

## Bad Science = Bad Arrests

Continued

Scientists shared their findings with law enforcement back then and the law is certainly aware of this fact today. Yet despite its shortcomings, if this test identifies a substance as marijuana, the officer then:

3. uses a KN reagent test to prove the substance is marijuana. KN reagents are also known to produce false positives.
4. If all three screening tests are positive, the officer reports the substance as marijuana. It used to be that the police then sent a sample to the crime lab for much

more reliable testing. However, due to "budget cuts," local police now test the materials at the police station, and no confirmatory, scientific test is ever done.

What can you do if you've been arrested for possession of something similar to marijuana, such as sage, in Georgia?

Stop talking (no one has listened to you yet, otherwise you wouldn't be under arrest) and ask for a lawyer. Good Georgia DUI and drug lawyers are very familiar with these testing methods and we know just how

unscientific they are. But don't just call any lawyer. A lawyer who is not extremely familiar with marijuana testing methods probably won't believe you any more than the police.

### Do you need a referral?

Chances are we can refer you to an excellent local attorney outside our area of practice. Call 770.338.2338



## Days of Service on September 10

Join Gwinnett County for the 9/11 Days of Service on Saturday, September 10 from 9:00am to noon at Rhodes Jordan Park in Lawrenceville. Volunteers will paint a mural and install landscaping at the community recreation center.

Residents are also invited to bring their electronics, tires, and paper for recycling! Paper shredding is \$5/box. Electronics recycling is free, but there is a \$10 charge for TVs. Tire recycling is free - limit eight per vehicle. No businesses, cash only.

[WWW.CLARKTOWNE.COM](http://WWW.CLARKTOWNE.COM)

## Volunteer Spotlight

### Gwinnett Helpline

750 S Perry Street, Suite 312  
Lawrenceville, GA 30046  
770-995-3339

The Gwinnett Helpline links callers to county resources (like free or reduced food, healthcare, housing, child care). As a volunteer, you'd answer the phone and ask the caller what kind of help he or she needs. Using a computer, you would provide information for other groups the caller should contact for the actual help. For callers with email, you might also send links via email to the callers.

Volunteers must be 20 or older and able to use a computer.

### Additional Charities

Click "Law Links & Resources" on the DUI Information page of the [clarktowne.com](http://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](mailto: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.

Pass this newsletter  
on to a friend or recycle



SEPTEMBER 2011

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# CLARK & TOWNE ATTORNEYS

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

## Bad Science = Bad Arrests

An article in one of the most respected British newspapers recently highlighted how American cops routinely bust people for marijuana using flawed scientific tests. The newspaper claims people are being arrested for substances that are not in fact marijuana.

Indeed, Georgia police out in the field do use a test that can falsely identify marijuana, but it isn't the only test they use when investigating a marijuana-like substance. To determine if something is marijuana, officers follow a carefully outlined procedure that still manages to fall short of scientific accuracy.

Here is how they decide if someone is carrying marijuana:

1. The officer performs a methodical sensory inspection. Officers are trained in how marijuana looks, feels, tastes, and smells. Of course, there are other herbs that look and feel similar to marijuana so they also:
2. administer the Duquenois-Levine test. This is the test that is panned in the article, and rightly so.

Developed in the 1930s (yes, the test uses 80 year-old methods and chemistry) it is used to prove a substance is marijuana. However, in the 1960s, scientists discovered this test also shows positive for substances that aren't marijuana.

Continued on back

### Inside this issue:

*Driving Report*

*From Our Blog*

*Ask Jessica*

*Thank You!*

*Bad Science Con't*

*Volunteer Spotlight*

## What is Recorder's Court?

The Gwinnett County Recorder's Court handles all Gwinnett County traffic citations written by the Gwinnett County Police Department, Gwinnett County Sheriff's Department, Georgia Department of Motor Vehicle Safety, and the Georgia Department of Transportation. The majority of cases are speeding tickets and minor car accidents that involve no or minor injuries.

Recorder's Court also handles all Gwinnett County code ordinance violations, such as citations written by Gwinnett County Animal Control, the Planning and Zoning/Inspection Department, the Business License Department, and the Environmental Health Department. The majority of these types of cases involve loose or barking

dogs, signs of the wrong size or in the wrong place, and property that needs repair.

There are no jury trials in Recorder's Court. Traffic violations can be sent to State Court for a jury trial. Most local ordinance violations are limited to trial before a judge only.



