

FOR IMMEDIATE RELEASE:

MICHIGAN DRIVERS RIGHTS ARE OFTEN VIOLATED WHEN STOPPED WHEN DRIVING UNDER THE INFLUENCE

Royal Oak, MI - If you have the misfortune of being stopped for an OWI in the State of Michigan and if you think you know your rights, think again, you probably don't. Once more by submitting to the roadside sobriety test you could be putting your health at great risk. While The Law Offices of Barton Morris are adamant against individuals driving under the influence, drivers have rights and it's essential they know them.

Under Michigan law, MCL 257.625a, drivers are required to take a chemical test, either blood or breath, after being arrested for an OWI. The police officer then reads them the Chemical Test Rights form. If the person consents the officer proceeds with the test. Should they decline, they will receive 6 points on their drivers license record and a 1-year suspension of their license. The officer would then take them to a hospital and will get a warrant for their blood to be drawn.

What you don't know until after you have consented is that there is an exception to this rule. It is noted at the bottom of the form with an asterisk. Should you have diabetes, hemophilia or other blood disorders listed on this form, you can refuse the test and the penalty of points or losing your license will not apply. The officer would then secure a warrant.

The public should know that this form is set up to get consent by the threat of penalty, even if it didn't apply to them. Even if you had consented to the test because you hadn't yet heard the exception rule and it did apply to you, the court will find your consent valid even though it essentially was coerced out of you.

The issue is that a person is read the penalty provisions of the statute and THEN asked for consent which they typically consent to, not wanting to lose their license or points. However, this is extremely coercive. Only after they consent does the officer read the bottom of the form which is the exception and if they have any of the afflictions the penalties they were read did not apply and the person has already consented for fear of a penalty that did not apply to them.

Attorney Chris Urban of The Law Offices of Barton Morris recently said: "A person who has diabetes, hemophilia or requires the use of an anti-coagulant, should not be forced to choose between a potentially dangerous medical decision to take blood or lose their license. By not reading the exception first, that is exactly what they are doing."

Recently, Chris Urban of The Law Offices of Barton Morris was in front of Oakland County Circuit Court Judge Daniel P. O'Brien who expressed his frustration with this form to the extent of reading it out loud to the people sitting in the courtroom to see if anyone in the gallery could understand it. Neither the Judge nor the gallery could understand it, as it is written very poorly.

Chris Urban is available for interviews.

The Law Offices of Barton Morris is located at 520 N. Main Street in Royal Oak, Michigan. It handles all types of criminal matters. Visit www.michigancriminalattorney.com for more information about the Barton Morris criminal defense law firm.

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