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**\*\*\*\*\*The following cases are examples of some of my wins. The cases that read DISMISSED are real Dismissals, not Continued Without a Finding cases that stay on your record forever and count as a first offense for THE REST OF YOUR LIFE.**

**These case also include multiple offenses up to FIFTH offenses!!!**

**Cases that were charged as third offenses or more (felonies) but were reduced to misdemeanors with NO JAIL TIME are not listed but are considered WINS.**

#### **March 2010**

**Newton District Court** – The client passed a vehicle on the wrong side of the road and was pulled over. The police observed that the client had a strong odor of alcohol, extremely slurred speech and bloodshot eyes. He failed the alphabet test, could not do the one leg stand and the officer testified he failed the walk and turn but according to the officer's field sobriety test training manual, the client passed that test. **-NOT GUILTY**

**Attleboro District Court** – The police responded to a domestic disturbance. The client's wife told the officers that he had left in his car and was highly intoxicated. One of the officers saw him driving in front of his house and motioned him over. He complied. The officer testified he had bloodshot and glassy eyes and smelled of alcohol. The officer asked him to get out of the car and according to the officer he staggered as he exited. The officer testified that he did not successfully complete the Walk and Turn test. **The breath test result of .11 did not go into evidence- NOT GUILTY**

**Quincy District Court** - The police officer saw the client enter a liquor store and be refused service as a result of being intoxicated. The officer watched him leave and stagger to a car in the liquor store parking lot. The client then turned around and started to walk towards the store again. He stopped again and



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returned to the car, got in and started the car. The officer told him to stop and he did. The officer testified he had bloodshot and glassy eyes, slurred speech and smelled of alcohol. The officer asked him to get out of the car and according to the officer he staggered and could not maintain his balance without holding onto the car door. – **NOT GUILTY**

**Plymouth District Court** – The officer observed a van cross the roadway and pull into a parking space on the other side of the road facing in the wrong direction. The officer pulled up next to the van and when the operator looked at the officer he was described as looking dazed and confused. The officer said his speech was slurred, he had bloodshot glassy eyes and smelled strongly of alcohol. He passed the alphabet test, could not do the one leg stand and the officer testified he failed the walk and turn but according to the officer's field sobriety test training manual, the client passed that test. -**NOT GUILTY**

**February 2010**

**Plymouth District Court** – The officer was dispatched as a result of a cell phone caller's report of an erratic operator. The officer said the client's speech was slurred, that she had bloodshot glassy eyes and smelled strongly of alcohol. She failed the alphabet test, the one leg stand and the walk and turn. A defense expert on field sobriety testing cast doubt on the validity of the testing due to the client's weight.-**NOT GUILTY**



January 2010

**Belchertown District Court** - The client was pulled off to the side of the road with her flashers on. As the officer got closer she turned her flashers off and pulled out into the travel lane. After pulling out she crossed the fog line and the officer put on his blue lights to stop the car. The driver swerved to the right nearly hitting trash cans at the end of the driveway and then pulled over. She produced her license without a problem. She was asked to get out of the car and the officer testified she was unsteady walking to the rear of her car where she could not stand on one leg or walk heel to toe to the officer's satisfaction. The officer indicated that she had slurred speech, bloodshot, glassy eyes, and smelled strongly of alcohol. The client admitted drinking.— **.08% breath test – NOT GUILTY**

**Peabody District Court** – The police responded to an accident scene where a car had struck a telephone pole. They found the client backing the vehicle up and pulling it into the next driveway. The officer testified that the client was unsteady on his feet, leaned against the car, smelled strongly of alcohol, had red glassy eyes and slurred speech. The arresting officer testified that on the One Leg Stand Test the client put his foot down 2 times in 6 seconds. (another officer testified he held it up for 10 seconds ) During his recitation of the alphabet he jumbled and missed letters. (English was his second language) – **NOT GUILTY**

**Hingham District Court** - The client was described by the trooper as going 80 – 87 mph and weaving between lanes. The trooper indicated that the client had bloodshot and glassy eyes, slurred speech and smelled of alcohol. The client produced his license and registration without difficulty and was told to get out of the car. The officer testified that he did not successfully complete the one leg stand or Walk and Turn test and completed the counting backwards and alphabet test. – **NOT GUILTY**

**Cambridge District Court** – The state police were dispatched to a motor vehicle accident and found the client inside her motor vehicle. She had driven into an intersection and crashed into a snow plow. The officer testified that the client had bloodshot, glassy eyes, smelled strongly of alcohol was incoherent



