

# ADVERTISEMENT

# The DWI Defense Guide

THE COMPREHENSIVE GUIDE TO PLANNING YOUR NEW JERSEY DWI DEFENSE

20 Ways to Challenge  
a DWI Arrest!

What You Need  
to do NOW

Arrest Does Not  
Equal Conviction

Suppressing Your  
Breath or Blood Test

Winning a DWI Case

Hiring a Qualified Lawyer



*Introducing Evan Levow  
DWI Defense Lawyer*



Why Should I Fight  
My DWI Charge?

Is Field Sobriety  
Testing Reliable?

What Your Lawyer Needs  
to Know to Defend You

# The DWI Defense Guide

THE COMPREHENSIVE GUIDE TO PLANNING YOUR NEW JERSEY DWI DEFENSE

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# WHAT TO DO IMMEDIATELY

## Hire a Qualified DWI Attorney

The single most critical step you can take after your DWI arrest is to hire a qualified DWI attorney who knows the nuances of New Jersey DWI law and will aggressively fight for your rights. DWI cases CAN be won. The way your DWI is defended can be the difference between a dismissal and a conviction. This is why it is especially important to hire a lawyer who is known as a DWI lawyer – someone who devotes his or her practice to DWI defense.

**In your search to find the best possible representation, consider asking the following questions when interviewing lawyers:**

1. How many years of DWI experience does the lawyer have and how many DWI cases have they handled; what is their track record on dismissals?
2. Is the lawyer trained in field sobriety testing? Is the lawyer trained as an instructor in field sobriety testing?
3. Is the lawyer trained in the maintenance and operation of the Alcotest machine? Does the lawyer have advanced training in breath, blood, and urine testing?
4. Does the lawyer own the breath testing machine you were tested on? Do they understand its many pitfalls and



errors? What is their track record in getting breath test results suppressed?

5. Is your lawyer a member of professional organizations dedicated to DWI defense?
6. Is the lawyer an instructor at DWI seminars or an attendee? How many DWI continuing legal education courses does the lawyer go to each year?
7. Has the lawyer been involved in any noteworthy DWI cases?
8. Does the lawyer have a strategy to defend your DWI case? How aggressive is the lawyer?
9. What is the lawyer's reputation for handling DWI cases?
10. Is the lawyer known as a DWI lawyer?
11. How available is the attorney you are considering? You want a responsive lawyer who is receptive to your questions and concerns. This is your life – your freedom, license, and job.

***Good communication between you and your lawyer is essential at this time.***

## AM I ALLOWED TO DRIVE WHILE MY CASE IS IN PROGRESS?

Unlike other states, in New Jersey if you are stopped and arrested for a DWI, you don't automatically lose your driving privileges. Throughout the duration of your case, you keep your driver's license and can continue to drive. Your driving privileges will remain intact unless you are convicted and your license suspended by a judge in court.

Clearly, your goal is to avoid the DWI conviction and maintain your driving privileges.

Contact an experienced DWI lawyer to help you evaluate your case.

# WHY SHOULD I FIGHT MY DWI CHARGE?

100% of those who plead guilty are found guilty and will have a DWI conviction on their permanent record. If you plead guilty, you will lose your driving privileges, be fined thousands of dollars, and may face jail time.

However, fighting your DWI charge with a qualified DWI attorney who will challenge the state's evidence against you may result in a reduction or even dismissal of the charges against you. If you challenge your DWI case, the prosecutor may fail to obtain the necessary evidence or witnesses needed to convict you. Challenging your case means there is hope.

There are often sound legal reasons to fight your case. For example, an officer cannot pull you over on a hunch; there has to be a valid reason for the stop. If the stop was not legal, any evidence gathered during or after the stop can be suppressed. Your case could be dismissed entirely. At times, breath testing machines are not calibrated properly, or the person operating the machine was not certified to do so. In these cases, even though you blew over the legal limit, the reading may be wrong. If you were blood tested and your sample fermented

or clotted, this can produce a false positive. If an alcohol swab was used, this could artificially inflate your blood alcohol reading. Errors such as these can only be uncovered if you fight your case.

In the state of New Jersey, if you are convicted of Driving While Intoxicated, you will lose your license. You may also go to jail. Additionally, a DWI conviction can affect you well into the future because a DWI in New Jersey can never be expunged. Finally, if convicted, you face thousands of dollars in surcharges. First and second offenders are surcharged \$3,000, while third offenders are surcharged \$4,500. These surcharges are separate from and in addition to insurance company surcharges which can be up to several thousand dollars a year for 3 years.

There are many excellent reasons to challenge your DWI arrest. If you choose to fight the charges against you, **hire the most qualified DWI attorney you can.**

## ARREST DOES NOT EQUAL CONVICTION

### *20 WAYS TO CHALLENGE A DWI*

There are many ways to defend against a New Jersey DWI charge. Here is a list of some of the best DWI defense tactics put together by New Jersey DWI attorney Evan Levow. Not all of these will apply to every case. Please call Evan Levow today for a free consultation. 1-877-EVAN-LEVOW. Evan's cell phone: 1-856-889-5181

- 1. Illegal Stop** - A police officer cannot stop a car without having a reasonable and articulate basis to believe that a law has been violated. Therefore, if the officer stops the car simply because he saw the driver walk out of a bar and get into the car, the DWI charge may be dismissed based on lack of probable cause that a motor vehicle violation occurred.
- 2. Medical and Health Problems** - Medical problems with legs, arms, neck, back, and eyes can affect the results of field sobriety tests. Other medical conditions can affect the validity of breath test results.
- 3. Bad Weather** - Weather reports establishing high winds, low visibility, ice, and other conditions may be used to explain poor driving or balance on the field sobriety tests.
- 4. Standardized Field Sobriety Tests** are not reliable evidence of intoxication. In healthy persons, the "One Leg Stand" test is only 65% accurate in predicting someone to be over the legal limit of 0.08% BAC. That is a D in most school grading systems. The "Walk and Turn" test is only 68% accurate. Persons with injuries, medical conditions, 50 pounds or greater overweight, and 65 years or older cannot be validly judged by field sobriety tests. The eye test is not admissible in NJ courts to prove intoxication.
- 5. Non-Standard Field Sobriety Tests** are not much better than flipping a coin to see if you are under the influence. Neither the Federal Government (NHTSA) or medical science consider touching your finger to your nose, saying the alphabet, or counting backwards as valid tests to determine intoxication.
- 6. Car Videos, Body Cameras, and In-Station Videos** All New Jersey State Troopers, and many other New Jersey DWI enforcement officers have video cameras in their patrol vehicles and some wear body cameras. These videos, along with videos from testing rooms, booking rooms, and other sources can be good defenses to some New Jersey DWI charges. These videos can show that the

field sobriety tests are not as bad as the officer interpreted them. Recordings may show the driver's speech was not slurred, or incoherent, their balance was not compromised, and their attitude was not combative or uncooperative.

