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# PROTECTING **YOUR** RIGHTS

NEWS THAT ALL MARYLAND RESIDENTS SHOULD KNOW

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Dear Friends:

Over the years our attorneys have represented thousands of individuals who have made only one mistake and suddenly found themselves facing criminal charges and potential jail time.

If you are facing a DUI/DWI, Domestic Violence, Drug Arrest, Assault Charge, Serious Traffic (driving while suspended, revoked) or other criminal charge in Maryland you're probably confused about what steps to take next. You probably have many questions like:



- Will I have to go to jail?
- Will I lose my job?
- How can I fight the charges against me?
- How do I find the right lawyer for me?
- Will I lose my driving privileges?
- Will I have a criminal record?
- Do I need a lawyer?
- How will my arrest affect my future?

We know that even hopeless looking cases are sometimes won, or at least, the charges can be significantly reduced if you choose the proper defense. As experienced criminal defense attorneys we know that there are dozens of different defenses that can be used depending on your case.

We have the advanced training and experience to tackle the challenges faced by clients who end up with criminal and/or driving charges that could possibly land them in jail, result in permanent suspension or revocation of their driving privileges and follow them for the rest of their lives. It's unfortunate, but many people these days end up with a conviction when they don't have to.

If you or someone you care about has any of these concerns, you need a law firm who will work hard to protect your rights ... make sure you're treated fairly ... and knows how to get results. We are that firm. Please review the information enclosed in this Newsletter and call our offices at 301-262-7005 or toll free at 866-444-6363 for a *free and completely confidential consultation* today!

*Sincerely,*

The Criminal Defense Lawyers at Alpert Schreyer, LLC

# 4 MYTHS about Defending a DUI/DWI CHARGE

## 1 MOST PEOPLE ACCUSED OF A DUI/DWI CRIME ARE GUILTY!

This myth is probably one of the most troubling of all – harbored by the public and lawyers alike. In our experience, lawyers who believe this should never represent a client who has been accused of a DUI charge because they cause the client harm by eliminating objectivity.

In the cases where the chemical test used by law enforcement is a breath analysis machine, this type of evidence can be attacked by a skillful defense attorney with knowledge of breath testing equipment used by police.

Did you know that there are at least 30 ways to rebut the evidence presented from these unsophisticated machines if the attorney understands how these machines work and, most importantly, what causes these machines to malfunction, and that they are nonspecific for alcohol?

An attorney who understands how these machines work can effectively challenge breathalyzer results and cross-examine the prosecutor's chief witness (the operator) of this device as to the alleged "accuracy" of the machine.

How about the classic roadside sobriety tests? Recent studies have shown that these field tests are assumed to be valid. However, most officers who administer these tests either require the wrong tests or improperly instruct the suspect on how to perform them.

The bottom line here is that these cases often require a detailed scientific investigation, similar to a complex murder scene that involves DNA evidence, or ballistics tests. An attorney with advanced training in DUI law, knowledge of the proper field sobriety testing procedures and an understanding of how to correctly operate breath testing equipment can identify mistakes made by law enforcement when gathering evidence against you and challenge those mistakes in a Court of law.

## 2 IT'S IMPOSSIBLE TO WIN A DUI CASE!

This is a very prevalent misconception when it comes to DUI

cases. Not only do members of the general public believe this; so do many attorneys. It is very possible to win a DUI case. When I say "win" a DUI case I mean having the charges dismissed, reduced to a lesser charge and/or different offense, and/or otherwise obtaining a plea that avoids a conviction. The most important thing to remember here is you don't ever want to lose your driving privileges or land in jail - both of which may be avoided with the help of an experienced drunk driving lawyer.

## 3 DRUNK DRIVING IS A MINOR CRIME

Maybe 20 to 30 years ago DUI charges were minor offenses. Many veteran attorneys remember the days when drunk driving charges carried a slap on the wrist, and fines of \$50 to \$150, with no loss of driving privileges. In fact it was a simple walk down to the court house, paying a small fine and letting the judge reprimand you for half an hour. However, those days are long gone!

Now with stricter DUI laws you should retain a lawyer who will represent your interests to the fullest extent of the law. A drunk driving charge could cost you your ability to drive, not to mention land you behind bars. DUI/DWI charges are very serious and you shouldn't take them lightly. Anyone accused of drunk driving deserves to be represented zealously because an unjustified conviction can have long lasting consequences including: significantly higher insurance rates, a negative impact on current and future employment, the inability to travel to a foreign country, discharge from military, and loss of your job just to name a few.

## 4 ANYONE CAN DEFEND A DUI CHARGE

If a close friend needed a lawyer for a specific field of law like IRS litigation, I would tell him or her to consult with a highly skilled lawyer who has worked with the IRS. The same principal applies when hiring a lawyer to represent you for a DUI charge.