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and had very slurred speech. She was taken to the hospital and then to the station where she took a breath test. **The breath test result of .11 was not allowed into evidence- NOT GUILTY**

#### December 2009

**Orleans District Court** - The client was described by the officer as going at a very high rate of speed. The officer indicated that the client had red, watery eyes and smelled of alcohol. The client produced his license and registration without difficulty and was told to get out of the car. He failed the one leg stand, Walk and Turn test and finger to nose. – **DISMISSED**

**Wareham District Court** - The police officer testified that he driving on a rotary when the client entered from the right, cutting him off and causing him to slam on his brakes. The officer pulled the client over and testified the client was slurring his words, had bloodshot and glassy eyes and smelled of alcohol. He failed the one leg stand, Walk and Turn test, counting test and alphabet test.– **NOT GUILTY**

**Concord District Court** - The police responded to the report of an accident. They found the client in the drivers seat. The car had struck a pole and cut it in half. The client was removed from the car with the jaws of life and taken to the hospital. The officer testified the client was slurring her words (and added she had a mouth injury), had bloodshot and glassy eyes ( and added that she had been crying) and smelled of alcohol. He was examined by EMT's who transported him to the hospital. The hospital blood test of **which equated to .23 was excluded – NOT GUILTY**



November 2009

**Quincy District Court** - The police officer saw a car enter the roadway at a high rate of speed and fishtailed during the turn. The officer turned on his emergency lights. The car did not stop and was chased by two cruisers at speeds over 100 MPH. The client eventually stopped and was ordered to the ground at gunpoint. He told the officers that he was fleeing from 6-7 kids that had jumped him. He had scraped knees and elbows, a black eye and facial bruising. He was arrested and taken to the station where he tried to take a breath test but had to be taken to another station since their machine was not working. He then took the **breath test with a reading of .11**. The officer testified he had bloodshot and glassy eyes, slurred speech and smelled strongly of alcohol. He was examined by EMT's at the station. – **NOT GUILTY of Operation under the influence and a HUNG JURY on the breath test being above .08**

**Wrentham District Court** - The client was found getting out of a disabled car in the parking lot of a bank. She had two flat tires and told the officer that she had called AAA. He offered her a ride to the station and when she got into the cruiser he noticed an odor of alcohol and slurred speech. She told him she had consumed 3 glasses of wine. The client produced her license and registration without difficulty. She failed the alphabet and the walk and turn test. – **NOT GUILTY**

**Framingham District Court** – The police responded to the report of an accident. They found the client getting out the driver's side of a car with heavy damage. The officer testified the client was unsteady, had bloodshot and glassy eyes and smelled strongly of alcohol. He was examined by EMT's who transported him to the hospital. They testified that he did not smell of alcohol, spoke normally and was not unsteady. The ER doctor also testified that he did not seem impaired. The hospital blood test of **which equated to .13 was excluded – NOT GUILTY**

**Plymouth District Court** – The officer was dispatched to an accident where one of the drivers had left the scene of the accident. A witness took down the plate of the car and the police went to the client's house. They found the client outside his house. The officer said his speech was slurred, he had bloodshot glassy eyes and smelled strongly of alcohol. He passed the alphabet test, did not do the one leg stand due to a bad hip and tried but failed the walk and turn. A video at the station contradicted the officer's description of him at the scene. He pled to the leaving the scene charge and went to trial on the OUI charge. -**NOT GUILTY**



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**Plymouth District Court** – Client was found stopped at a red light and did not proceed when the light turned green. The officer approached the car and knocked on the window. The client awoke and began to drive away with the officer running next to the truck. The client drove across the intersection and pulled into a construction site. The officer observed a strong odor of alcohol and that the client was mumbling incoherently. He stumbled out of the truck and almost fell over. His eyes were bloodshot and glassy. The officer arrested him and took him to the station. A videotape at the station contradicted the officers testimony of his condition. **-NOT GUILTY**

#### October 2009

**Worcester District Court** - The client was stopped for straddling the center line on a two lane divided road. The officer testified the client had red, bloodshot eyes, slightly slurred speech and smelled of alcohol. The client produced his license and registration without difficulty, admitted drinking and was told to get out of the car. He was not unsteady walk to the back of the car but bumped into the rear fender. He failed the one leg stand and the 9 step walk and turn test. **-.11% breath test – NOT GUILTY**

**Hingham District Court** –The police officer responded to a report of an accident. He found the car off the road, locked an no one around. He found the client ½ mile away with keys in his pocket. The client said someone else was driving. The client admitted to drinking, was unsteady on his feet, had bloodshot eyes, slurred speech and a strong odor of alcohol on his breath. **NOT GUILTY**