7. **Failure to Read the Implied Consent Warning** - The officer must read the driver the New Jersey Implied Consent Law before the driver submits to the breath test. Failure to read the form or failure to read the correct form may result in a dismissal of charges.
8. **Failure to Conduct Observation Period** - If the police fail to keep you under observation for 20 minutes prior to breath testing, the results of the testing may be excluded.
9. **Breath Test Operator Not Certified** - A New Jersey Breath Test Operator must possess a valid operator's license, or the breath test is inadmissible.
10. **Breath Test Operator License Expired** - A New Jersey Breath Test Operator must possess an unexpired operator's license or the breath test result is inadmissible. Licenses automatically expire in 3 years.
11. **Breath Testing Machine Malfunction** - If there is a malfunction or repair of the breath test machine, your test results may not be accurate. Examples of this include: improper machine settings; failure of the machine to recognize errors in testing; machine failure on timing issues; failure to input correct arrest information. If the prosecutor can't show that all the proper procedures were followed with the machine then the results of the testing might not be admitted into evidence.
12. **Breath Test Machine Not Properly Operated** - There are specific protocols which must be followed for a breath test to be considered valid. Failure to follow these protocols can result in improper readings and may be a reason to exclude the readings in court.
13. **Interfering Substances** - False breath test results may be caused by many items such as asthma medication, mouthwash, cough drops, paints, or fingernail polish, which contain forms of alcohol. Chemicals that you work with may also create a false positive result on the breath test.
14. **Inaccurate Blood Test** - The admissibility of blood testing depends on the procedures used in taking the

sample, preservation of the sample, the testing protocol and the analysis of the sample. Sometimes police blood testing fails to follow the prescribed rules of testing, analysis, and preservation. Medical facilities that take blood samples sometimes fail to follow proper protocol. Even if they say the prep swab is non-alcoholic, there can be some trace of alcohol in the swab which can subject samples to contamination. Hospital testing overestimates a blood sample by as much as 20% in healthy, uninjured individuals, and is not statistically reliable in severely injured persons. When hospital staff use lactate ringers during the treatment of a patient, the hospital blood serum results can report falsely elevated readings.

15. **Drug Based DWIs / Drug Recognition Evaluation (DRE)** - If your blood pressure and temperature were taken, and you were induced to perform additional physical tests in the police station then you went through the DRE protocol. This protocol has not been proven reliable in New Jersey court.
16. **Forced to Give Blood or Urine** - You cannot be forced to give blood or urine. If you were forced to do so, results can be excluded in court. If you refuse to give blood or urine, you cannot be charged with refusal: Refusal applies to breath testing only, in New Jersey.
17. **Failure to Provide Complete Discovery** - If the prosecutor has not provided all the required evidence, a motion to compel evidence must be filed. If the discovery is still not provided by the date ordered by the judge, then charges may be dismissed.
18. **Failure to Provide a Speedy Trial** - The State must provide a trial within specified time periods. If they don't, the case may be dismissed. Guidelines require that New Jersey DWI cases be resolved within 60 days of the date of the arrest.
19. **Independent Witnesses** - Sometimes witnesses to accidents, bartenders, hospital personnel, and others can provide crucial evidence of the defendant's sobriety.
20. **Expert Witness** - Expert Witnesses are available to review the validity of the breath test, blood test, and field sobriety tests. Almost all cases require the assistance of these experts.

# New Jersey DWI Lawyer.com

We will thoroughly challenge the evidence against you. These cases can be won.

# Refusal to Submit to Breath Testing

If you are arrested for DWI in New Jersey, the arresting officer will request that you blow into the Alcotest machine. If you don't comply, you will be given a separate ticket for "Refusal to Submit to Chemical Testing," which carries significant penalties separate from and in addition to the DWI, resulting in double the loss of license and fines imposed from the DWI charge.

On a first offense Refusal conviction, the driver must surrender his/her New Jersey license to the court, which then forwards the license to the Motor Vehicle Commission (MVC). The driver is suspended until he/she gets an ignition interlock device (IID) installed in the car he/she plans to drive, brings proof of installation to the MVC, pays a restoration fee of \$200, and gets a new picture ID with "INTERLOCK" printed at the top. License suspension will be from the day of conviction until proof of installation is presented to MVC and a new license is issued. The IID must remain installed for 9 to 15 months from the date of installation.



Second offense conviction for Refusal will result in a 1 to 2 year license suspension. An IID must be installed during the suspension, and must remain installed for 2 to 4 years after return of the driver's license.

A third or greater offense conviction for Refusal will result in an 8 year license suspension. An IID must be installed during the suspension, and must remain installed for 2 to 4 years after return of the driver's license.

A Refusal conviction requires that the state must prove four things:

- The vehicle stop was based on reasonable suspicion that a violation of the law occurred.
- There was probable cause to believe a violation occurred resulting in your arrest.
- There was reasonable suspicion to believe you were under the influence of alcohol.
- You were read the following written statement below:
  1. You have been arrested for driving while intoxicated. N.J.S.A. 39:4-50.
  2. The law requires you to submit samples of your breath for the purpose of testing to determine alcohol content.

3. A record of the taking of the breath samples, including the test results, will be made. Upon your request, a copy of that record will be made available to you.
4. After you have provided samples of your breath for testing, you have the right, at your own expense, to have a person or physician of your own selection take independent samples of your breath, blood, or urine for independent testing.
5. If you refuse to provide samples of your breath, you will be issued a separate summons for the Refusal. A court may find you guilty of both Refusal and Driving While Intoxicated.
6. If a court finds you guilty of the Refusal, you will be subject to various penalties, including license revocation of up to 8 years, a fine of up to \$1,000, installation of an ignition interlock, and referral to an Intoxicated Driver Resource Center. These penalties may be in addition to penalties imposed by the court for any other offense of which you are found guilty.
7. You have no legal right to have an attorney, physician, or anyone else present for the purpose of taking the breath samples. You have no legal right to refuse to give or delay giving samples of your breath.
8. Any response from you that is ambiguous or conditional, in any respect, to my request that you provide breath samples, will be treated as a Refusal to Submit to Breath Testing. Even if you agree to take the test, but then do not follow my instructions, do not properly perform the test, or do not provide sufficient breath samples, I will charge you with Refusal to Submit to Breath Testing.
9. I repeat, the law requires you to submit samples of your breath for testing. Will you submit the samples of your breath?

