



7 THINGS TO DO IF

YOU HAVE BEEN ARRESTED

FOR DUI IN THE TETONS

FREEBURG LAW, LLC

©Last updated February 2016

TABLE OF CONTENTS

	Introduction¹	3
1.	Do Not Talk About Your DUI Arrest	4
2.	Make A List of Key Facts.	6
3.	Make A 20-Day Reminder For The Wyoming Department Of Transportation Deadline	7
4.	Figure Out Your Next Court Date	10
5.	Review Your Bond Order	11
6.	Consider Scheduling An Alcohol Evaluation	12
7.	Keep Calm And Carry On	14

¹Disclaimer: Thank you for reading my guide. If you downloaded this for free from my website, you should know that I am not your attorney, and that this is not legal advice. This is just general information. Legal advice is specific to you and your situation. It's also something you pay for. Additionally, laws change, so this general information may be out of date or not applicable to you.

INTRODUCTION

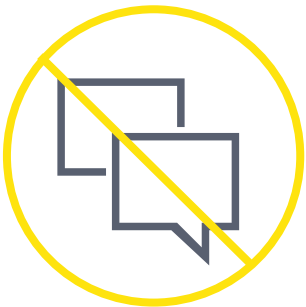


If you have been arrested for DUI in the Tetons, you need to be careful. Your next moves have consequences that can affect your job, driver's license, reputation, finances and freedom. Whether or not you think you made a mistake, or were impaired while driving, it's time to think strategically about how you are going to manage the case and its consequences.



I was a prosecutor and attended special DUI enforcement trainings. Now I am a defense attorney. If my sister were arrested for DUI in Wyoming, here is what I would tell her:

#1: DO NOT TALK ABOUT YOUR DUI ARREST



For the time being, assume that **anything you say to anyone** other than your attorney **will be repeated in Court.** This is a big event in your life. Your friends and family will ask you about it. It's tempting to be the center of the story and share what really happened. Resist the urge to talk about it. **No good will come of talking about your case while it's pending.** After the case is over, go ahead and talk about it if you want to.

Also, **most people are under no obligation to tell their employer** about their DUI arrest. I advise many (though not all) of my clients not to tell their employers about the arrest. If you do not drive a work vehicle, hold a commercial driver's license, or have signed an agreement promising to notify your employer of any changes to your driving status, then it's usually best to keep your mouth shut.

#1: DO NOT TALK ABOUT YOUR DUI ARREST

Oftentimes people are close with co-workers and direct supervisors and share personal events in their lives. However, **even if your co-worker likes you and understands the situation, they may feel obligated to report you to their managers, or there may be a policy requiring them to take adverse action against you.** Don't put them in the position of choosing between their friendship and their job. **If you need to take time off work for Court, take a personal day.** Ask your attorney to do what he can to have the Court work around your schedule.



This should go without saying, but **do not post to social media** about the arrest. If your arrest made the police blotter online, then do not comment on the article.

Most of my clients do not want to talk about their case, so hopefully this one is easy for you.

#2: MAKE A LIST OF KEY FACTS

At some point in the future, you will likely be recounting what happened to an attorney. **Anything you say to an attorney about your case is confidential, even if you do not hire that attorney.** Your attorney will probably want to know at least the following:



1. Where did this happen?
2. What kind of vehicle were you in?
3. Was the vehicle mechanically sound?
4. Who else was in the vehicle?
5. Who else was with you when you were drinking?
6. Were there any alcoholic containers in the vehicle?
7. What law enforcement agency made the arrest?
8. Why do you think they stopped you?
9. Do you know if they had cameras?
10. Did you do the field sobriety tests?
11. Did you do a roadside breath test?
12. Did you do a breath test at the jail?
13. Was there a blood draw?
14. How long did each step of the process take?
15. Were you booked into jail and when were you released?
16. Did you see a judge?
17. What does the citation say about your court date?
18. Do you have a bond order?

At the top of any notes you make, write **“Confidential. For My Attorney Only.”** Also, occasionally receipts from the bar, your text message conversations, or your phone history are relevant. If you think they’re relevant, then save them to review with your lawyer.