**Plymouth District Court** – Client was stopped after the officer observed the client make a wide right turn out of a restaurant parking lot. The client pulled over without a problem. The officer observed an



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odor of alcohol and that the client was unsteady. He also testified the client could not pass a one leg stand, walk and turn or alphabet test -**NOT GUILTY**

**Wareham District Court** – The police were dispatched to a motor vehicle accident and found the client outside a motor vehicle. He had knocked over a utility pole. The officer testified that the client had glassy eyes, was unsteady on his feet and smelled strongly of alcohol. He also testified the client could not pass a counting or walk and turn test but was able to say the alphabet. - **NOT GUILTY**

**Plymouth District Court** – The police were dispatched to a motor vehicle accident and found the client outside a motor vehicle. He said there were other people in the vehicle but would not give any more information. The officer wrote that the client had bloodshot eyes, slurred speech, was very unsteady on his feet and needed assistance to stand.- **DISMISSED**

**Belchertown District Court** - The client was described by the officer as weaving and crossing the lanes. The officer indicated that he had slurred speech, bloodshot, glassy eyes, and smelled strongly of alcohol. The client admitted drinking, produced his license and registration without difficulty and was told to get out of the car.– **.17% breath test – NOT GUILTY**

**Framingham District Court** – The client was found in a closed recreation area urinating outside his car. The officer observed a strong odor of alcohol, bloodshot glassy eyes and very slurred speech. He failed the one leg stand, and alphabet test and passed a counting test. – **.16% breath test – DISMISSED**



**September 2009**

**Orleans District Court** - The client was described by the officer as driving over the center and fog line repeatedly. The officer indicated that the client had slow and deliberate speech, glassy eyes and smelled of alcohol. The client produced his license and registration without difficulty and was told to get out of the car. He failed the one leg stand, Walk and Turn test and passed a counting test and alphabet test. – **.13% breath test – DISMISSED**

**Natick District Court** - The client was described by the officer as weaving between the lanes. The officer indicated that he had bloodshot, glassy eyes, and smelled of alcohol. The client admitted to 4 or five beers, produced his license and registration without difficulty and was told to get out of the car. He failed the One Leg stand and Walk and Turn test. – **.13% breath test – NOT GUILTY**

**Marlboro District Court** - The client was found parked on a Rte. 495 off ramp. The officer indicated that the client had bloodshot, glassy eyes and smelled strongly of alcohol. The client admitted to 1 glass of wine with dinner. She failed the One Leg Stand, Walk and Turn, alphabet, counting and finger to nose test. – **.16% breath test – NOT GUILTY**

**Plymouth District Court** – Client was stopped after the officer saw him cross the line and almost strike another vehicle. He fumbled for his registration. The officer wrote that the client had bloodshot eyes, slurred speech and smelled of alcohol. – **FIFTH OFFENSE!!!! - NOT GUILTY**

**August 2009**

**Dedham District Court** - The client was weaving in and out of 3 lanes, according to the officer. The officer testified the client had heavily bloodshot and glassy eyes, slurred and thick speech and smelled of alcohol. The client produced his license and registration without difficulty and was told to get out of the car. He failed the one leg stand, the 9 step walk and turn and a counting test. The officer testified he told the officer he was guilty and knew he had too many but couldn't get a cab. – **NOT GUILTY**



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**Woburn District Court** - The client was stopped for swerving out of his lane 2 times. The officer indicated that the client had bloodshot, glassy eyes and smelled of alcohol. The client produced his license after fumbling for it and registration without difficulty and was told to get out of the car. According to the police report he failed the one leg stand and walk and turn test. **.07% breath test – NOT GUILTY**

**Plymouth District Court** – Client was approached after a witness call the police about a motor vehicle running over a number of mailboxes. The officer went to a house where the client answered the door and appeared intoxicated. The officer wrote that the client had bloodshot eyes, slurred speech, smelled of alcohol and was unsteady. The client admitted driving but **all of her statements were suppressed**. **.24 % breath test – NOT GUILTY**

**Lawrence District Court** - The client was described by the chief of police as weaving across 3 lanes and stopped for no reason in the middle of the road. The officer wrote the client had bloodshot and glassy eyes, slurred and thick speech and smelled of alcohol. The client fumbled for and produced his license and registration . He stated he had 4 drinks at a Chinese restaurant. He failed the Walk and Turn test. – **.10% breath test DISMISSED**