If the arrested person does not respond, or gives any ambiguous or conditional answer short of an unequivocal "yes," ***the police officer must read the following:***

***"Your answer is not acceptable. The law requires that you submit samples of your breath for breath testing. If you do not answer, or answer with anything other than "yes," I will charge you with Refusal. Now, I ask you again, will you submit to breath testing?"***

You must answer the officer at this point. If you do anything other than agree to blow into the Alcotest, you will be given a separate summons for Refusal, in addition to the DWI.

There are defenses to Refusal, including a probable cause challenge to the stop of your vehicle and a challenge to your arrest.

There are many nuances to New Jersey DWI and Refusal law. Consult with a qualified New Jersey DWI lawyer who can effectively guide you through this process.

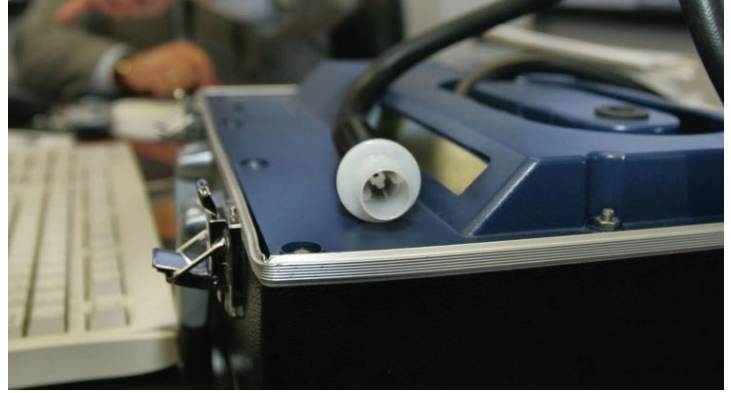
# BREATH TESTING IN NEW JERSEY

New Jersey has chosen breath testing as its method to determine blood alcohol levels in DWI cases, instead of blood testing which is the gold standard of scientific forensic measurement. Breath testing, in fact, is scientifically accurate for only about 10% of the population.

State v. Chun, the biggest DWI case in NJ history established the protocols for defense and prosecution of Alcotest breath testing cases in New Jersey. Evan Levow, of Levow DWI Law, P.C., represented the lead defendant in State v. Chun.

There are many defenses to breath testing cases as a result of Chun. Knowing how the Alcotest machine works and how to find errors in its operation are critical for your lawyer to uncover problems in the testing. A successful challenge to your Alcotest reading will result in the suppression of your breath testing results.

Don't think that because the machine printed a reading above the per se legal limit of 0.08% that you will automatically be found guilty of your DWI charge. The entire process is prone to errors.



Your lawyer has to know what to look for in the process and how to use that information to your advantage. For example, police are required to observe you for 20 minutes prior to your first breath sample to insure that you did not burp, regurgitate, or have anything in your mouth. There are several ways to determine whether you were properly observed for that 20 minute period. Your attorney has to know the specific "discovery" to obtain to effectively challenge your breath testing results.

Evan Levow is regarded as one of the foremost breath testing lawyers in the state of New Jersey. He teaches continuing legal education classes to other attorneys on breath testing theories and defenses. He is regularly consulted by lawyers and judges on complex issues of breath testing.

## WHY YOU SHOULD CARE ABOUT STATE V. CHUN – THE BIGGEST DWI CASE IN NEW JERSEY HISTORY

Evan Levow represented 6 of the 21 defendants in the Chun litigation, including the lead defendant, Chun. During the litigation, Mr. Levow sent an Alcotest, the machine used in NJ DWI breath testing, to an engineer in New Zealand. Through the experiments managed by Mr. Levow, it was established that the machine is in fact susceptible to "RFI," radio frequency interference. This resulted in several concessions made by the State during the litigation. Depending on the circumstances of your case, this interference can result in suppression of your breath testing and even dismissal of your DWI charge.

Evan Levow's cross examination of the vice president of Draeger, the maker of the Alcotest, resulted in establishing the machine's failure rates.

Mr. Levow's constitutional argument before the New Jersey Supreme Court was instrumental in obtaining the computer source code for the Alcotest. This is the first time anywhere in the United States or abroad that a breath testing company was compelled to provide the source code for a breath testing machine. This resulted in a remand of the case to the lower court so that Mr. Levow, the defense team, and the experts that Mr. Levow hired could analyze the Alcotest in detail.

It was through this analysis that the Supreme Court ordered the State to fix 9 issues with the machine's software, to make the machine scientifically reliable.

Through further litigation, Evan Levow was ultimately able to get the breath test results in Chun's case dismissed.

The Chun litigation has been going on since 2005. Mr. Levow brought the case back to the NJ Supreme Court in 2013 and argued that the State failed to comply with the Supreme Court's order to fix the 9 issues in the machine's programming. Without these necessary changes the Court had said that the Alcotest is not scientifically reliable. However, the court ignored the State's failure to comply, and once again said that this flawed machine is good enough.

*Based on his involvement in the Chun litigation, Evan Levow is in a unique position to fight for his clients. He thoroughly understands the Alcotest's significant shortcomings and ways to have the machine's results suppressed.*

The National College of DUI Defense recognized Evan Levow for the important role he played in shaping DWI defense and prosecution in New Jersey through his work in State v. Chun.

Evan Levow, Esq. can be reached at (877) EVAN LEVOW, (877) 382-6538; cell phone (856) 889-5181; via email at [evan@levowdwilaw.com](mailto:evan@levowdwilaw.com); or online at [www.nj-dmv-dwi.com](http://www.nj-dmv-dwi.com) and [www.newjerseydwilawyer.com](http://www.newjerseydwilawyer.com). Mr. Levow defends DWI cases throughout the entire state of New Jersey. Call Evan Levow today to discuss your DWI case and for a free consultation.

# Meet DWI Attorney: Evan M. Levow



## Q What was your inspiration to exclusively practice DWI defense?

A “In 2004, I took the same 3 day NHTSA Standardized Field Sobriety Testing course that police officers take. I saw so many flaws in the way DWI arrests were made, that I was shocked at the process. That inspired me to learn as much as I could to defend my clients. I studied the science behind breath and blood testing, and the Drug Recognition Evaluation (DRE). I couldn’t be a lawyer who walked his clients into court just to plead them guilty. I focused all of my efforts into developing the expertise and methods to successfully defend DWI cases. To do that, I became exclusively devoted to DWI defense. It is 100% of my practice.”

## Q Why are DWI cases so different?

A “A DWI can happen to anyone, even non-drinkers. Arrests and convictions can be based solely on the subjective opinion of the arresting officer who charged the driver with DWI based on unreliable field sobriety testing and guesswork. No other area of the law operates this way. When I press officers to explain the basis for their opinions, they are often not well justified.”

“DWI cases are also different because there is no plea bargaining a DWI. It’s my job to give the prosecutor reasons why he or she cannot prove the case against my client.”

