DL-123 form documents to the court that you currently have liability insurance on your vehicle; your insurance agent will be familiar with this form. If you do not have a vehicle registered in your name, but you are driving one that is registered to someone in your household, it is still necessary to obtain this DL-123 form. If there is not a registered vehicle in your household, you may contact our offices for further instruction in reference to a DMV Form DL-123A which is to be completed by the DMV. The application fee for this *Pre-trial Limited Driving Privilege* is \$100.00 and must be paid to the Clerk of Court at the time the privilege is filed. You may pay this fee to our offices to be held in trust for this purpose.

Limited Driving Privileges (*If You Are Convicted*): If you have been advised that you will be a level three, level four, or level five DWI punishment, or you have been charged with zero tolerance violation for a provisional licensee, upon a conviction you may be eligible for a *Limited Driving Privilege* to drive during stated hours for work and educational purposes, household maintenance, and during emergencies. To apply for this *Limited Driving Privilege*, you must present the court with documentation that you have obtained a substance abuse assessment as specified below and agreed to enroll in and complete any recommended/prescribed treatment program; and also supply the court with a DMV Form DL-123 from your insurance agent. The DL-123 form documents to the court that you currently have liability insurance on your vehicle; your insurance agent will be familiar with this form. **The court will not accept a DL-123 form which has been issued more than thirty (30) days prior to your application for the Limited Driving Privilege.** If you do not have a vehicle registered in your name, but you drive one that is registered to someone in your household, it is still necessary to obtain this DL-123 form. If there is not a registered vehicle in your household, you may contact our offices for further instructions in reference to a DMV Form DL-123A which is to be completed by the DMV. The application fee for this *Limited Driving Privilege* is \$100.00 and must be paid to the Clerk of Court at the time the privilege is filed. You may pay this fee to our offices to be held in trust for this purpose.

Community Service: Depending on the facts and circumstances of your case(s), the advance performance of community service may assist us in obtaining a more favorable judgment. If you are directed and instructed to perform community service, please do so as soon as possible. You may choose the agency at which to perform the community service. However, service must be truly oriented towards community or charitable purposes at a non-profit agency. Please obtain written documentation from your selected agency that specifies the number of hours, dates of service, and bears the signature of person supervising your performance. We will provide you with a list of volunteer opportunities if needed. You can also perform the community service as instructed above in your home county. Performance of community service in this manner will avoid paying a \$225.00 community service fee.

Result .15 or higher (*Ignition Interlock*): If you registered a breath/blood alcohol concentration of .15 or more, the motor vehicle which you intend to operate under the *Limited Driving Privilege* must be equipped with an *Ignition Interlock System* approved by the Commission of Motor Vehicles. **This is a mandatory requirement under state law; there are specific medical conditions which are an exception.** To avoid any delay in obtaining your *Limited Driving Privilege*, please contact Monitech, Inc., if you require the *Ignition Interlock System*, in advance of your court date. You may contact them at Monitech, Inc. 3948 Browning Place 337, Raleigh, NC 27609 (800) 521-4246. Please arrange to have this device installed in your vehicle approximately three (3) to four (4) business days after your current court date. If your court date is continued, please immediately cancel the appointment and reschedule it again approximately three (3) to four (4) days after your new court date. The website for *Monitech Ignition Interlock Systems* is www.monitechnc.com and can answer any questions you may have, including the costs associated with the device, installation and operation. Please also note that if your breath/blood alcohol concentration was .15 or more, the *Limited Driving Privilege* will not be effective until 45 days after a final conviction.

DMV Notice of Revocation (*Refusal*): If you allegedly refused to take the chemical breath/blood test, you will receive a letter from the DMV notifying you that your drivers license will be suspended for one year. The letter will contain a date and time on which the revocation is to take place. **If you wish to contest the alleged refusal, you must notify the DMV in writing of your request for a hearing prior to that effective date and time of revocation. If you fail to do so prior to the date of revocation, you will lose your right to contest the alleged refusal and right to a hearing. You may contact our office for assistance in requesting a hearing. Please note that this hearing is independent of the trial of your case in criminal court.**

Address Change: If the address on your drivers license is different than the address at which you actually reside, you are to immediately notify the DMV of your change in address. Otherwise, important notices (*e.g.* the DMV Notice of Revocation of License for one year for an alleged refusal and the DMV Notice of Requirement for Certificate of Completion of alcohol assessment and treatment) may be sent to your old address and not received by you. The DMV does not forward mail. This could result in additional problems in your case and the loss of your right to contest the revocation of your drivers license for an alleged refusal.

Assessment: If you are charged with Provisional Licensee Violation(i.e. Zero Tolerance Violation), your chemical test result was .08 or higher, or you allegedly refused to submit to the chemical test, it may be necessary and advantageous to the outcome of your case to have an alcohol/drug assessment and treatment completed prior to your trial date. The cost of the initial assessment is set by law at \$100.00. If you have been advised to obtain such an assessment, you may obtain this assessment at one of the following places:

1. *East Coast Counseling, Inc.*
620 Lynndale Court, Suite C
Greenville, N.C. 27858
(252) 752-8602
2. *Side By Side Recovery*
315 Evans Street
Greenville, N.C. 27858
(252) 752-1333
3. *Changing Seasons*
400 West First Street
Greenville, N.C. 27834
(252) 695-0203
4. *Choices*
101 W. 14th Street, Suite 2
Greenville, NC 27834
(252) 439-1886
5. *Your Area Mental Health Facility*

Attorney Fees: All attorneys fees are immediately payable unless other specific arrangements have been made. For your convenience, we do accept AMERICAN EXPRESS®, DISCOVER®, MASTERCARD®, and VISA®. Cases will not be resolved until all attorneys fees are paid in full. Our attorneys fees ***DO NOT INCLUDE*** the payment of court costs, fines, community service fees, assessment fees, witness attendance fees, private investigator's fees, polygraph fees, court reporter fees, driving or criminal history record fees, or other expenses which are incurred in your defense and considered out-of-pocket expenses or advances. Our attorneys fees likewise ***DO NOT INCLUDE*** attorneys fees for striking any called and failed and/or order for arrest; for obtaining continuances beyond the negotiated date for completion of any plea bargain; for attorney appearances and representation if charges are dismissed and subsequently re-filed; or for application to expunge the subject charges. If you fail to timely comply with the terms and conditions of any plea bargain negotiated on your behalf, a minimum of \$450.00 additional attorneys fees will be charged to negotiate and obtain a continuance beyond the original date set for your compliance. This minimum fee must be paid before any continuance motion is made on your behalf.

Questions: We welcome any questions you may have about your case. We ask that you direct your questions to Leslie S. Robinson (e-mail address: les@therobinsonlawfirm.com), Mary Stokes (e-mail address: mary@therobinsonlawfirm.com), Nikki Garcia (e-mail address: nikki@therobinsonlawfirm.com) or Dee Vaughan (e-mail address: dee@therobinsonlawfirm.com), but note that Mrs. Garcia or Mrs. Vaughan cannot provide you with any legal advice. If your question does require legal advice, Mrs. Garcia or Mrs. Vaughan will notify Mr. Robinson and/or Ms. Stokes and he/she will counsel you as to your questions.