#3: MAKE A 20-DAY REMINDER FOR THE WYOMING DEPARTMENT OF TRANSPORTATION DEADLINE

Take your calendar and figure out 20 days from the date of your arrest. Circle that date. This is important for your driver's license. You need to request either (a) a records review or (b) a contested case hearing before the Wyoming Department of Transportation ("WYDOT"). Otherwise, you will lose your license for 90-days beginning 30 days from your arrest. Typically, this is something your lawyer takes care of for you.

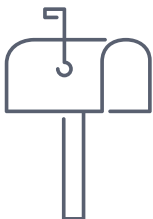
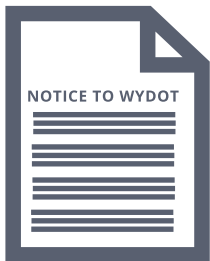


It's important to emphasize that this is "most of the time" advice. Most of the time, you want to prevent your license from being suspended in 30 days. Most of the time, that suspension will happen 30 days after your arrest, or ten days after the deadline to contest the suspension. Occasionally, the suspension goes into effect later.

This 20-day deadline almost certainly applies if you received a white "Notice of Suspension and Temporary License" from the law enforcement officer, or in your possessions when you were released from jail. In that case, read the "Notice of Suspension and Temporary License" carefully. Keep it with you when you drive. That piece of paper is actually your temporary license.

#3: MAKE A 20-DAY REMINDER FOR THE WYOMING DEPARTMENT OF TRANSPORTATION DEADLINE

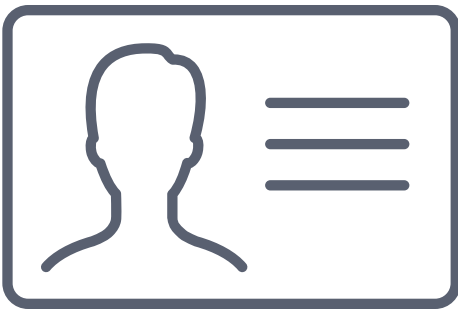
> 0.08



The way the suspension occurs is the law enforcement agency sends a notice to WYDOT that you have been arrested with a BAC above a .08, or refused a breath test. However, sometimes the law enforcement agency will delay sending WYDOT notice until they receive the alcohol test result. Ask your attorney if this is a possibility for you. For example, if the law enforcement officer took you to the hospital for a blood draw, then the law enforcement agency may wait for the results of the blood draw before notifying WYDOT. In that case, the 20-day clock starts when they send in their notice to WYDOT, and WYDOT in turn notifies you by mail.

In any case, you have the right to contest the suspension of your license. You have the right to a phone hearing before an administrative agency. Generally, an attorney represents you at this hearing.

#3: MAKE A 20-DAY REMINDER FOR THE WYOMING DEPARTMENT OF TRANSPORTATION DEADLINE



More about your driver's license: **the impact of a DUI on your license is one of my client's biggest concerns.** You should know a couple different things.

First, **your driver's license is affected by both** your criminal case **(the DUI)** AND a separate administrative proceeding **(the WYDOT hearing).** If you lose either, your license is suspended.

Second, you should know that **in some cases** Wyoming allows for a **probationary license, which allows you to drive for work, or a restricted license, which allows you to drive vehicles equipped with an ignition interlock.** Even if your license is suspended, you can still drive under certain conditions. This requires an application and special insurance. It also takes time to process, so you need to stay on top of it to avoid a suspension of your driving privileges.

At this point in the process, you should know that the **impact on your license is real.** It's hard to generalize further without knowing the details of your DUI arrest and your license. The best thing you can do now is to **make sure that WYDOT has the correct mailing address for you.** They will send important documents to the address listed on your license, so if you no longer get mail at that address, you need to update WYDOT with your mailing address. You can contact WYDOT at (307) 777-4800 to figure out how to update your address, or that's something your attorney can take care of for you.

Oh, and if you have an out-of-state driver's license, it's even more complicated and it's likely to be suspended as well. You may not even realize when your out-of-state license is suspended. If you don't have any attorney, **pay attention to your mail.**

#4: FIGURE OUT YOUR NEXT COURT DATE



You need to know when you're supposed to be in Court. **If you miss a Court date, the judge can issue a warrant for your arrest.** Depending on the paperwork you received when you were released from jail, **your court date is probably two or three days after the arrest,** or two or three weeks after the arrest. If you were arrested in the National Parks, your Court date can be a month or more after your arrest.