## Q Are field sobriety tests fair?

A “No, and the driver is usually not told by the officer that doing the testing is actually voluntary. A driver must submit to breath-testing, but doesn’t have to do field sobriety testing.”

“They’re not even tests, they are exercises. They don’t demonstrate normal behavior. No one stands on one leg while raising the other leg six inches for 30 seconds, just for fun. Tight-rope walkers use their arms for balance, yet the driver is told to keep their arms at their side during the ‘Walk and Turn.’”

“If you think about the testing, there’s an extreme level of anxiety present. Traffic is speeding by, the weather may be affecting you, and you’re told to stand in an uncomfortable position, while being given directions that you’re hearing for the first time. If you’ve had something to drink, you’re extra nervous, looking at the flashing red and blue lights. In these impossible conditions, you’re asked to do these “tests” that you have never done before. Whether you are arrested and convicted will depend on how you do on these tests. And if your tests are not on video, you can be convicted solely based on the officer’s description of how you performed, months after your arrest.”

“I studied the process and became the first New Jersey lawyer qualified by the National Highway Traffic Safety Association as an Instructor in Standardized Field Sobriety Testing. I wanted to know these tests better than those who administer them. They are seriously flawed. Understanding the limitations of these tests has made me a better lawyer and advocate for my clients. Time and again, after cross-examining the officer, I discover that when my client performed 90 percent of the testing correctly, the officer still failed them. The last time I took a test, a 90 was an A. These tests are not reliable. Understanding the limitations of these tests is one way that I’ve been able to weaken the State’s cases against my clients.”

## Q If the field tests are not reliable, what about the breath and blood tests showing a person to be above the legal limit?

A “I studied the breath machines and was shocked to learn that they accurately measure ‘an average’ person only about 10% of the time. People go to jail on these machine results. It’s maddening.”

“Blood testing is considered the ‘gold standard’ of scientific measurement, yet the State chose to primarily use breath testing in DWI cases because of its expediency. It’s my job to challenge that.”

“I was fortunate to represent the lead defendant in the case that set the standards for defense and prosecution of DWI cases in New Jersey, *State v Chun*. I was part of a team that challenged the reliability of New Jersey’s breath testing machine. That case created defenses that now protect those charged with a DWI based on a breath test result.”

“There are a lot of issues to challenge in breath and blood testing cases.”

**“I teach theories and principals of DWI defense to other lawyers throughout the state. Lawyers call me to ask questions about their clients’ cases.”**



**Q These tests are supposed to be reliable. Are you saying they are not?**

A “Yes, that is what I am saying. Machines are calibrated for an ‘average’ person, but each of us is different – so the machine cannot account for so many variables. Scientifically, up to 90% of the breath testing results do not accurately measure blood alcohol.”

“Breath testing machines have a number of potential issues – from contamination to error. For example, if you suffer from heartburn, or if you are sick with a temperature above normal, your medical and physiological issues can cause a higher machine result, but the machine won’t account for the error. Just because the machine says you blew above the legal limit doesn’t make it so. There is a long list of problems with breath testing. This is something that I spend a considerable amount of time and energy studying.”

**Q What about blood tests, are they more reliable?**

A “The biggest issue in forensic blood testing is the integrity of the blood sample. I follow the sample from the collection, to the storage and transfer to the lab, through to the actual testing process in the lab. If there’s an issue to find with the testing, I’ll find it. If errors are found that affect the integrity of the blood sample, the testing results can be suppressed and kept out of the case against you.”

“Two of my cases set the state-wide procedure where the state has to produce live testimony from the person who took your blood and the person who tested it. I know the science to cross-examine those who did the collection and testing to find errors. I can find issues in any blood case. Situations occur where blood samples are even mixed up. There have been incidences where DNA testing proved that a sample of blood did not belong to the person the lab claimed it did.”

“Many think that blood testing results are unchallengeable. There are many areas where the blood sample and the result are scientifically compromised and can be kept out of your case.”

**Q How do you know if you are choosing a good DWI attorney?**

A “There’s a saying, ‘If you need brain surgery, you find the best neurosurgeon you can. If you have a personal injury case, you hire a personal injury attorney.’” By the same token, if you’ve been arrested for a DWI, hire a DWI defense lawyer.”

“I had the privilege of completing two years as the inaugural President of the DUI Defense Lawyers Association, a national DWI defense bar association,

now approaching a thousand DWI lawyers. Having taught and studied with many of the best DWI defense attorneys from around the country, I can tell you there’s no substitute for an attorney who devotes his or her practice, professional efforts, and studies, exclusively to DWI defense. That’s the type of lawyer most qualified to defend you and protect your rights. It’s not a foregone conclusion that a DWI arrest means conviction. If you have the right counsel and the right defense, you can win these cases.”

“Find the best DWI lawyer you can, and find out how your case can be defended. Research the lawyer’s reputation as a lawyer and effective defender of DWI cases. Be satisfied that your lawyer knows the nuances of New Jersey DWI law, so that you can be fully defended.”

**Q You seem dedicated to staying at the forefront of the most effective DWI defense strategies, leaving no stone unturned in your clients’ cases.**

A “I enjoy defending my clients’ rights, exposing errors in the process--from the vehicle stop, to the field testing and arrest, through the breath or blood testing procedures--based on the information and methods I have learned, limiting my practice to DWI Defense.”

“Freedom, relationships, job, license, and many other key components of life are on the line for my clients. I take that very seriously, and I enjoy specializing in finding issues that can result in dismissal of the DWI, reduction of the penalties, or whatever is the ‘win’ for each client.”

**Q Is this type of service expensive?**

A “When you add up the fees and costs of a conviction, not really. My clients hire me to thoroughly assess their case. I evaluate all defenses based on the facts and aggressively fight for the best possible results for my clients. Most cases don’t result in trial, but I evaluate and prepare each case as if it will go to trial.”

“I don’t believe it’s possible to devote the proper time and experience to thoroughly defend a DWI case for less than what I charge. There are some areas where it’s okay to skimp. Legal defense is not one of them.”

Evan Levow, Esq. can be reached at (877) EVAN LEVOW, (877) 382-6538; cell phone 856-889-5181; via email at [evan@levowdwilaw.com](mailto:evan@levowdwilaw.com); or online at [www.nj-dmv-dwi.com](http://www.nj-dmv-dwi.com) and [www.newjerseydwilawyer.com](http://www.newjerseydwilawyer.com).

Mr. Levow defends DWI cases throughout the entire state of New Jersey. Call him today for a free consultation.



# First Offense DWI

New Jersey DWI Penalties as of December 1, 2019:

New Jersey changed the penalties for DWI and Refusal convictions for offenses occurring after December 1, 2019.

