



GLOVE BOX GUIDE TO GEORGIA Traffic Stops

The Law Offices of Troy Hendrick & Associates
215 N. McDonough St. Decatur, GA 30030

Fight your GEORGIA Traffic Ticket

- ◆ FREE Intitial Consultation
- ◆ NO Office Visit Necessary
- ◆ Usually NO Court Visit

Call 404-373-8000
or go online to
www.TroyHendrickLaw.com

Traffic Stops in Georgia

Pull over at the first safe place – Immediately

If you see police lights in your mirror, pull over as soon as possible in a safe, well-lit place that won't put you, or the officer at risk. Turn off your engine and radio, and have your passengers keep quiet.

While the officer reviews your information in his car, quickly review this Guide (without fumbling or digging to find it) to reduce your chances of getting a ticket.

As the officer approaches your car – Keep your hands on the wheel

Make the officer comfortable about approaching your car. Place your keys on the dash and keep your hands relaxed and on the wheel. Roll down your window and turn on your dome light during dark or dimly-lit conditions. If you don't have your insurance or license ready, do not get it until asked by the officer. Any movement may be interpreted as searching for a weapon or hiding contraband.

Stay calm & courteous

Smile. Be friendly to the officer, they are only doing their job. They are much more likely to issue a ticket(s) if you are being rude or belligerent.

DO NOT admit guilt

Many police cars have video cameras and audio recorders. What you say or do may be recorded, and can be used in court. For instance, if the officer asks, "Do you know why I stopped you?" your reply should be "I'm not sure why, officer."

DO NOT make excuses

Making excuses will not get you out of a ticket and can be taken as an admission of guilt. The officer has probably heard it all anyway. In particular, do not make up a story to explain your alleged violation as it can come back to haunt you in court.

Ask for a warning

If the officer has not begun writing a ticket, yet states that you have violated the traffic law, ask for a warning. Without ad-

mitting guilt, inform the officer that you try to be a courteous and law-abiding driver and that you would appreciate a warning instead of a ticket.

What do I do if I'm issued a ticket?

Take a few minutes to write down exactly what happened. Record the date, time, place, weather, traffic conditions, officer's name, badge number and note any inconsistencies in the officer's reason for stopping you. Don't worry about signing the ticket; it is not an admission of guilt.

Refusing to sign the ticket can become grounds for the officer to arrest you.

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Georgia DUI Traffic Stops & Checkpoints

What if I'm asked about drinking?

You will have to make a judgment call about how to answer. First of all, don't lie. Lying leads to complications if the officer decides to charge you with DUI or DWI, remember that everything you do or say is probably being recorded. You may wish to answer that your attorney has instructed you not to answer questions like that without him or her present.

A. If you have not been drinking, tell the officer you have not been drinking.

B. If you have engaged in very light drinking and believe you are not under the influence of alcohol, tell the officer you have had something to drink but are not under the influence of alcohol, because being honest may help you later in your defense.

C. If you are under the influence of alcohol, politely inform the officer that your attorney has instructed you to never answer an officer's questions without him or her present.

What if I'm asked to get out of my vehicle?

In Georgia, an officer has the right to order you and any passengers out of the vehicle. Failing to comply may give the officer grounds to arrest you. Be polite, comply with the officer's requests and smile for the camera.

What if I'm asked to take a test?

There are two types of tests you could be asked to take. Field Sobriety Tests (FSTs) cover a variety of physical tests to determine sobriety. In Georgia, there is no legal consequence for refusing FSTs (except that the prosecutor will later argue that you refused because you were under the influence of alcohol). Since these tests are generally used to gather evidence and many factors can influence your performance, politely refusing to take FSTs can be the right decision in most cases. If you choose to refuse these tests, ask the officer if you are free to leave or if you are under arrest. If he says you are under arrest, tell him you wish to speak to your lawyer before any further proceedings.

Refusing to take breath tests, on the other hand, typically result in severe consequences. In Georgia, your driver's license will be automatically revoked for a year and your refusal to submit to the breath test can be admitted as evidence against you.

If you believe you are sober and want to keep your license, submit to the breath test, and if given a choice, choose the more accurate blood test (less chance of a false positive).

If you believe you are not sober and are willing to sacrifice your license to improve your case, the

best choice may be to refuse all testing. If you are underage or were involved in an accident with an injury, your best course of action may be to refuse all testing.

I tested over the legal limit. Does that mean I am guilty?

NO! Sobriety tests are merely evidence against you and not conclusive proof that you violated the law. There are many, many factors to consider when planning your defense, including the conduct of the police officers, the accuracy of the test and how it was administered as well as the timing of the test.

ALWAYS request an independent test of your sample.

In Georgia, you have a right to an independent test of your own choosing. The officer must accommodate your request by driving you to the nearest medical testing facility (but you are responsible for the expense of this test). Always request your own test, preferably of your blood or urine, so that the sample can be preserved as evidence (as opposed to a breath test, which cannot be preserved).

