

Roadlawyers Questionnaire

Name

Address:

Telephone Numbers: (Home)
(Work)
(Cell)
(Fax)

Occupation:

Next court date:

Location of charges / court date:

Was there an accident?

If so was anyone injured?

Please tell us how you heard about our office. (ie: Yellow Pages, TV, police officer, etc ...)

Do you have a Criminal Record? If so, please list offences and approximate date of conviction, with particular emphasis on impaired driving charges.

On the **day of your charges**, what was your:

Height: Weight: Age

Meals consumed that day (what, when & where)

Breakfast:	Time:	Where?
Lunch:	Time:	Where?
Dinner:	Time:	Where?
Snacks:	Time:	Where?

Alcohol consumed that day? It is crucial that you be as accurate as possible in this section.

Type

How many

Size:

Alcohol Content:

Time drinking started

Time drinking ended (last swallow of alcohol)

****** It may be necessary to prove all of the above in court. Keep all bar tabs and receipts or get copies from the bar if you do not have receipts. Also if possible get a sample glass, pint or jug from the bar, whichever applies to your drinks.**

****** Also if you have any witnesses, get statements from them IMMEDIATELY.**

Any alcohol consumed the day before your charges? (Again be specific)

If so, list meals as well

ROADSIDE

*****Include in your responses the EXACT words of the officer and yourself if possible.**

What time were you stopped by the police and where?

How long / far were you followed before being pulled over?

Reason police gave for stopping you.

Did the officer ask you:

- | | |
|-----------------------------------------------------------------------------|---------------------------------------|
| 1. For your driver's licence, insurance / registration?
had providing it | Explain any difficulties you may have |
| 2. Were you asked if you had been drinking? | Your response: |
| 3. When your last drink was? | Your response: |
| 4. Where you had been drinking? | Your response: |

Did the officer ask you anything else?

If so what was your response?

Was there any open alcohol in your vehicle?

If so did the cops find it and when?

At what point did the officer ask you to step out of your vehicle?

Did he say why?

ROADSIDE SCREENING DEVICE (RSD)

*****This is a handheld breath tester that may or may not have been used in your case****

Where you asked to blow in Roadside Screening Device (RSD)?

Did you blow in the RSD?

How much time had passed between your last sip of alcohol and the RSD?
If you smoke, how long had it been since your last cigarette and the RSD?
Did the cops have the RSD with them, or did another officer bring it to the scene? Was there any wait for a RSD to show up?

How many times did you blow in the RSD?

Did the cops have any difficulty administering the RSD?

How long did it take for the fail reading to come up?

Did the officer explain the significance of the RSD? If so what did he/she say?

If you refused to blow into the RSD, why? What exactly did you say?

ARREST & YOUR RIGHTS

At what point were you arrested?

What exactly were you arrested for?

Did he read it from a card?

Did the officer tell you that you had a right to call a lawyer? .

Did he read it from a card?

Did you understand that you could talk to a lawyer for free?

Did you have a cell phone with you? If so, did the police let you call from the scene?

When did the officer make a demand for breath samples into the Breathalyzer / Intoxilyzer?

Was it before he told you of your right to call a lawyer or after?

Did he read it from a card?

Did he tell you that if you didn't blow you would be charged?

Did you agree to provide breath samples? If no, why not?

TRIP TO POLICE STATION FOR BREATHALYZER

Please tell me in as much detail as you can about the trip to station and any conversation that you may have had. **USE EXACT WORDS IF POSSIBLE.**

Where were you taken?

How long did it take to get there?

How long were you with the police officer at the roadside before you left for the station?
the reason for any delay? (i.e. a wait for a tow truck.)

What was

Were you handcuffed?

At the Police station, where was the police car parked?

How did you exit the police car?

Explain any difficulty you may have had .

How far was there to walk to the station?

Explain any difficulty you may have had .

Where were you taken first inside the station?

Did the police officer take any of your personal property?

What and when ?

Inside the police station, did you have any difficulty walking?

If so explain

LAWYER

Did the officer offer you an opportunity to call a lawyer? When and how?

Were you given any of the following to find a lawyer's phone number? Circle

Yellow / white pages

List of lawyer's names

1-800 #

Other

Where was the phone located in the police station? (i.e. inside a room or outside in the hall)

Did you dial the phone yourself, or were you assisted by the officers?
If the cops called was it because you asked them to, or did they do it on their own?