Photo by Jack Spade

## Monthly Driving Report

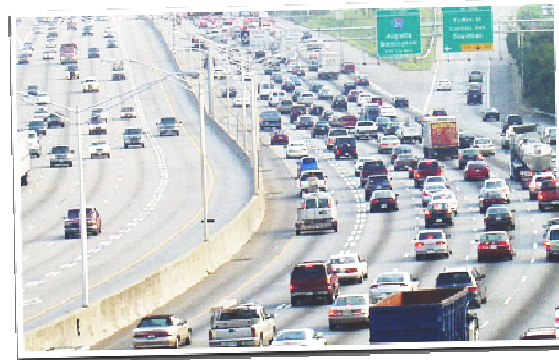
The payment of traffic tickets is a major source of income for Gwinnett County. In this era of

decreasing sales tax revenue, you can expect to see more police on the sides of the roads, waiting for you to speed past them. The following Gwinnett-area courts reported this many traffic tickets in June 2011:

**Gwinnett County Courts:**  
 Juvenile Court — 76  
 Superior Court — 94  
 Recorder's Court — 4439  
 State Court — 276

**City Courts:**

Suwanee — 1007  
 Loganville — 419  
 Lilburn — 320  
 Lawrenceville — 574  
 Duluth — 712  
 Norcross — 255



## From Our Blog

## Traffic Seems to be Moving?

Gwinnett transportation officials received formal approval this summer to install more traffic cameras and fiber-optic cables to monitor traffic flow and allow real-time, remote control adjustments from the Gwinnett Traffic Control Center in two congested areas.

These traffic cameras are not the same as the red light cameras that snap photos of the license plates of drivers who run red lights.

A six-mile stretch of Pleasant Hill Road between Lawrenceville Highway/U.S. 29 and Buford Highway/U.S. 23 will get the new traffic-management equipment, as will almost three miles

of Buford Drive/State Route 20 between I-985 and Peachtree Industrial Boulevard near the Mall of Georgia.

Instead of just hopping in your car and hoping you don't end up in a traffic jam, county officials want you to plan your commute by checking live streaming traffic feeds that can be viewed on the GC Smart Commute web site.

Approximately 115 cameras are currently operating in Gwinnett County, with a total of 175 expected to be operating within the next several years.

Eighty percent of the money for this installation comes from state transportation

funds and the rest from Gwinnett's 2009 SPLOST sales tax program.

Perhaps Gwinnet County can find funds to develop a cell phone app, so we can check the cameras even when we aren't in front of a computer.

**GC SMART  
 COMMUTE  
 WEB SITE:**

[GWINNETTCOUNTY.COM/  
 PORTAL/GWINNETT/  
 DEPARTMENTS/  
 TRANSPORTATION/  
 GCSMARTCOMMUTE](http://GWINNETTCOUNTY.COM/PORTAL/GWINNETT/DEPARTMENTS/TRANSPORTATION/GCSMARTCOMMUTE)

## Ask Jessica

**Question:** My 19 year-old son was arrested for possession of drugs while driving my car, which was then impounded. After the police released my car, my lender seized it and now plans to auction it. I've never been late on payments, and since I am the owner and wasn't the one arrested, I don't think the bank has any right to do this. What can I do to stop this?

**Answer:** Banks have authority to accelerate a loan if it comes to their attention that the collateral has been endangered. It's called "negligent entrustment." Now, how did the bank find out about your son's arrest in your car? It's

quite possible someone in the DA's office or even the arresting officer notified them, hoping to get a great deal on your car at auction.

Since if your car sells for more than you owed on the note, the bank must give you the extra money, it's in the bank's best interest to get exactly or just a little under what was owed on it. To do so, it's more than likely the bank will take sealed bids — which could mean the loan officer calls his buddy who regularly buys cars at repossession and gives him a heads up. However, the law says the bank must tell you how much your car sold for ("notice of the sale") and a court must confirm the sale.

## Bank Car Auction

If you object to the sale, the bank may be held accountable for failing to obtain top dollar.

Now, here is where you may be able to seize control of the situation: before the auction, get two separate appraisals of your car's value. Send copies of these to the bank along with a letter stating should the bank not get appraisal value, you will sue them for failing to act in a proper fiduciary role to protect the loan. This might be enough to call the auction off. If it isn't, at least you'll be getting a fair price and have a down payment for your next vehicle — one which you will never, ever let your kid drive.



How did the bank find out about your son's arrest in your car? It's quite possible someone in the DA's office or even the arresting officer notified them, hoping to get a great deal on your car at auction.

## 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](http://tinyurl.com/3m55k7s)

**Twitter:** [twitter.com/jessicatowne](http://twitter.com/jessicatowne)

**Facebook:** [companies.to/clarktowne/](http://companies.to/clarktowne/)

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**You Tube:** [www.youtube.com/user/ClarkTowneAttorneys](http://www.youtube.com/user/ClarkTowneAttorneys)

Come join a group of clients who learn about how the law affects them.

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## 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.