

New Jersey DWI Defense

Article by: Kristy Annely

Defending a Driving While Intoxicated (DWI) case in New Jersey is a difficult task. The state has some of the most stringent DWI laws in the U.S. The mandatory suspension of a driver's license, and provisions like imprisonment, fines and surcharges, give the judge very little leeway. Nevertheless, a well-conceived defense strategy would be helpful in several cases, though there are situations where an admission of guilt could be the right thing to do. Only a competent lawyer can give the proper advice.

To start with, take the question of why the accused was stopped and asked to take a breath analysis or blood test. Was it merely because a police officer saw him come out of a bar? Did it infringe on the citizen's right to drive peacefully along the road? Were there any witnesses? Was the breath analyzer working properly? Was the person who conducted the test competent to do the job?

It is desirable for the accused to note down all the details as soon as possible. These should preferably include the statements he made to the arresting officer, whether he was informed that he had the right to have an independent test taken, whether the test results were given to him on demand, the names of witnesses and other pertinent details. These would help the lawyer to provide an effective defense.

A good lawyer may be able to get reduced sentences. Sometimes a jail term can be brought down if the accused goes through rehabilitation programs like the ones conducted by the Intoxicated Drivers Resource Center (IDRC). There are chances for other alternatives as well. It may be even possible to have earlier convictions vacated.

There is a guideline that DWI cases should be heard within sixty days. If this does not happen the defendant can possibly invoke the citizen's right to a speedy trial. The relevant grounds are whether the accused asserted his right, police prejudice, reason for the delay and the period of delay.

The state has to be made to prove the case beyond reasonable doubt. DWI cases are heard by Municipal Court judges, without a jury. Appeals are to be made before Superior Court Judge within twenty days.

In New Jersey, a defense based on psychiatric conditions may not be possible for DWI cases. New Jersey DWI Lawyers provides detailed information on New Jersey Alcohol Treatment, New Jersey DWI Arrests, New Jersey DWI Defense, New Jersey DWI Fines and more. New Jersey DWI Lawyers is affiliated with New Jersey DUI Defense.