

Handling OUI Cases

Learn the essentials of prosecuting or defending OUI cases

Why attend?

Operating under the influence cases have remained high-stakes litigation, whether you're the defense attorney or the prosecutor. The legal and practical ramifications of Melanie's Law, enacted less than three years ago, include the longer loss of driving privileges for repeat offenders and incentives for the offenders to take the typically incriminating breathalyzer test. More recently, the Supreme Judicial Court ruling in April 2007 on the admissibility of the breathalyzer results, coupled with the previous existing enactment of the .08 per se law and the provisions of Melanie's Law, has created new obstacles for the defense attorney to overcome.

At the same time, growing public attention to this crime burdens a prosecutor with an expectation of delivering convictions, regardless of the level or lack of evidence—such as the motorist's refusal to submit to field sobriety tests or to take a breathalyzer.

It is therefore incumbent upon both the defense attorney and prosecutor seeking success in these cases to stay abreast of the case law and Registry of Motor Vehicle ramifications, and to know the workings of an OUI arrest.

You will learn...

- ▶ Updates on the statutory law and case law
- ▶ The essentials for preparing a case as a defense attorney, or as a prosecutor
- ▶ How to dispute the results of a breath test through source code challenges, or as a prosecutor, how to ensure its admissibility with a proper foundation
- ▶ The current law regarding Boating While Intoxicated cases and how to prosecute or defend them
- ▶ About administrative license suspensions and what the RMV will do to the defendant following conviction
- ▶ What can a prosecutor do to ensure enforcement of driving restrictions awaiting trial
- ▶ The nuts and bolts of the ignition interlock device

- ▶ How to challenge prior convictions—or how to prove them
- ▶ How to decide, as a defense attorney, whether to seek a jury trial or bench trial

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Get this book FREE!**



Trying OUI Cases in Massachusetts

CONTENTS AT-A-GLANCE

- ▷ Trial Preparation
- ▷ Pretrial Motions
- ▷ Evidentiary Issues
- ▷ Jury Session Technicalities
- ▷ The Prosecutor's Case-in-Chief
- ▷ Challenging the Prosecutor's Case
- ▷ The Defendant's Case
- ▷ The Prosecutor's Challenge of the Defendant's Case
- ▷ Jury Instructions, Closing Arguments and Bifurcated Trials
- ▷ Sanctions and Penalties
- ▷ Posttrial Relief
- ▷ Breathalyzer, Blood Alcohol and Field Sobriety Tests
- ▷ Recent Developments

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