

Ask Jessica

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In my opinion the police report and breath test slip are not necessary for a fair evaluation.

Tip #3 Get help if you think you need it — don't wait for the law to tell you when.

Having dealt with DUIs since 1989, I think anyone who feels as though alcohol plays too large a role in their life can benefit from counseling, but not under the threat of jail by the court system.

Kim Brooks is an evaluator I trust. You can reach her at Gwinnett Comprehensive Counseling, LLC, 678-386-1895.

I Told You They Had a Contest

Mothers Against Drunk Drivers (M.A.D.D.) awarded the Gwinnett County Police Department DUI Task Force the **2010 Statewide DUI Agency of the Year award**. This award was presented to the DUI Task Force at the seventh annual Golden Shield Banquet in Atlanta.

M.A.D.D. also recognized the individual efforts of the officers and awarded them with M.A.D.D. pins **based on the number of DUI arrests they made the previous year**.

Keep in mind what this article does not say: **an arrest doesn't always result in a conviction**. Many of those folks, admittedly, were probably guilty of DUI, but there is no way all of those arrests ended up as convictions.



Do you need a referral?

Chances are we can refer you to an excellent local attorney outside our area of practice: call us at 770.338.2338 or email jtowne@clarktowne.com.

WWW.CLARKTOWNE.COM

Volunteer Spotlight

The Quinn House

www.thequinnhouse.com

120 South Perry Street
Lawrenceville, GA 30046
(770) 962-0470

The Quinn House is a multi-task, non-profit Outreach Operation that assists hundreds of people in Gwinnett County and in other areas of the state by running drug and alcohol programs, food banks, and a thrift store.

Volunteers are needed in the thrift store located at 516 West Crogan Street, Lawrenceville.

Additional Charities...

Click "Law Links & Resources" on the DUI Information page of the clarktowne.com website for a detailed listing of charity web addresses and contact information.

Let Me Know

If you've worked with any non-profit in the area, let me know what you think of the organization and if I should continue to suggest it as a worthy place to volunteer. I'd also like suggestions of other local non-profits to add to this list.

Email: jtowne@clarktowne.com

Clark & Towne Believes...

We strongly believe that education is the first step in the prevention of any type of legal crisis. We've proudly worked to resolve our clients' dilemmas since 1990. We are in your community, have the experience and resources required to work toward your goals, and we're here to help. We also accept a limited number of injury cases each year resulting from serious auto, truck or motorcycle accidents.

Pass this newsletter on to a friend or recycle



MAY 2011

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CLARKTOWNE.COM

*"Learn from yesterday,
live for today, hope for
tomorrow.
The important thing is
not to stop questioning."
—Albert Einstein*

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Thank You!

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CLARK & TOWNE ATTORNEYS

WE'RE HERE TO GUIDE YOU THROUGH ANY
UNEXPECTED LEGAL CRISIS

David Clark Speaks Out on April 20

David Clark wrote the book **101 Ways to Beat a Marijuana Charge in Georgia** last year when he was the Executive Director of Georgia NORML, the Georgia chapter of the National Organization for the Reform of Marijuana Laws. Even though he has stepped down from that post he is still a vocal proponent for decriminalization (making medicinal marijuana available, allowing personal use amounts to become a civil infraction, not a criminal offense as has been done in MA and NJ). He spoke with radio personality Rusty Humphries (640 West, The Talk of Atlanta) on April 20 about why Georgia should legalize marijuana.

Most radio personalities love playing the "devil's advocate" and I'd say that Rusty is no exception. Yet Dave's sensible answers had Rusty searching for something sensational. Here is just one of Dave's

arguments that sounded rational even to Rusty:

"From a defense attorney's point of view, one strong argument for legalization is



the way local courts choose to punish those convicted of a misdemeanor possession of under one ounce of marijuana. Over the years, Clark & Towne has represented clients facing these charges in a number of metro Atlanta courts, and we've noticed a wide range

of penalties. The law says possession of under one ounce can lead to a maximum of a \$1,000 fine and up to 12 months in prison, but we've noticed the actual penalties vary. For instance, in Fulton County, it's more likely a first time possession charge will be dismissed entirely while the same charge in a place like Lawrenceville, Georgia will often result in the full fine and jail time. This simply doesn't make sense. The judges in Fulton County understand that jail is for criminals, not for pot smokers."

If you or someone you know lives in Georgia and may be known to smoke marijuana, make sure to buy and read Dave's book. Proceeds from each sale support Georgia NORML.

Amnesty for fines

According to the Thursday, April 28 Gwinnett Daily Post, any current probationer for Gwinnett State Court who has a warrant issued against him or her for failure to pay fines and costs or failure to comply with other probation conditions may be eligible for an "amnesty" from May 1 through June 30 by contacting Southeast Corrections at 404-410-2555 ext 1003.

FOR MORE
INFORMATION

**Listen to David Clark's
4:20 interview:**
tinyurl.com/3gwd92v

**Order 101 Ways to
Beat a Marijuana
Charge in Georgia:**
tinyurl.com/3h7pmq6

Georgia NORML
georgianorml.org

One of the questions on a life insurance form is “Have you ever been convicted of a DUI?”