All DWI and Refusal convictions now require installation of an ignition interlock device (IID) in a motor vehicle owned, leased or principally operated by the driver. Proof of IID installation is required to get driving privileges restored.

On a first offense DWI conviction, the driver must surrender his/her New Jersey license to the court, which then forwards the license to the Motor Vehicle Commission (MVC). The driver is suspended until he/she gets an IID installed in the car he/she plans to drive,

brings proof of installation to the MVC, pays a restoration fee of \$200, and gets a new picture ID with "INTERLOCK" printed at the top.

If there is no BAC or if the reading is under 0.10%, license suspension will be from the day of conviction until proof of installation is presented to the MVC and a new license is issued. The IID must remain installed for 3 months from the date of installation.

If the BAC is 0.10%, but less than 0.15%, license suspension will be from the day of conviction until proof of installation is presented to the MVC and a new license is issued. The IID must remain installed for 7 to 12 months from the date of installation.

If the BAC is 0.15% or above, license suspension is 4 to 6 months.



An IID must be installed during the suspension, and must remain installed for 9 to 15 months after the return of the driver's license.

If the conviction is for driving under the influence of drugs, license suspension is 7 to 12 months, with no IID.

Fines for 1st offenses, in court, are between \$600 and \$800. Surcharges, out of court, are \$3,000 to the State, plus insurance company surcharges that range from \$3,000 to more than \$10,000. Alcohol classes are required for 12-48 hours. Jail can be imposed for up to 30 days.

## What if I Have Prior DWI Convictions? *POST-CONVICTION RELIEF CAN HELP!*

If you were convicted of one or more DWIs in the past and are currently being charged for another DWI, you could be subject to enhanced penalties such as jail time, higher fines, and longer loss of license. If your prior conviction was in another state, it still may be used against you when sentenced in New Jersey. A qualified DWI lawyer will know how to help you potentially avoid enhanced penalties resulting from an earlier out-of-state conviction.

If your previous DWI conviction(s) occurred more than 10 years before the date of your current arrest, the additional penalties associated with multiple DWI convictions may not apply. Said another way, if you were convicted in 2008 and you are presently charged with DWI, the current DWI will be treated as a first

offense for sentencing purposes. Similarly, a third DWI offense that occurred more than 10 years after the second offense, will be counted as a second offense for sentencing purposes. A fourth or greater conviction will always be treated as a third conviction for sentencing purposes.

An experienced and qualified DWI lawyer should review any prior convictions to see if they can be reopened, challenged, and potentially overturned. This can have a positively dramatic effect on the outcome of your case. For example, if a conviction is overturned, a third offense may be treated as a second offense and a second offense may be treated as a first offense. This strategy is known as post-conviction relief and it can save you incarceration time and years of license suspension.

# Second & Third Offense DWI Charges

## SECOND OFFENSE

Second offense DWI charges require greater expert defense than first offense charges, because a successful result requires beating both the breath/blood testing and the physical “observation” aspect of the case.

If you are convicted with a BAC of 0.08% or above, or if the State proves that you were DWI based on your physical behavior, your New Jersey Driving privileges will be suspended for 1 to 2 years. Fines are around \$800.00. You must be sentenced to jail for a minimum of 2 days and a maximum of 90 days. You must perform 180 hours of community service. Your driving privileges will be restored when you show proof of installation of an ignition interlock device in the car you intend to drive. You can only drive a vehicle that has an interlock installed for 2 to 4 years following your suspension.

You will also have to pay costly surcharges: \$3,000, payable at \$1,000 every year for three years to the State, and a range of \$3,000 to more than \$10,000 in surcharges from your insurance company.

## THIRD OFFENSE

If you have been arrested for a third DWI, you are facing mandatory jail. However, jail can be avoided under certain circumstances.

Jail can be avoided by obtaining “Post Conviction Relief” from prior convictions. If it can be demonstrated that there were deficiencies in any of your prior convictions, an order may be obtained from the original court stating the prior convictions cannot be used to cause you to go to jail in a pending or future matter.

Without Post Conviction Relief, a third or greater offense in New Jersey requires 180 days to be served in a county jail. Ninety of the 180 days may be served in an approved in-patient drug and alcohol rehabilitation program. Your driving privileges will be suspended for 8 years; fines and assessments in court total more than \$1,325.00; surcharges out of court are \$4,500 to the State; and there will be additional surcharges due to your insurance company ranging from \$3,000 to more than \$10,000. An ignition interlock device must be installed for 2 to 4 years following your suspension.

## *Have You Been Charged With a Second or Third DWI?*

**LEVOW DWI LAW, P.C.**

Levow DWI Law, P.C. has a track record of success in defending 2nd and 3rd offense charges. We may be able to keep you out of jail.

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# ROADBLOCK: SOBRIETY CHECKPOINT

Sobriety checkpoints are temporary roadblocks designed to catch motorists driving under the influence. The Supreme Court has ruled that these checkpoints don't violate drivers' rights, but must follow certain guidelines in order to be lawful. If you have driven through a sobriety checkpoint and have been charged for DWI, it is still possible to mount a successful defense.

If police don't follow certain strict guidelines when setting up roadblocks, the arrest may be challenged.

The Supreme Court's DWI roadblock guidelines are fairly straightforward. The public must be made aware of the checkpoint ahead of time and set up by senior law enforcement officers. Police should use a random mathematical formula to select vehicles, such as every fourth or sixth car, to prevent officers from stopping drivers based solely on appearance or other subjective criteria. Checkpoints should also be clearly visible and safely maintained.

Police should stop each driver only long enough to ask short, simple questions and to check for signs of impairment, such as alcohol on the breath, slurred speech, and bloodshot eyes.



Drivers who show no signs of intoxication must be allowed to leave the checkpoint immediately. If police detect signs of impairment, the driver should be directed to a separate area for a field sobriety test. At that point, any investigation must be based on probable cause to believe the driver is under the influence.

### *Did Your Sobriety Checkpoint Follow These Guidelines?*

1. The checkpoint was announced in advance to the public at large.
2. Vehicles were stopped using a numbered, mathematical formula.
3. The checkpoint was maintained for safety.
4. The checkpoint was established by command law enforcement officers.
5. Sufficient data justifying site selection.
6. County prosecutor approval to administer roadblock.

## Breath Testing Results Are Not Always Accurate.

Just because you blew over the legal limit does not mean that the reading was accurate. Breath testing is full of errors. In many cases, the process of breath testing is significantly flawed. Potential causes for errors in breath testing include:

1. The machine you blew into was not properly calibrated.
2. Calibration of the machine expired.
3. Dentures, plates, bridges, pockets, and crowns trapped alcohol in your mouth.
4. Burping or regurgitating within 20 minutes of blowing into the machine.
5. Foreign objects in your mouth like chewing tobacco or tongue rings.
6. Failure by the breath testing officer to properly observe you for 20 minutes prior to your breath testing.
7. Certain medical conditions, for example asthma and COPD.
8. Your age.
9. The machine malfunctioned.