When choosing a lawyer to represent you for a DUI charge it is important to find an attorney with experience and a proven track record of defending the interests of those who have been charged with DUI or DWI. DUI laws are complex and knowing how to defend a DUI case involves considerable preparation, familiarity with the law and the knowledge of how to defend complex scientific cases.

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*If you or someone you know has been charged with a DUI/ DWI, Driving While Suspended and/or Revoked, you owe it to yourself to retain the services of an experienced, knowledgeable DUI/DWI defense attorney.*



### SOME OF THE DUI CREDENTIALS OF ALPERT SCHREYER'S CRIMINAL DEFENSE ATTORNEYS

- Andrew Alpert, Sustaining Member – National College for DUI Defense
- Andrew Alpert, Certified Breath Alcohol Technician
- Andrew Alpert, NHTSA Certified Field Sobriety Testing Instructor

- Andrew Alpert, Super Lawyers – Maryland and the District of Columbia
- Andrew D. Alpert – AV Rated – Martindale Hubbell
- Arya Saleh, Member – National College for DUI Defense
- Arya Saleh, Former Felony Prosecutor





### What is a PBJ?

**Answer:** A Probation Before Judgment is not a conviction. A Probation Before Judgment is a disposition that allows the Court to remove a conviction from your record even if you have been found guilty in your case.

### How will a PBJ affect my ability to work and/or attend school?

**Answer:** You don't have to lose your livelihood because you have been charged with a DUI/DWI or a criminal offense. Many schools and employers require background checks, security clearances, or types of criminal records check. Receiving a Probation Before Judgment will remove a conviction from your record which may allow you to get hired, keep your job, or continue your education.

### How do I learn a PBJ?

**Answer:** It is always up to the Judge to grant you a Probation Before Judgment. The experienced lawyers at Alpert Schreyer practice in all of the Courts in Maryland and know what the Judges require before granting a Probation Before Judgment.

### What is an Expungement?

**Answer:** An Expungement is when the records of your case are deleted. In the internet age the mere fact that you were charged with a crime or a DUI/DWI can be discovered by family, neighbors or co-workers. For most people these accusations can be embarrassing. Expungement will shield this information from the public. The Team at Alpert Schreyer guide you through the steps of expunging your criminal, traffic, or DUI/DWI case.

### How can a Lawyer Help?

**Answer:** The laws of PBJ and Expungement are complex. It can take skilled lawyers with vast experience to help you negotiate these laws. The Team at Alpert Schreyer will place the needed information before the various Judges throughout the State to maximize your chances at receiving one of these favorable outcomes. In some situations, your lawyer will recommend that you complete a specific program, class, or counseling that many judges look upon favorably. This skill and experience may be the difference between a clean record and a conviction.

## Maryland

# SENTENCING ALTERNATIVES

### Electronic Monitoring

Electronic monitoring programs (including ankle bracelets) offer flexibility by allowing the subject to leave his or her home at authorized times, including work, alcohol education programs, grocery shopping, religious services, etc.

### Community Service

Working in an approved program can be a substitute for jail (or fines). Community service is generally not hard physical labor and it is particularly desirable for someone with injuries or other limitations.

### Highway Cleanup

This is more physically demanding work and can include picking up trash by the side of the freeway.

### Work Release

A dorm-like setting where participants go to work during the day and return at night by a specified time. Since the only allowable release is for work, generally weekends are spent in the work release environment too.

### Drug Rehabilitation/Sober Living Environments

When ordered as a condition of release pending the resolution of the case, or as part of a sentence, these environments offer an attractive alternative to jail for those struggling with alcohol or drug addiction. Time spent in rehab can count as time spent in jail, but it will likely require the efforts of an attorney to ensure that the proper credits are awarded.

## Attorney Andrew D. Alpert

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*Partner*



Attorney Andrew D. Alpert is widely regarded as one of the leading DUI/DWI and criminal defense attorneys in the State of Maryland and the District of Columbia. Mr. Alpert is one of the first 12 attorneys nationwide and the only Maryland attorney who has received the ACS Forensic Lawyer-Scientist Designation as recognized by the Chemistry and Law Division of American Chemical Society.

He has significant advanced training in DUI/DWI law, is a Certified Breath Alcohol Technician and is one of only a few attorneys in the Washington DC metropolitan area who has received a certification as a NHTSA Field Sobriety Test Instructor. Mr. Alpert has represented thousands of individuals charged with DUI/DWI, has had many drunk driving cases covered by the press and has appeared on national television to offer his legal opinion on high-profile criminal cases. He has been selected to the list of the Nation's Top One Percent by the National Association of Distinguished Counsel, has been named to Super Lawyers in Maryland and Washington, D.C., holds the highest rating available with Martindale Hubbell (AV Preeminent®), carries a 10 out of 10 Superb Rating with AVVO and has been named to the American Trial Lawyers Association Top 100 Trial Lawyers.