You should be able to tell your Court date from the face of your citation or your Release Order. If you are unsure about your next Court date, then you can call the Court to ask. **Make sure to look at your paperwork to find out the correct Court.** Here are some of the local Court phone numbers:



Teton County Circuit Court: (307) 733-7713

Town of Jackson Municipal Court: (307) 733-3932

Federal Court (Yellowstone and Grand Teton National Parks): (307) 344-2569

#5: REVIEW YOUR BOND ORDER



More likely than not, you have a Bond Order. If you were released from jail without seeing a judge, then you should have received a Bond Order from the jail staff. If you were seen before a judge, then the Court staff gave you a Bond Order at the end of the hearing.

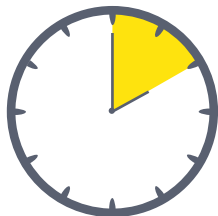
Your Bond Order contains release conditions. Release conditions are Court ordered things you need to do. Sometimes the release conditions are as simple as “don’t break any laws.” Other times, the release conditions are incredibly specific and require you to post a cash bond. Read your Bond Order carefully.

On the top of the second page of the Bond Order the local judges sometimes check a box requiring you to get a drug and alcohol evaluation. If that’s the case, make sure you get the evaluation done. This is not an “only if you’re convicted” request; this is a “do an alcohol evaluation to stay out of jail” requirement.

#6: CONSIDER SCHEDULING AN ALCOHOL EVALUATION



At some point in the DUI process, most people are required to get an alcohol evaluation. **If you want to be proactive** and show the Court that you are taking the arrest seriously, then you can get an evaluation scheduled without being ordered to complete the evaluation. [Here is a link to the providers](#) approved to conduct alcohol evaluations in Wyoming. **Note: Internet-based providers are not approved in Wyoming.** Some websites claim to provide certified evaluations and treatment classes. At the time of this writing, those evaluations and classes are not valid in Wyoming.



In general, a drug and alcohol evaluation **takes 1 to 2 hours and costs between \$140 and \$165 in Teton County.** Other parts of Wyoming are cheaper. At the evaluation, you need to bring a copy of the Probable Cause statement if you have it. Sometimes the evaluator will require you to provide your 10-year driving history from WYDOT. I do not know why certain evaluators require you to provide your driver's history. It's not a requirement. Anyway, you need to sign a release allowing the treatment provider to release the evaluation to your attorney.

#6: CONSIDER SCHEDULING AN ALCOHOL EVALUATION

It can take several weeks to get an appointment with an evaluator. After your appointment, **it takes up to a week** for them to complete their evaluation.

There are several places to get a DUI evaluation in Teton County.



Curran Seeley: (307) 733-3908

Grand Teton Counseling Center: (307) 733-2339

Jackson Hole Mental Health: (307) 654-7003

I recommend that you talk to your attorney about where to get your evaluation. Each provider has their pros and cons and different schedules.

Having an evaluation done early can benefit you in plea negotiations, when talking to the judge, if you need to modify your conditions of release, and is required if you apply for a probationary license.

However, if you win your case outright, then that DUI evaluation may not have been necessary.

#7: KEEP CALM AND CARRY ON

I'm going to get a little "woo-woo," so stop reading if that's not your thing. I'm done with the general information on DUI law in Teton County and Wyoming.

For a moment, ignore all the legal consequences and whether you're going to lose your driver's license. None of my clients expect to be charged with a DUI. Sometimes, for some people, it's a wakeup call that they have a drinking problem. The DUI arrest prompts them to make a course correction for the better. I've had people tell me that their DUI arrest was a good thing because it helped them get back on track.

For a handful of people, however, their DUI arrest triggers a crisis in their lives that I don't believe is proportionate to the offense. They are devastated by their arrest and fixate on what happened. They ruminate over whether they are now some sort of criminal. I get it. Yes, DUI is dangerous. Yes, DUI puts you at risk and, even worse, it puts other people at risk. However, if you've been a law-abiding person for 30, 40, or 50 years, and basically lived a good life, then you can, and should, still think of yourself as a good person. You may have made a mistake. But also, stuff happens. In the ledger of your entire life, a DUI arrest isn't something to be proud of, but it doesn't fundamentally change who you are.



My name is Alex Freeburg and I represent people accused of DUI in the Tetons and Greater Yellowstone region. If you're in that situation, reach out.

My office number is (307) 200-9720.