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Searches and Arrests in Georgia

What if the officer asks to search my vehicle?

Do not consent to anyone searching your vehicle! Do not hand the officer your keys or unlock or open doors for the officer, as this will imply permission. Generally speaking, an officer requests permission to search your vehicle as he looks for weapons, illegal drugs or evidence of drinking, all things that could put you in jail if they are found. Politely state that your attorney has advised you not to consent to police searches.

What if the officer threatens to call for a warrant or drug sniffing dogs?

Again, refuse to consent to the search. You will be no better off by consenting to the search, and many times officers use these types of threats to convince you to consent.

What if the officer wants to search my person?

Do not consent to police searching your person! Do not open your jacket or pull out your pockets as these actions may imply you have given consent to be searched. Georgia allows officers to pat an individual down (frisk) to make sure no weapons are present (for the safety of the officer). 'Reasonable, articulable suspicion' is the standard for officers justifying a pat down and can mean just about anything. Following the Guidelines for a traffic stop is the best way to avoid this type of search and gives you the best chance to challenge them in court.

What do I do if I'm arrested?

Remain cooperative and polite with the officer(s). Do not resist, struggle or argue with the officers – keeping in mind that the entire encounter is probably being video taped. Refuse to answer any questions the officer(s) have and do not engage in 'polite conversation' with them at anytime. Simply and politely state that you have been advised by your attorney not to speak with them without your attorney present. Do not speak to ANYONE about your case (police, friends, relatives, cell mates or staff) until you have met with your attorney (you never know who is listening). Contact an attorney ASAP, either directly or through a close friend or relative. Request a hearing to determine bail at the earliest possible time.

What happens to my vehicle?

Unless the police allow a passenger to take possession of your vehicle, it will be searched, towed and impounded. During a legitimate arrest, the police are allowed to search your person and your vehicle, whether you have consented or not.

What if I'm not read my (Miranda) rights?

Charges against you will not be dismissed because you were not read your rights. In some cases a judge (not the police or prosecutor) will refuse to admit evidence against you that was obtained without notifying

you of your rights. The best course of action is to not answer any police questions or engage in communication about your arrest with anyone until you have spoken with your attorney. During the process of being arrested, processed and jailed there are eyes and ears everywhere.

What do I do now?

Find yourself a good attorney to handle your DUI. There is simply too much at risk to handle the situation yourself. Call 404-373-8000 and we will arrange for you to have a FREE consultation with one of our experienced DUI attorney's. On our website www.TroyHendrickLaw.com we also have additional information to help you understand the charges against you, the potential outcomes and how you can fight the charges and protect your rights.

Do not wait! Georgia will automatically revoke your license unless you take steps to protect it—AND THIS MUST BE DONE WITHIN 10 DAYS OF YOUR ARREST. If your license has been suspended, we may be able to help you get a provisional license that will allow you to work and go to school. Troy Hendrick & Associates is here to help you stay on the road, keep your record clean and protect your rights.

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Tips to avoid getting pulled over in Georgia

Avoid behaviors associated with intoxicated drivers

The National Highway Traffic Administration has identified a list of symptoms commonly used by law enforcement to spot intoxicated drivers. They include:

- Turning with a wide radius
- Straddling center of lane marker
- Weaving
- “Appearing to be drunk”
- Almost striking object or vehicle
- Swerving
- Driving on other than designated highway
- Tires on center or lane marker
- Speed more than 10 mph below limit
- Stopping without cause in traffic lane
- Following too closely
- Signaling inconsistent with driving actions
- Drifting
- Braking erratically
- Driving into opposing or crossing traffic
- Headlights off
- Slow response to traffic signals
- Stopping inappropriately (other than in lane)
- Turning abruptly or illegally
- Accelerating or decelerating rapidly

Keep your vehicle in top operating condition

Any problems with your vehicle, from a burned out bulb to a broken trunk latch, can give an officer a perfectly legal reason to pull you over. Similarly, vehicle modifications like window tint, custom lighting and mufflers that do not meet local vehicle codes give officers reason to pull you over.

Watch for sudden speed limit changes

Many local highways and city streets have speed limit changes that provide natural opportunities for police officers to set up speed traps. As soon as you pass a sign noting a new speed limit, you are required to be at that speed, not just slowing to that speed.

Be Conscious Of “High Ticket” Hours

There are certain times of the day, week and year when officers are even more likely to pull you over. The closing time for local bars gives police an opportunity to search for drunk drivers. Similarly, weekend nights like Friday and Saturday are popular nights to pull over drunk

drivers. Also, special days like national holidays, sporting events and concerts can give officers a reason to pull over more drivers.

Do not stand out from the pack

If you are driving on any highway, do not drive significantly faster than the speed of traffic. Troopers look for vehicles that stand out from others. In addition, do not weave in and out of traffic, as this behavior attracts attention from troopers as well.

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