

Ask Jessica

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It is possible that Spain might rule that Google must take down the information or even limit the life span of web articles in Europe. But we don't live in Europe and the outcome of this case is not expected to change how things work in the U.S.

Here in my home county of Gwinnett, there are other places where an old arrest might pop up, and we're just not sure how to get your name out. For instance, the sheriff posts the name, address and list of charges for anyone who is arrested and booked in his jail. As far as I can tell, this information is never deleted.

Another local spot where your information may show up is on the Gwinnett court website. I love e-filing,

and use if frequently, but once information is entered in the courts' website, may never be deleted. The clerk of court supposedly updates information, but I'm not aware that the clerk ever deletes names or case information.

Maybe you aren't all that interesting and the newspaper didn't write about you. What about your friends? Did they talk about the incident on facebook? Their personal blog? What if you gave details about your arrest on a legal q & a site? Information

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

Norcross Cooperative Ministry

www.norcrossco-op.org
2275 Mitchell Road
Norcross, GA 30071
770-263-0013

Our services include food, clothing, financial assistance, ESL classes, job ministry, small support groups and referrals. We also work closely with local agencies to help meet the many needs of our clients and to develop better ways to serve the community.

Court ordered community service hours are available on Tuesdays from 10 - 4.

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

Continued

about your situation could still be floating around the internet.

If your arrest story is on a site you have control over, take it down. If it is on a site you have no control over, all you can do is hope the company who owns the site deletes information once it becomes stale. There are a few companies that specialize in erasing your online tracks. In a worst case scenario, you can contact one of them. However, there is only so much they can do.

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"Man is fond of counting his troubles, but he does not count his joys. If he counted them up as he ought to, he would see that every lot has enough happiness provided for it."

—Fyodor Dostoevsky

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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



CLARK & TOWNE ATTORNEYS

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

How to Erase Your Past

Have you ever had a brush with the law where you were arrested but your charges were later dropped? A situation like this falls into the tiny percent of Georgia cases that are eligible for expungement each year. Expungement is the only legal method that completely removes an arrest from a person's criminal record. In theory, if you have your record expunged, no one will ever know of your arrest.

The reality is different. When an arrest is expunged from your record, the information about that arrest is no longer available

for your local police department, potential employers, or nosy people to see. However, the FBI, homeland security and the military can still access everything that was ever on your record. Should you attempt to join the armed forces or get a job that requires a high security clearance, your expunged arrest will show up. Chances are, an arrest where the charges were later dropped probably won't affect a career move, but it could.

Who else might be able to find out about your old arrest? If you are a local celebrity, perhaps the city

newspaper wrote an article about it. That article is still out there for all to see. Not hidden in the dusty library on microfiche, either—it's on the internet for anyone to find.

Whether someone stumbles upon it or not depends on your luck. In Spain right now, an unlucky plastic surgeon is suing Google because a newspaper article written ten years ago mentioning the doctor's botched work (for which he was later cleared) still shows up as the #1 search result when the doctor's name is Googled. *Continued on back.*

Anonymous Tipsters Become Hipsters

You've got to hand it to the Atlanta PD. Instead of complaining about citizens using smart phones to circumvent the law, they've created an app that helps the public help the law.

Now available for your smart phone: TipSubmit Mobile, a free application for iPhone, iPod Touch and Android devices that allows users to send crime information to law enforcement while remaining anonymous. The app lets users submit video,

pictures and even have two-way communication with the police anonymously.

This could make my job harder. Currently, when I am cross-examining an officer about an anonymous tip that led him to stop my client, the officer usually admits that he did not see the offending behavior himself—only the tipster did. With this new technology, the person contacting the police can send video and images too,



which could corroborate the story. I look forward to seeing how this technology holds up in court. Get your free app at www.crimestoppersatlanta.org/MobilePhoneApp-248.

Become a Reviewer

Scan this code with your smart phone and you'll be taken straight to Jessica's review page.

I contribute articles and answer questions on avvo.com, a website that helps people make better legal decisions. I have an online profile there with space for reviews from my former clients. If you feel comfortable recommending my services, I would welcome your comments for my Avvo pro-

file. It only takes a couple of minutes and you can remain anonymous if you prefer. Scan this code with your smart phone and



you'll be taken straight to the review page. Or, you can do it the old fashioned way by going here:

<http://j.mp/iP3En0>

From Our Blog

I recently came across an article directed toward cops about proper facebook etiquette. Much of what the article talked about was relevant to just about anyone: don't post compromising pictures of yourself, and don't insult



your boss, colleagues, or department.

My favorite tip was "no gun glorification"—and especially no pictures of pretty girls holding police-issued guns posing provocatively on marked police cars. It scares me that any officer has to be told that. Guns are

Cops & Facebook

supposed to be tools of the job. The officers don't actually like them, do they?

But on a much more serious note, the law enforcement community is using facebook to identify suspects. A colleague of mine recently lost a case thanks to facebook.

This is how it happened: my attorney friend challenged the prosecution to identify his client by having his client come to court with two similar-looking people. The lawyer thought that because the case was fairly old and because the

police had no video or booking photo, the police witness would not be able to identify the right person. Instead, the police officer got on his smart phone and went to facebook where he found a picture of the client and identified him.

Pretty amazing. So, watch your facebook etiquette everyone, and remember that anything you or your friends have posted on facebook can probably be found.

Ask Jessica

Legitimate Field Sobriety Tests

Question:

Can I refuse to take Field Sobriety Tests? How many tests are there? What happens if I refuse?

Answer:

There are only three standardized field sobriety tests (SFSTs) police can give a driver. These three are:

- horizontal gaze nystagmus (aka HGN or "follow the pen with your eyes"),
- walk and turn (aka heel to toe) and
- one-leg stand.

You may have heard of other tests, such as saying the alphabet, counting backwards, or touching

your nose with your index finger, but these tests are not approved by the National Highway Traffic Safety Administration. Few knowledgeable officers ask a driver to perform non-approved tests because they know that, while these tests may confirm some level of impairment, they cannot be used to guess a certain blood alcohol content.

Standardized Field Sobriety Tests in Georgia are not mandatory. If an officer asks you to perform any, simply ask if the tests are voluntary. Since the answer is "yes," politely decline to take them. After you refuse to take the tests, one of two things will happen: the officer

will allow you to leave or the officer will arrest you (which likely would have happened anyway after you failed the SFSTs while supplying evidence to secure your conviction).

Whether or not you choose to take the SFSTs is up to you. If you take them and perform badly in the eyes of Officer Friendly, you will be arrested while giving extra evidence. If you don't take them and the cops decide to arrest you anyway, at least you haven't given any additional evidence.

Do these tests hold up in a court of law? You'll have to wait until next month to find out.



Standardized Field Sobriety Tests in Georgia are not mandatory.

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

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LinkedIn: www.linkedin.com/in/clarktowne

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

Come join a group of clients who learn about 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. I would also like to send out my personal thanks to all that have referred friends and family to us in ever growing numbers. My success over the years has been mainly built upon referrals from previous clients and friends. Referrals are the highest compliment that I and my law office can receive.