

Dismissal of OWI (2nd Offense) - Milwaukee County Circuit Court

After the judge granted our motion to dismiss the case in February 2011, our client said:

I don't even know what to say. I am so happy. This is just a fantastic job. This is fantastic news. The whole thing is dismissed, gone, over, done. Wow, that is incredible! The judge obviously made the right call and the right decision. That is just fantastic. I cannot be happier. Thank you!

Waukesha County .10 Amended to Reckless Driving

In December 2011, a Waukesha County municipal court judge approved an amendment to reckless driving following our client's breath test result of .10 at the police station and a preliminary breath test result of .05 at the roadside. Taking advantage of a recent federal court ruling, we were able to obtain a court order permitting our expert to testify that at the time of operation our client's alcohol concentration was .03. The expert used the .05 result from the preliminary breath test. We were able to successfully argue that while the prosecution cannot use the preliminary breath test as evidence against a defendant, the fact that a defendant is entitled to present a defense raises constitutional implications requiring a judge to consider the results of a preliminary breath test if it offers benefit to the defendant.