10. GERD: Reflux.
11. Proper testing procedure was not followed.
12. Your body temperature was elevated.
13. The breath testing operator was not properly trained or certified.
14. Other compounds on your breath inaccurately read as alcohol, like mouthwash.

*Evan Levow has obtained outright dismissals for people who blew substantially over a 0.08% BAC. If your BAC was over this level, this does not mean you will automatically be convicted. Many problems persist with the Alcotest breath testing machine you were tested on. In fact, Mr. Levow argued before the New Jersey Supreme Court on the unreliability of this machine. Please call us today to discuss your DWI case and how we can help you mount an aggressive and effective DWI defense. These cases can be won. We offer a free consultation. 877-382-6538. Visit our website at [www.nj-dmv-dwi.com](http://www.nj-dmv-dwi.com). Results may vary depending on your particular facts and legal circumstances.*

# Field Sobriety Tests

If a police officer has reasonable suspicion to believe that a driver is intoxicated, the officer can ask the driver to perform field sobriety “tests.” Field sobriety testing is not mandatory. It is voluntary, but an officer will rarely tell you that. You do not have to agree to perform these field exercises. You can decline and will not be given a separate ticket for refusing. The only testing that a driver must submit to in a DWI arrest in New Jersey is breath testing.

Additionally, you do not have to be read your Miranda rights prior to performing the tests, even though your performance can be used against you in court.

Field sobriety testing is faulty and can be challenged in court.

For the “tests” to have validity, the National Highway Traffic Safety Administration (NHTSA) set forth guidelines that every officer must follow. Failure to follow the requirements for administration and scoring of the testing renders the results unreliable.

**In 2004, Evan Levow was the first attorney in the state of New Jersey to be NHTSA qualified as an instructor in Field Sobriety Testing.**



The officer is required to first ask you if you have any injuries that would prevent you from performing the tests properly. If this question was not asked, the officer could not have taken into account other reasons why you couldn't balance on one foot or walk a straight line. Medical history, such as concussions, vertigo, and other balance issues may explain negative performance on the balance tests.

Other factors such as footwear, weight, and age must be considered. Heels or heavy shoes can affect balance. Anyone more than 50 pounds overweight or older than 60 may have general imbalance issues not accounted for by the roadside exercises.

A police officer is not required to use specific roadside tests, but most officers will have been trained in the NHTSA Standardized Field Sobriety Tests (SFSTs). There are only two tests that are scientifically validated, the “Walk and Turn” and the “One Leg Stand.” New Jersey does not recognize the eye test as a reliable roadside sobriety test.

According to NHTSA, in order for a test to be considered reliable, the officer must demonstrate the test and give exact instructions.

**If you were asked to stand on one leg, NHTSA requires that the officer must instruct you with every one of the following directions:**

1. Stand with your feet together and your arms at your side.
2. Keep that position until you are told to begin.
3. Raise one leg while keeping your arms at your sides. (*You must be given the choice of which leg to raise.*)
4. Keep watching the raised foot.
5. Count 1,001, 1,002, and so on until told to stop.

The officer must ask you if you understand the instructions and receive an affirmative answer, and this test can last no longer than 30 seconds. If you stop at any point during the testing, you should be given the opportunity to resume the testing.

**There are four scoring factors for the One Leg Stand Test.**

1. Sways while balancing
2. Uses arms for balance
3. Hopping
4. Puts foot down

A score on any two separate factors causes a “decision point,” which means that, according to the test protocol, the officer has probable cause to arrest you. If you put your foot down three or more times, you are considered to have reached a “decision point.”

**The same is true for the Walk and Turn. You must be instructed the following:**

1. Place your left foot on the line.
2. Place your right foot on the line ahead of your left foot with the heel of your right foot against the toe of your left foot.
3. Keep your arms to your side.
4. You must keep this position until you are told to begin.
5. When you are told to start, take nine heel-to-toe steps, turn, and take nine heel-to-toe steps back.
6. To turn, keep the front foot on the line, and take a series of small steps with the other foot.
7. While walking, keep your arms at your sides, watch your feet at all times, and count each step out loud.
8. Once you start, do not stop until the test is completed.

The officer must ask if you understand the instructions and receive an affirmative answer.

**The officer will grade your performance based on eight scoring factors:**

1. Cannot keep balance while listening to instructions
2. Starting before instructions are finished
3. Stopping while walking
4. Does not touch heel-to-toe (*more than 1/2 inch on any step*)
5. Steps off of the line
6. Uses arms for balance
7. Improper turn
8. Incorrect number of steps

While any test can be used by an officer roadside, the testing must be fair. Hire an attorney who knows these “tests” better than the officer, to evaluate how your case can be defended.

# *I've Been Arrested.* **Now What?**



The time period following your arrest for DWI can be uncertain. If you have never been arrested, you will undoubtedly wonder about the process. Your first step should be to hire an experienced and knowledgeable DWI attorney. He or she can assist you every step of the way by offering solid legal advice and by understanding your personal situation. There is no substitute for having an excellent lawyer on your side and by your side after a DWI arrest.

## **Arraignment:**

An arraignment is a proceeding that usually occurs within a few days of your arrest. If you hire an attorney prior to your arraignment, you may not need to be present for the appearance. (Keep in mind that some judges require your presence whether you have a lawyer or not.)

## **Pre-trial Conferences:**

You may have one or several court dates after your arraignment to decide whether you will go to trial or resolve your case by entry of a plea. This court date, called a pre-trial conference, is typically within three or four weeks of the date of your arrest. If the police reports are available to your attorney before the pre-trial conference and all of the defenses to the charges are determined, you will either set your trial date or enter a plea. However, most of the time, a postponement is required to obtain all the information about your case, determine your best defenses, and consult with potential experts. The next court date will likely be within about seven weeks of your arrest.

## **Suppression Hearing:**

The Court may suppress some or all of the evidence against you if your constitutional rights have been violated. Your attorney may file motions to suppress after receiving the "discovery" (documents and other information regarding your arrest) or police reports regarding your arrest. The motion is often heard just before the trial.

## **Trial:**

New Jersey does not allow for jury trials in DWI matters. Your case will be heard before a Municipal Court judge. Resolution of your case, whether by trial or plea, is supposed to happen within 60 days of your arrest. There are variations to this, but the courts try to strictly follow this rule.

## **Sentencing:**

The Court imposes a sentence after a conviction at trial or after a plea is accepted and entered. In addition to license suspension, fines, and alcohol classes, sentences may also include jail time and community service.