Did you have a specific lawyer in mind, and were you able to reach that lawyer, or leave them a message?

IF YOU SPOKE TO A LAWYER:

Did you pick the lawyer or did the officer choose?

Were you able to speak to a lawyer for as long as you wished?

Did you have privacy when you spoke with that lawyer?

Were you satisfied with the advice you received?

After you finished your call, did the police ask you:

If you had talked to a lawyer?

Your response:

If you received legal advice?

Your response:

If you were satisfied with the advice you received?

Your response:

IF YOU DID NOT SPEAK TO A LAWYER:

Why not? Explain in detail.

Did the police **read you a waiver** form from a card telling you that they had to hold off and give you a reasonable opportunity to contact counsel?

Did you understand that you had a right to a reasonable opportunity to consult with counsel?

THE INTOXILYZER / BREATHALYZER

What happened in the testing room?

How many times did you attempt to provide samples?

Did the police officer operating the machine have any difficulties with it? If so, give details.

Who was present while you provided your breath sample each time?

What happened in between the breath samples?

Was there any discussion between you and the police officer while samples were being taken or in between the 2 samples?

If so please provide the EXACT WORDS if possible.

If you were unable to provide breath samples, why not?

How many tries were you given?

Were you trying as hard as you could, or trying to fool the instrument?

If you **refused or failed** to provide breath samples, why?

AFTER THE BLOWS

How long did the police keep you after the blows?

Where were you held?

Did you have shoes and appropriate clothing?

Were you handcuffed?

Did the police officer serve you with any documents?

Was it the same officer who originally stopped you that served the documents?

Did the officer hand them directly to you?

Did the officer read them over to you word for word?

Did you read the original documents along with him/her with your copy or copies?

After the documents were given to you, were they ever taken away again by a police officer?

What did you do with the documents once they were given to you?

GENERAL QUESTIONS

Did you feel that the alcohol you consumed was affecting your ability to operate a motor vehicle to **ANY DEGREE AT ALL?**

Were you on any medication, prescription or otherwise, on the date in question?
If so, please list.

Were you sick or ill on the date in question?
If so, please give details. Include any increased temperature or fever you may have had.

Did you burp or vomit at any time between getting into your vehicle and leaving police custody?
If so, give details as to when, how often, and did the police officer notice?

Do you wear glasses? Did you wear them on that day?

Apart from being impaired by alcohol, is there any other explanation for why you may have had:

- a. Bloodshot / Glassy eyes

- b. Dry mouth

- c. Flushed face

- d. Slurred speech

- e. Difficulties with extracting your licence, registration, and insurance and providing them to the officer

- f. Problems with your balance, such as stumbling, staggering, or having to lean on something for your support. (What type of shoes? what was road condition? etc.)

Is there anything that we have not covered that you think we should know about these charges?

Do you plan to travel outside of Canada in the next five (5) years. If so, where, why and for how long?

Can you please describe yourself, including skills, talents, hobbies, or anything that will help us *better* understand you and represent you in a sympathetic light to the Crown or the Court

ADMINISTRATIVE LICENCE SUSPENSION

(ALBERTA ONLY)

The police officer should have given you a Temporary Driver's License and Notice of an Administrative License Suspension for 3 months starting in 21 days from the date of your offence.

***** Your three-month suspension and your criminal charges have NO effect on one another.**

We can bring an appeal before the Transportation Safety Board Driver to have this suspension cancelled. This is a separate process from fighting your criminal charges. The process involves you purchasing an application form from a registry (cost \$260), signing the form and bringing it to us. We will fill in the rest and file it at the Board. We are then given a date for a hearing, which may or may not be before your suspension begins to run. Filing an appeal does NOT delay the start of your suspension. You will attend the hearing with us. A written decision will be given by the board 10 business days following the hearing.

The cost of having us do your hearing is \$1200.00, not including the cost of the application.

***** It is important to remember that the hearing has no effect on your criminal charges.**

If you drive while your suspension is running you are risking being charged with further offences, having your vehicle impounded for 30 days and a further suspension of your licence.

If you are eventually convicted, and have no prior record, you will lose your license for 1 year. The first 3 months you will have to walk, the last 9 months you can drive if you get an Interlock machine installed, but only if the Sentencing Judge orders that you are eligible to apply. That costs about \$200.00 to get installed and about \$120.00 per month to rent.

If you are convicted and have a prior record for impaired driving or refusing to blow, you may be facing jail time and a 3 year driving suspension.