Community Resources

This month, I’m launching a new feature in the newsletter where I provide helpful information about local businesses who are interested in helping my clients and known to me personally.

Our first Community Resource feature is State Farm Insurance agent Mike Swago. His primary focus is on life and disability insurance.

Did you know that on a life

insurance application, the insurance company wants to know if you’ve been convicted of a DUI? That’s yet another reason to avoid a DUI conviction.



Mike Swago

Mike tells me that as long as the conviction is at least one year old, State Farm will consider writing a policy.

If you have any life or disability insurance questions, please give Mike a call at 678-778-6844, and tell him you heard about him in the Clark & Towne newsletter.

From Our Blog

I’ve gotten the same chain email several times this year that claims over-paying your speeding ticket fine prevents points from being added to your driver’s license. The theory is that because it is illegal for the Georgia DMV to accept extra money for a fine, they must refund the extra money. Then, if you don’t cash your refund check, the case is never closed and the ticket never reported.

If this is for more than 14 mph over the speed limit, you will get insurance points.

I checked with my all-time favorite myth busting site, snopes.com to see if it was true. Sorry; Snopes says this can’t possibly happen. Snopes lists several reasons why this won’t work, but my favorite reason is that this email has been going around for so many years now that all the DMVs in the English speaking world have caught on and have changed their systems.

Speeding & Points

I’m amused by the idea that the Brits, Aussies, Yankees (even Southern Yankees) and the rest of the colonies are all trying to buy their way out of the system.

Not to close the case at that point, I even checked with the Georgia DDS attorney, and she confirmed that over-paying a ticket gets you nowhere. In Georgia, once a court reports a ticket with a speed 15 or miles over the speed limit, points are added to your driving history. It would be the court clerk, not DDS, that receives your fine and the court clerk who issues the refund.

Until you find another sure system, you’ll just have to pay your fine like everyone else.

How many points?

Georgia does not list tickets on a driving history where the driver is going less than 14 mph over the speed limit, and by law doesn’t allow insurance companies to assign points for tickets given for going 1-14 mph over.

Georgia laws set the points which are:

- 15 - 18 mph over the limit: 2 points
- 19 mph - 23 mph: 3 points
- 24 mph - 33 mph: 4 points
- 34 mph or more: 6 points

How much money?

Ticket fines vary throughout the state because they are set by local jurisdictions, but are usually at least \$100.

Don’t forget Super Speeder fines— an extra \$200 per ticket for those drivers caught going 85 mph or more on the highway.

Ask Jessica

Question:

As part of my conviction, I have to attend an alcohol treatment program. This is my first and last DUI because I don’t have a drinking problem. How can I find an evaluation program that doesn’t just want to sign me up and take my money on the treatment end?

Answer:

Since 2008, judges are required to order an alcohol evaluation and treatment on all DUI convictions, not just second or subsequent DUIs. Many judges impose an evaluation when a DUI is amended to Reckless Driving. As a result, I have clients worrying about having to attend one of these programs. Yes, evaluation programs do add

Alcohol Treatment Programs

to the overall cost of a DUI, but they give you a chance to avoid attending the treatment part. If you truly don’t have an alcohol problem the evaluator will see it and recommend you don’t attend a treatment program. Sometimes, however, an evaluator will see a problem you can’t see in yourself.

Here are three tips to finding an unbiased and truthful evaluation:

Tip #1 Separate your evaluation and your treatment.

I counsel my clients to obtain an *evaluation* at one place, and tell the evaluator up front that if treatment is recommended, that you will be going somewhere else

for *treatment*. In my opinion, in order for the evaluation to be free of any bias, the recommendation should not depend upon the evaluator needing folks in his or her treatment program.

Tip #2 Get a fair evaluation.

All evaluators will give you a standardized test that shows if you would benefit from more counseling. In addition to the test, the evaluator should have an in-person interview with you to discuss your personal background, family background, educational and work background and any difficulties recent or in the past that encourage drinking. *Continued on back page*



Many judges impose an evaluation when a DUI is amended to Reckless Driving.

Find Us Online

We’re *everywhere* online. Read our articles or ask us questions. We’d love to hear from you.

Avvo: tinyurl.com/3m55k7s

Twitter: twitter.com/jessicatowne

Facebook: companies.to/clarktowne/

LinkedIn: www.linkedin.com/in/clarktowne

You Tube: www.youtube.com/user/ClarkTowneAttorneys

Come join a group of clients who learn about the latest Georgia legal news & how the law affects them.



WWW.CLARKTOWNE.COM

Thank You!

My staff and I welcome the new clients who’ve joined the Clark & Towne family this past month, and we send our personal thanks to all those who referred

friends and family and went out of their way to send notes of appreciation. Thanks also to all of you who took the time to request topics they would

like to see addressed in this newsletter and on the clarktowne.com blog. Thank you and please feel free to call the office if we can be of help.