## **Appeal:**

Cases that go to trial in the Municipal Court may still be successful on appeal. You have 20 days from a negative ruling to appeal to the Law Division of the Superior Court in the county where you are convicted.

## **Post-Conviction Relief:**

If you are now facing a second or greater conviction, you may wish to challenge a prior conviction after you are arrested for a new DWI. If you didn't have a lawyer in your previous case, or were not properly represented by your attorney, you can attempt to make a challenge to that original court to have that conviction overturned. If you are successful, the possible penalties in your current case become significantly reduced.

## STATE LAW MANDATES THAT YOU BE PROPERLY OBSERVED FOR 20 MINUTES PRIOR TO YOUR BREATH TEST...

### WERE YOU?

- Were you left alone in the police car?
- Were you left alone at any time in the police station prior to the breath testing?
- Were you placed in a cell prior to the testing?
- Did the officer leave the room for any reason within 20 minutes prior to your breath sample being taken?

*If so, the breath testing results may not be used against you.*

The officer that breath tested you is required to be in your presence and observe you for the full 20 minutes just before you blow into the machine. The purpose of this is to make sure that you did not burp or regurgitate anything from your stomach into your mouth that could affect the breath testing results.



The officer also has to check your mouth for any foreign objects that could trap food or pool liquid such as a tongue ring, dentures, or chewing tobacco, which could artificially elevate your results.



## Aggravating Factors in DWI Sentencing

There are certain "aggravating factors" that can occur in a DWI case. These factors can substantially increase the punishment imposed by the court.

- Breath alcohol level above a certain limit
- Blood alcohol level above a certain limit
- Refusal to submit to breath testing
- Child in the car
- Prior convictions within 10 years of each other
- Driving above a certain speed limit
- Reckless driving
- Causing injury to someone

If one or more of these factors are present in your case, the prosecutor may pursue incremental punishment such as increased fines, longer loss of license, and jail time. The increased penalties can be severe. If any of these '*aggravating factors*' are present in your case, you should call an experienced DWI attorney to discuss how to defend your case.

## Is a DWI a Criminal Charge in New Jersey?

DWI is a criminal charge in all other states except New Jersey. In New Jersey, Driving While Intoxicated (DWI) is a traffic offense, not a criminal offense. You will not be finger-printed, and your arrest record will not show up in any criminal database.

If you are licensed in another state and convicted of a DWI in New Jersey, New Jersey will report the conviction to your home state

administratively, but not criminally. The New Jersey conviction will show on your home state driving history and will count in the future as an enhancing factor if you are charged with a subsequent DWI.

Because DWI is a traffic offense only, it can never be expunged from your driving record.

Please note that a DWI charge is a criminal charge in most other states.

# Is Blood Testing Reliable?

There can be many errors in blood testing due to improper collection, storage, and testing, resulting in bacterial growth, fermentation, or clotting of the sample. As a result, blood tests can be unreliable and challenged.

In order for your blood sample to be considered reliable, the State must be able to prove the following:

1. The sample was drawn correctly and preserved according to proper medical protocol.
2. The tube used for your blood was prepared properly.
3. The blood was refrigerated during transit and once in the lab waiting to be tested.
4. The sample was not subject to heat which causes fermentation.
5. The sample tube was sealed tightly to avoid bacterial contamination.
6. The sample was not contaminated anywhere along the route from blood draw to lab testing.
7. The blood sample was properly tested.

There are numerous steps involved between blood draw and testing where your sample may have been compromised, rendering it unreliable. The only way to determine the integrity of your blood sample is to be able to cross examine ANYONE who came into contact with your blood during this process.

Your lawyer should understand the blood collection and testing process thoroughly from beginning to end, and be able to challenge the result in court.

Thanks to Evan Levow, New Jersey DWI lawyer, and his work in *State v. Kent* and *State v. Renshaw*, the State is now required to produce live testimony to establish the accuracy of your blood sample. That means your lawyer can cross examine anyone involved in the collection, transportation, and testing of your blood. An experienced DWI lawyer should review all evidence related to your blood testing.

Less than 5 percent of the DWIs in New Jersey are blood draw cases. Make sure you hire a qualified DWI attorney experienced in blood draw defenses. Evan Levow teaches Continuing Legal Education classes on blood testing to other lawyers and judges throughout New Jersey and across the country.





# Your Medical Conditions Can Have a Positive Impact on the Outcome of Your Case

Your health conditions may be an important factor in your DWI defense. Certain medical conditions, current or older injuries, and even dental problems can be relevant to your case. A qualified DWI lawyer will ask you about your medical history and any physical conditions when determining the most appropriate and effective defense strategy.

For some people, breath testing results are unreliable because of their medical or dental conditions. To understand how certain conditions can affect your breath testing results, one needs to understand how breath testing machines are designed to work. They are designed to measure alcohol molecules that come from air residing deep within the lungs. This measurement is supposed to indicate your blood alcohol level (BAC). Unfortunately, the machine is not sophisticated enough to differentiate between molecules of alcohol from deep lung air and alcohol molecules trapped in the mouth in dental work such as braces, dentures, crowns, bridges, etc. Another way that alcohol molecules can be trapped in your mouth is if they are brought up from your

stomach through a very common condition called reflux (GERD), or even something as simple as burping.

There are numerous other medical conditions that can have a positive outcome on your case. Certain physical conditions can be used to show why you did not balance well on the field sobriety tests. Did the officer ask you if you had any balancing issues or injuries that would affect your ability to balance? These tests require a combination of balance and coordination and are difficult to do in the best of health. Performance can be substantially compromised by previous and/or current injuries and other chronic maladies. For example, knee injuries, flat footedness, hip and joint pain, or arthritis, just to name a few, can seriously affect your ability to perform well on these tests.

It is imperative that you share with your lawyer any current and prior illnesses, injuries, accidents, as well as any medical or dental conditions as they may have impacted your chemical or field sobriety testing.

## COMMERCIAL DRIVER'S LICENSE

***CDL drivers beware!*** If you are convicted of a DWI, even if you were not driving a commercial vehicle, you will lose your CDL for one year. A second DWI on your CDL results in a lifetime loss of CDL privileges, but you may apply for reinstatement after 10 years. These penalties are separate from and in addition to the suspension of your private passenger privileges.

Out-of-state convictions trigger the same consequences. If you are convicted of DWI in another state, that state will report the conviction to New Jersey. If you have a CDL but were not driving a commercial vehicle in that other state, New Jersey will suspend your CDL for one year, and for life on a second conviction. Because of the significant additional consequences specific to CDL drivers, you should contact a skilled DWI attorney who knows how to successfully defend DWI cases involving a CDL to discuss your options and the best defenses for your case.





