

Instructions To DWI/Zero Tolerance Client

First and foremost, thank you for retaining our firm and allowing us to represent you. Your trust in us is very important and we intend to provide you with a defense that is committed, zealous and aggressive. Mr. Robinson has over 33 years of criminal defense experience. For more than 25 years, he has trained 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*. We will notify you of each court date; ***please immediately advise us of any change in your mailing address, e-mail, or telephone number.*** You can check your court date anytime by going to the website for *The North Carolina Judicial Branch* at www.nccourts.gov. On the "Home" page, scroll down to "Find My Court Date". Click "Advanced Search". Insert "County", click "Both", type in your name, last name first with no space (Ex: Doe,John). Your name, pending court date and courtroom assignment will appear.

Your personal appearance is required on each court date at 9:00 a.m. unless otherwise instructed by the court or our office. It is important that you appear in court on time. **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 could be arrested.**

Text/Email Notification of Court Date: If you wish to receive a reminder of your court date, you can subscribe to this service through *The North Carolina Judicial Branch* at www.nccourts.gov. On the "Home" page, scroll down to the "Find My Court Date", click "Browse Court Calendars". Scroll down to the bottom of the page and click "Court Date Notifications". Select the appropriate "County", type in your Case File Number (Ex. 20CR1234) and click "Search Case". Your case information and court date will appear. Select the "Delivery Method" and follow the prompts.

Courthouse Directions: For specific directions to the courthouse you are required to appear in, please go to the website for *The North Carolina Judicial Branch* at www.nccourts.gov. On the "Home" page, scroll down to "Find My Local Courthouse". Click "Find Your Courthouse". You have two options. First, you can click the "County" on the State map, or second, click the "County" in the alphabetical list. Each method will direct you to an information page for that County. Once at the County information page, scroll down and click "County Information" and click the "County Courthouse". On that page you will be provided with "Maps and Directions" to the County Courthouse selected.

Appearance: On each court date, please dress neat and clean. Your goal is to create a good "*First Impression*". This 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 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 cell phone, iPad,

or other electronic device, please turn it off or place it in “silent mode” before entering the courtroom. If it rings/beeps in the courtroom, it may be confiscated by the courtroom Bailiff and returned to you only after payment of fine, a charitable contribution or at the end of the day.

Result .08 or Higher/Refusal (*At End of 30 Days: Civil Revocation*): If your breath test result was .08 or higher, or if you allegedly refused to take the chemical test, your drivers license was immediately suspended for 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 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 in the courthouse and paying a \$100.00 restoration fee. **Until you pay this \$100.00 restoration fee, your drivers license remains suspended and you should not drive.** The Clerk's Office will accept cash or credit/debit cards. You should not drive during this 30 day period because your drivers license is suspended. If you do drive during this 30 day period and are stopped, you are subject to being charged with driving while license revoked-impaired revocation that could result in 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 45 days. If that has occurred in your case, we will address this issue with you in your initial interview.

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 10 days**, if your drivers license is revoked for 30 days, and **after the passage of 30 days**, if the *Civil Revocation* is 45 days. To apply for this *Pre-trial Limited Driving Privilege*, you must obtain an alcohol assessment as specified below, register for and agree to participate in any recommended education/treatment program, and supply the court with a DMV “*Form DL-123*” from your insurance agent. The *DL-123 Form* documents that your liability insurance is current 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 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.

Identification Card: You may need to have a form of identification during the *30 Day Civil Revocation*. If so, you may go to the North Carolina Division of Motor Vehicles (DMV) and obtain an “*Identification Card*”; the cost is \$13.00. When your drivers licensed is returned after the *30 Day Civil Revocation*, you must return back to the DMV and pay the applicable fees to have your drivers license reinstated if you obtained this *Identification Card*.

Limited Driving Privileges (*If You Are Convicted*): If you have been advised that you will be a Level III, Level IV, or Level V 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, agreed to enroll in and complete any recommended/prescribed treatment program, and supply the court with a DMV “*Form DL-123*” from your insurance agent. The *DL-123 Form* documents that your liability insurance is current 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 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 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 in your “Home” county. Performance of community service in this manner will avoid paying the \$250.00 community service fee.

Result .15 or higher (*Ignition Interlock/Restrictions on Limited Driving Privileges*): If you registered a breath/blood alcohol concentration of .15 or more, the vehicle you intend to operate with the *Limited Driving Privilege* must be equipped with an “*Ignition Interlock System*” approved by the Commission of Motor Vehicles and your *Limited Driving Privilege* will not be effective until 45 days after the date of conviction. **This is a mandatory requirement under state law; there are specific medical conditions that constitute an exception.** To avoid any delay in obtaining your *Limited Driving Privilege*, please contact *Smart Start, Inc.* immediately after your date of conviction if you are required to have the *Ignition Interlock System*. You may contact them at *Smart Start, Inc.* (252) 679-3439 or (800) 831-3299. Please arrange to have this device installed in your vehicle approximately 3 to 4 business days before the end of the 45-day period after your date of conviction. The website for *Smart Start Ignition Interlock Systems* is www.smartstartinc.com and can answer any questions you may have, including the costs associated with the device, installation and operation.

DMV Notice of Revocation (*Refusal*): If the DMV contends you 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 as well as submit a \$450 fee with your written request. If you fail to do so prior to the date of revocation, you will lose your right to a hearing to contest the alleged refusal. 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 reside, you should immediately notify the DMV of your new 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.

Alcohol 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:

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| <p>1. <i>East Coast Counseling, Inc.</i>
620 Lynndale Court, Suite C
Greenville, N.C. 27858
(252) 752-8602</p> | <p>2. <i>Choices</i>
601 Country Club Drive
Greenville, N.C. 27834
(252) 439-1886</p> | <p>3. <i>Passages</i>
323 W. Second Street
Washington, NC 27889
(252) 975-3111</p> |
| <p>4. <i>Pamlico Counseling</i>
105 E. Third Street
Washington, NC 27889
(252) 975-2027</p> | <p>5. <i>Your Area Mental Health Facility</i></p> | |

Attorney Fees: Attorneys fees are immediately payable unless other specific arrangements have been made. For your convenience, we do accept AMERICAN EXPRESS®, DISCOVER®, MASTERCARD®, and VISA®. Payments in person, over the phone and online with “Law Pay” are available. To pay online, please go to our website at www.greenvillecriminaldefenselaw.com, click “PAYMENTS” at the top of the “Home” page and follow the prompts for “Make A Payment Online”. In consideration of our agreement to accept payment by charge or credit card, you agree that no dispute with The Robinson Law Firm, P.A. will be raised with or adjudicated by the charge or credit card company and that no charge can be reversed by the charge or credit card company. ***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 attorney fees ***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 any petition to expunge the criminal 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 of \$450.00 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** (email address: les@therobinsonlawfirm.com), **Nikki Garcia** (email address: nikki@therobinsonlawfirm.com) or **Dee Fields** (email address: dee@therobinsonlawfirm.com), but note that neither Mrs. Garcia nor Mrs. Fields can provide you with any legal advice. If your question does require legal advice, Mrs. Garcia or Mrs. Fields will notify Mr. Robinson and he will counsel you as to your questions.