Mr. Alpert regularly attends advanced DUI/DWI training courses across the country including the National College for DUI Defense seminars conducted at Harvard University Law School. He has lectured frequently on DUI related topics to defense attorneys as well as police agencies. Mr. Alpert is a Founding Member of the DUI Defense Lawyers Association, President Elect of the Maryland Criminal Defense Attorneys' Association, Chairman of the Legislative Group of the Maryland Criminal Defense Attorneys' Association on Narcotics, the Maryland State Representative to and Sustaining Member of the National College for DUI Defense and holds Membership in the Maryland Association for Justice, Maryland State Bar Association, Prince George's County Bar Association, National Association of Criminal Defense Lawyers, the National Trial Lawyers, and The American Trial Lawyers Association Top 100 Trial Lawyers.

In addition to his success as a Maryland Criminal Defense Attorney, Mr. Alpert is also a highly skilled personal injury attorney who has helped victims of car, truck and motorcycle accidents and family members of those involved in wrongful death matters receive just compensation for the injuries and losses they have suffered.

## Attorney Arya Saleh

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*Director,  
Criminal Litigation*



Arya Saleh is an experienced former Assistant State's Attorney who has prosecuted a diverse array of criminal matters before Judges and Juries, in multiple jurisdictions throughout the State of Maryland.

He began his career as a judicial law clerk for the Montgomery County District Court, working alongside eleven District Court Judges. He was then appointed as an Assistant State's Attorney for Frederick County, Maryland. There, he was first assigned to the District Court team, prosecuting thousands of misdemeanor cases, including DUI/Traffic cases, drug offenses, domestic violence and white-collar financial crimes. During this time, he was also designated as Special Prosecutor, prosecuting cases in several other Counties across Maryland.

Mr. Saleh distinguished himself and rapidly rose through the ranks, ultimately being promoted to the Felony Narcotics Division. In this role, he headed the County's Gang Prosecution Unit, handling felony narcotics, gang and firearms cases. Further, he was a member of a select team of Prosecutors overseeing high-profile, long-term narcotics-trafficking cases. The complexity of these cases included the supervision and authorship of search and seizure warrants and Title III wire-taps, working in tandem with the United State's Attorney's Office, the FBI, DEA, and Homeland Security.

Mr. Saleh now puts this considerable experience to work for Alpert Schreyer, leveraging his trial and negotiation skills - and familiarity with the courtroom - to effectively advocate for clients during the most difficult of circumstances. He is a member of the National College for DUI Defense, Maryland Association for Justice, MSBA and the Bar Associations of Prince George's, Anne Arundel, Charles, Montgomery and Frederick Counties in Maryland. He has received advanced DUI/DWI training at Harvard Law School as a member of the NCDD.



**Q:** Will I be able to get my case dismissed because I was not read my rights?

**A:** *Probably not. But if you were interrogated after being placed in custody, your statements can be used against you.*

**Q:** Am I admitting guilt if my case is placed on a Stet Docket?

**A:** *NO. Cases are Stet Docketed without an admission of guilt or wrongdoing. This is a positive outcome for your case.*

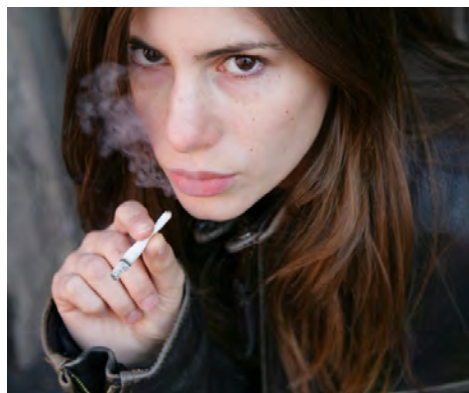
**Q:** I had two alcohol offenses when I was younger. What will happen to my license if I have a third conviction?

