

## WHAT PENALTIES DO I FACE?

It is impossible to determine exactly what penalties you may face without careful analysis of your case. A determination of your possible sentence requires that an experienced attorney take your charge, your prior record, and local sentencing customs into account. However, Florida law does provide minimum and maximum penalties for DUI. Possible penalties are listed below:

### 1ST DUI

- Up to six months in jail
- 6 months - 1 year supervised probation
- 6 month - 1 year driver's license suspension
- Victim Impact Panel
- Traffic Offender Reality Check (TORC) course
- 10 day vehicle impound
- Minimum 50 hours community service
- Drug / alcohol counseling and treatment
- \$250 - \$500 fine + court costs
- 12 hour DUI traffic school

### 2ND DUI

- Up to 9 months in jail
- 1 year supervised probation
- Up to 5 year driver's license suspension
- Advanced DUI school, possibly followed by mandatory counseling
- 30 day vehicle impound
- \$500 - \$1000 fine + court costs
- Ignition interlock device if 2nd DUI within 5 years
- Mandatory jail time if 2nd DUI within 5 years

### 3RD DUI

- Up to 5 years in jail
- Up to 5 years supervised probation
- \$1000 - \$2,500 fine + court costs
- 10 year driver's license suspension if 3rd DUI is within 10 years of second DUI.
- Possible 90 day vehicle impound
- Advanced DUI school followed by mandatory counseling
- Ignition intelock device
- Mandatory jail time if 3rd DUI within 10 years of the 2nd DUI
- NOTE: A 3rd DUI conviction within 10 years of a previous DUI conviction is now a felony in Florida.

## WHY DO I NEED AN ATTORNEY?

You are not required to have an attorney represent you; however, there are some very good reasons why you should:

- **YOUR TIME IS VALUABLE.** Often a person charged with a crime must wait hours to have their case called by the court. A lawyer can help you get in and out of court quickly, and may be able to help you avoid appearing in court at all.
- **LEGAL LANGUAGE** can be confusing and difficult to follow. Sometimes it seems more like a foreign language. Having an attorney with you in court can help you understand everything that is occurring, and can help you phrase responses to the court in the most appropriate manner.
- **JUDGES ARE PEOPLE TOO** and like most people, they have their individual likes and dislikes. Robert Norvell has practiced extensively in Palm Beach, Broward, Martin and St. Lucie counties, and is familiar with many of the judges and their individual courtroom procedures.
- **DEMOCRACY WORKS BOTH WAYS** meaning the same laws that give the state the right to prosecute you ensure that *you have the right to tell your side of the story and to present each and every defense available to you.* Many people plead guilty to a crime without having an experienced attorney analyze their case. *Do not be one of those people.* Don't give up your legal rights without speaking to an attorney so you can be fully apprised of the rights and defenses you may be forfeiting.

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NORVELL

&

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DUI DEFENSE

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*The hiring of a lawyer is an important decision that should not be based solely on advertisements. Before you decide, ask us for free written information about our qualifications and experience*

## EXPERIENCED HELP

ROBERT NORVELL HAS OVER 10 YEARS EXPERIENCE DEFENDING INDIVIDUALS CHARGED WITH STATE AND FEDERAL CRIMES.



ATTORNEY ROBERT NORVELL

graduated from Boston University Cum Laude with a Bachelor of Arts, and again with honors from the University of Florida, College of Law. During his time at the University of Florida Mr. Norvell received Book Awards (finished number one in the class) in Property Law, Tort Law, and Estates and Trusts.

After graduating from law school, Attorney Norvell worked as an Assistant State Attorney in Alachua County, Florida. He then became an Assistant Public Defender in Palm Beach County, Florida. At the Palm Beach County Public Defender's Office Mr. Norvell was promoted to Division Chief where he was charged with the supervision of two attorneys and responsible for an active caseload. Attorney Norvell also acted as a liaison between judges and the Public Defender's Office. Because of this experience, he has personally practiced before every criminal judge in both Circuit and County Court.

Robert Norvell has been an active, well known, and respected member of the Palm Beach Criminal Defense Bar for many years. In 2006, he was appointed to the Florida Bar Traffic Rules Committee, which is a decision making committee that makes recommendations to the Legislature regarding traffic laws in West Palm Beach and throughout Florida. He is the only criminal defense attorney in Palm Beach County to sit on this Committee.

## ANSWERS TO COMMON QUESTIONS

### WHAT SHOULD I DO RIGHT NOW?

#### APPLY FOR YOUR FORMAL REVIEW HEARING:

If you are arrested for DUI and you refuse the breath test or provide a breath, blood, or urine sample which exceeds the legal limit, your driver's license is automatically suspended by the Florida Department of Highway Safety and Motor Vehicles. This can be confusing, as it has nothing to do with your criminal case -- you can win your DUI case and still have your license suspended by DHSMV.

The ONLY way to fight this suspension and possibly get your license back is to apply for a Formal Review Hearing **within 10 days of your arrest.** If you do not apply for this hearing, you will lose the right to challenge the DHSMV suspension forever.

We will help you file the appropriate paperwork whether you hire us or not. Call us to schedule a consultation for more details.

**HIRE AN ATTORNEY:** Find an attorney who is experienced in handling DUI cases. This will take away the stress of going to court on your own, and will assure you that your rights are protected. Also, an experienced DUI attorney can obtain all the evidence the state may use against you, including videotapes and breathalyzer logs. Finally, an experienced DUI attorney can help you navigate the confusing bureaucracy of the DHSMV and the help you attempt to get a hardship driving permit if you need one.

**IF YOU DO NOT HIRE AN ATTORNEY, GO TO COURT:** If you hire an attorney you may not have to go to court. Generally, an attorney can enter an appearance and appear on your behalf. However, if you do not hire an attorney you must go to court, even though you may have to wait there for hours. If you miss your court date the judge may issue a warrant for your arrest.

## WHAT DEFENSES ARE AVAILABLE?

Without careful analysis of your case, it is impossible to determine which legal defenses may be available to you. Some common defenses are discussed below:

### IMPROPER STOP

If your case involved a vehicle stop, it is possible that the stop was improper. A police officer must have a good reason to stop a vehicle -- a simple hunch, for example, does not justify a traffic stop. An improper stop may render all evidence obtained after the stop, including breathalyzer test results, inadmissible.

### OTHER CONDITIONS

Behavior which led the arresting officer to believe you were under the influence of alcohol can often be explained by fatigue or physical condition. Weather conditions, lighting conditions, and broken pavement may have also affected your performance on the Field Sobriety Exercises (FSE's). Finally, you may be able to show that the officer was simply too stringent in judging your performance on the FSE's. You can document these issues by calling witnesses or through the introduction of other evidence, thereby showing that the officer's decision to arrest you was incorrect.

### ERROR IN BREATHALYZER

The Breathalyzer machine is not foolproof. An error in maintenance or calibration may allow your breath test to be challenged.

**MANY PEOPLE PLEAD GUILTY TO DUI WITHOUT HAVING AN EXPERIENCED ATTORNEY ANALYZE THEIR CASE. IN DOING SO, THEY MAY GIVE UP VALUABLE LEGAL DEFENSES THEY WERE NOT AWARE OF.**

**YOU SHOULD NOT BE ONE OF THESE PEOPLE**

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PAYMENT PLANS AVAILABLE