# NJ Driving Under the Influence of Drugs (DUID)

Driving Under the Influence of Drugs, or DUID, is prosecuted similarly to New Jersey alcohol-related drunk driving arrests. Anyone who drives under the influence of drugs, legal or illegal, can be arrested for New Jersey DUID.

The central issue in DUID cases is whether the motorist met the legal definition of being under the influence. “Under the influence” is defined in DUID cases as being unable to drive with the same caution as a sober person under the same or similar circumstances. The question is whether the alcohol or drugs negatively affected the person’s operation of the vehicle.

Many drivers are unaware that taking legal, over-the-counter, and prescription drugs can result in a Driving Under the Influence of Drugs arrest. The only issue is whether the legal definition of driving under the influence was met.

Like drunk driving cases, DUID cases are prosecuted with circumstantial evidence. The prosecutor will try to introduce evidence of the driver’s field sobriety tests, driving patterns, and appearance.

In NJ DUID cases, police request a blood or urine test. Urine testing is so unreliable that it is almost never used in an alcohol related drunk driving investigation, but it is used routinely for a drug arrest.

Urine testing is extremely suspect in DUID cases because different drugs take varying amounts of time to be eliminated by the body. For example, marijuana can remain in a driver’s system for up to a month, but many stimulants are eliminated in just a few days or hours. Therefore, a driver who smoked marijuana on a Tuesday would still show presence of the drug on a Friday, long after the drug’s effects have worn off.

Some police departments now employ Drug Recognition Evaluators, or DREs, to investigate DUID cases. DREs assess drug intoxication by checking the driver’s pupil size, pulse rate, blood pressure, and other factors. The officer will inspect the driver’s arms and other common sites for needle marks. Field sobriety tests may be administered in a controlled and well-lit environment. The officer’s observations will be used as evidence for a court case.

However, there are many conditions that can be mistaken for drug intoxication, including fatigue, illness, or injury. Urine tests are unreliable, and the so-called symptoms of DUID are open to interpretation. The bottom line is that DUID cases can be fought and won. The repercussions of a New Jersey Driving Under the Influence of Drugs - DUID conviction are severe, so it’s critical to have a New Jersey DWI defense lawyer fighting for your rights.

Evan Levow was trained in the DRE protocol in 2005, having undergone the National Highway Traffic Safety Administration course in Texas. Mr. Levow sought this training, not because he believed in the accuracy of the DRE program, but to understand how the State seeks to prosecute DUID cases. He now teaches the DRE protocol to other lawyers throughout New Jersey and across the county.

In fact, it is Evan Levow’s position in every DUID / DRE case that the DRE protocol is ‘junk science’ which should not be accepted by the courts in New Jersey for evidential purposes.

Driving Under the Influence of Drugs is an extremely serious offense that carries substantial consequences. In order to minimize the impact of your DUID charge, contact a DWI defense lawyer who is experienced in defending these cases.

## Arrested Under 21?

If you are under 21 and you have any alcohol in your system while operating a car, boat, riding mower, or any motorized vehicle, you can be charged as an “Underage Person Operating Motor Vehicle after Consuming Alcohol,” also referred to as an “Underage DUI” or “Kiddie Drunk,” even though you may not have felt the effects of the alcohol.

If an officer smells alcohol on you or has reasonable suspicion to believe you have consumed any alcohol and operated a motor vehicle, you will be asked to submit to a breath test. If you decline, you will be charged with “Refusal” and probably DWI, as well.

If the results of your breath test are between 0.01% and 0.08%, you will be charged with a violation of the Underage DWI statute, 39:4-50.14, and face the following penalties:

- Loss or postponement of driving privileges for 30 to 90 days (If you do not have a driver’s license, the suspension will start

when you are first eligible to be licensed);

- 15 to 30 days of community service; and,
- Participation in an alcohol education and highway safety program

Even if your blood alcohol content is less than 0.08%, you can still be prosecuted for DWI if your ability to operate the vehicle was affected by alcohol, with a separate additional penalty of mandated installation of an ignition interlock device, and more than \$10,000 in fines and assessments.

If you consume alcohol in a car as a passenger or a driver, you can be charged under a criminal statute and lose your privileges to drive for six months.

There are many nuances to DWI law, particularly underage DWI. Consult with a skilled DWI lawyer to determine your best defenses and legal options.

“I WILL FIGHT TO SAVE YOUR LICENSE AND FREEDOM!”

I represent clients throughout the entire state of New Jersey. -*Evan M. Levow*

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**Represented lead defendants in State v. Renshaw  
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*when defending his clients.*



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"I was at a point in my life when I could have lost everything, my license, job, home, independence, and most of all my freedom. No stone was left unturned in my case which went on for almost 11 months. I'm happy to say that I had a great outcome. I have my life back. Thank you!" -H.M.

"GO WITH EVAN! Evan got my DWI dropped completely. It still amazes me how he was able to do so, considering my personal circumstance. If you are considering Levow DWI Law, go with them." -K.L.

See what Evan's clients have to say about him:

"I am writing to express my complete satisfaction with Evan Levow. I only wish I had retained his services sooner. I hired a friend of the family to represent me in a third DWI. For some reason he didn't want to go to trial. I ended up pleading guilty and not challenging the state. To appeal this decision I contacted Mr. Levow. He left no stone unturned. As a result of the appeal, Mr. Levow kept me out of jail in a case where jail was mandatory. I am extremely thankful for his services and only wish I had contacted him sooner." -B.M.

"I express my utmost gratitude to Evan Levow. When I met Evan, I was charged with a DUI, with a prior DUI 10 years ago. Before that case was over, I unfortunately received another DUI, and was now facing 180 days in jail. In both cases, Evan got the DUIs dismissed! Evan and his team demonstrate knowledge, expertise, professionalism, perseverance, and much more. There is a passion for justice in this firm and I witnessed that "fire" in Evan. Thank you so much." -F.C.

"Mr. Levow dug through the facts of my case thoroughly and found all the errors that were made by the officers, from the breath testing errors, to the "failed" balance test. I am back to my career as a bus driver and once again thank you." -D.B.

"The challenging hurdles that enter one's life after a DWI arrest can reach the point of unmanageability. It can/will jeopardize your relationships with family/friends, your career, financial strains and your overall way of life. The importance of finding a credible lawyer is vital in handling this difficult situation. I absolutely made the right choice in choosing Levow DWI Law. What I had in choosing Levow DWI Law was peace of mind that I was being represented by the very best. Every step of the way, Levow DWI Law communicated with me what was being done for my case and what forward actions were to occur. I had faith and trust that everything was being done in my case to give me the best possible results.....and it was delivered. I can't thank Levow DWI Law enough for setting the stage to get my life back on track!" -J.R.

Results may vary depending on your particular facts and legal circumstances.

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