**A:** *You will face revocation or a lengthy suspension both before court (if the test result is .08 or more or you refuse the test) and if you are found guilty after you go to Court. You will be allowed to request a hearing at the MVA where you can go with a lawyer and a lawyer can help you.*



**Q:** Can the police search my car without a warrant?

**A:** *There are many circumstances that prevent the police from searching your car. If it is determined that the police searched your car illegally, the evidence seized from the car may not be used against you and your case may get dropped.*



**Q:** Is there anything I can do to remove convictions from my record?

**A:** *YES! Many people do not realize that Maryland allows certain dispositions to be removed from your record.*

**Q:** Does Maryland allow the use of marijuana for medical purposes?

**A:** *Marijuana use in Maryland is illegal, however there are situations where a medical condition can be a defense to a simple possession of marijuana case.*

**Q:** Can the alleged victim in my case drop the charges?

**A:** *The decision to drop charges belongs to the State's Attorney. The lawyers at Alpert Schreyer will aggressively negotiate to have your charges dropped.*

**Q:** Can my spouse be forced to testify against me?

**A:** *YES. Your spouse can be forced to testify against you in certain situations. If your spouse is an alleged victim, your spouse may choose not to testify against you one time. Consultation with a lawyer is very important.*



# 10 Mistakes People Make When Facing Charges

## **MISTAKE #1**

### **NOT TAKING THE MATTER SERIOUSLY**

You are facing a criminal charge that will follow you for the rest of your life, if you are convicted.

## **MISTAKE #2**

### **NOT HIRING AN ATTORNEY**

Maryland criminal law is complex and you need competent representation. You must raise the right defenses at the right time. Facts will disappear, memories fade and witnesses vanish. A winnable case can quickly become a loser without the proper counsel.

## **MISTAKE #3**

### **HIRING AN ATTORNEY BASED ON THE AMOUNT OF THE FEE ALONE**

The State has almost unlimited resources when it comes to your case. You need to hire an attorney and pay a fee which will allow him or her to put the necessary time and effort into your case to counter the prosecution. Attorneys must earn enough in the time they spend on your case in order to keep their doors open and make a living wage. If you go too low, your attorney will not be able to put in the time necessary to protect you. Look for a reasonable, predictable fee.

## **MISTAKE #4**

### **NOT COMPLYING WITH DRIVER'S LICENSE LAWS**

You could lose your right to drive.

## **MISTAKE #5**

### **DRIVING AFTER YOUR LICENSE HAS BEEN TAKEN AWAY**

Driving on a suspended or revoked license can carry up to 1 year in jail and a \$1,000 fine for simply a first offense.

## **MISTAKE #6**

### **NOT TAKING FULL ADVANTAGE OF YOUR CONSTITUTIONAL RIGHTS**

There are very important rights that are granted to you by the Constitution. The police officers involved in your case may have violated your rights and it is our job to determine if they did.

## **MISTAKE #7**

### **TAKING THE PROSECUTOR'S FIRST OFFER**

The first offer is often not a good deal, it's just to get rid of your case with the least amount of work. Very few cases are dismissed or reduced at this stage. If you accept the state's first offer, you may not give a Judge the opportunity to rule on constitutional challenges and you give up your right to raise these issues and make the prosecution prove its case.

## **MISTAKE #8**

### **FAILING TO APPEAR IN COURT**

The Court can issue a bench warrant for your arrest and revoke any bond. The next time you are stopped for a traffic

infraction, you will be spending some time in jail and posting a bond for your future appearances and you could be charged with another crime - Driving While Suspended since the failure to appear will trigger a notice to the Motor Vehicle Administration to suspend your privilege to drive in the State of Maryland.

## **MISTAKE #9**

### **TALKING TO ANYONE BUT AN ATTORNEY ABOUT YOUR CASE**

Anything you say to them can be used against you.

## **MISTAKE #10**

### **THINKING THAT TALKING TO NUMEROUS ATTORNEYS WILL HELP YOU HANDLE IT ON YOUR OWN**

Maryland criminal charges can carry stiff penalties and long-term consequences. Knowing how to defend a criminal case involves extensive preparation, familiarity with complex laws, knowing which motions to make and when, understanding what challenges to raise to the charges you are facing and understanding how to combat the evidence the prosecutor will use against you. If your case goes wrong, you could lose your right to drive (in the case of DUI/DWI), pay thousands of dollars in fines, lose your freedom and jeopardize your future. In order for you to receive the best defense possible it is in your best interest to hire a qualified criminal defense attorney.



Andrew D. Alpert

Way too many people have told me they wished they had acted sooner before important evidence was lost that could have proved vital to their case. I have encountered many people who decided not to retain a lawyer because of one reason or another, only to find themselves years later wishing they would have gotten sound advice. It's unfortunate but TRUE!

Please don't let this happen to you. If you're in a situation where you don't know what to do and you can't seem to figure things out, then that's more of a reason to call our offices for a free consultation. We understand that you have a lot of questions and concerns on your mind because having a DUI/DWI or other criminal charge on your permanent record will ultimately affect your life in one way or another. However, not doing anything at all won't change your situation.

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## Maryland **CRIMINAL CHARGE?**

Contact the professionals at **Alpert Schreyer**  
to fight for your legal rights today.

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**Call 866.444.6363**

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- Advanced DUI/DWI and Criminal Defense Training
- Thousands of Maryland and District of Columbia Residents Represented
- Serving all of Maryland

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