**July 2009**

**Lynn District Court** - The client was described by the officer as driving 90 mph in the travel lanes and 80 mph in the breakdown lane. The officer indicated that the client had slurred speech, bloodshot glassy eyes and smelled strongly of alcohol. The client produced his license and registration without difficulty and was told to get out of the car. He failed the one leg stand, Walk and Turn test and passed a counting test. – **.10% breath test – NOT GUILTY**



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**East Brookfield District Court** - The client lost control of his motorcycle and was found unconscious near the bike. He smelled of alcohol and was life-flighted to the hospital where they took his blood. The test revealed a **high blood alcohol content**. – **NOT GUILTY**

**Woburn District Court** - The client was described by the officer as repeatedly crossing the marked lanes. The officer indicated that the client had bloodshot, glassy eyes and smelled of alcohol. The client produced her license and registration without difficulty and was told to get out of the car. According to the police report she failed the one leg stand, walk and turn, alphabet and counting backwards test. – **CASE DISMISSED**

**New Bedford District Court** - The client was found by the officer slumped over the wheel. The officer indicated that the client had slurred speech, bloodshot eyes and smelled strongly of alcohol. The client produced his license and registration without difficulty and was told to get out of the car. She failed the one leg stand, alphabet and the finger to nose test. – **NOT GUILTY**

**Wrentham District Court** - The client was described by the officer as driving erratically. The officer indicated that the client had slurred speech, bloodshot eyes and smelled strongly of alcohol. The client produced his license and registration without difficulty and was told to get out of the car. She failed the one leg stand, alphabet and the finger to nose test. – **.13% breath test CASE DISMISSED**

**June 2009**

**Fitchburg District Court** – The client was stopped using the breakdown lane a construction site. The officer indicated that the client had very slurred speech, extremely glossy and red eyes and smelled very strongly of alcohol. The officer also indicated that the client was swaying as he stood. He also wrote that the client could not pass a one leg stand and walk and turn test and during the alphabet had to think before stating each letter – **NOT GUILTY**



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**Brockton District Court** – The police responded to a report of an accident. They responded to the location and found the client inside his car. Despite passing two of two field sobriety tests the client was still arrested. – **NOT GUILTY**

#### May 2009

**Plymouth District Court** – Client was stopped after the officer observed him drive over the marked lanes. He testified the client had bloodshot eyes, slurred thick speech, smelled of alcohol and was unsteady after he got out of the car. He also testified the client could not pass a counting, one leg stand, walk and turn and finger to nose test – **NOT GUILTY**

**Plymouth District Court** – Client was stopped after the officer observed her swerving in and out of her lane. The officer testified the client had bloodshot eyes, slurred thick speech and smelled of alcohol. He also testified the client could not pass a counting, , walk and turn and alphabet test – **NOT GUILTY**

#### April 2009

**Plymouth District Court – MOTOR VEHICLE HOMICIDE** – The client was charged with motor vehicle homicide by negligent operation. The client drove into a torrential rainstorm and struck a large puddle that caused her vehicle to veer into oncoming traffic. Her passenger died as a result of the collision. The government prosecuted based upon witness statements that described her as going real fast (up to 55 mph) in a 40 zone. The defense expert testified that the accident happened so fast that none of the witnesses would be able to judge speed given the small amount of time they had to observe. **NOT GUILTY**



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**Wareham District Court** - The client was the passenger in a truck involved in a 2 car accident. He told the police that he was driving to protect his sister. He took and failed the field and breath tests. His sister testified that in fact she was driving.– **NOT GUILTY**

**Dudley District Court** - The client was described by the officer as driving 80 in a 65 and swerving all over the road. The officer indicated that the client had slurred speech, bloodshot eyes and smelled strongly of alcohol. The client produced his license and registration without difficulty and was told to get out of the car. The officer wrote that he was unsteady on his feet and wrote that the client failed the alphabet test. –**CASE DISMISSED**

**Wareham District Court** - The client was stopped for crossing the center lane numerous times and driving up onto the sidewalk. The officer testified the client smelled of alcohol and was unsteady on her feet. She failed the alphabet and finger to nose test – **NOT GUILTY**

#### March 2009

**Orleans District Court** – The client was stopped for crossing the double yellow lines. The officer testified he took a wide turn into a side street once the lights went on. The officer indicated that the client had slurred speech, bloodshot eyes and smelled strongly of alcohol. The officer also indicated that the client was unsteady walking and leaned on his truck for balance. Once arrested the client became verbally abusive to two officers. – **NOT GUILTY**

**Wrentham District Court** - The client was described by the officer as driving erratically. The officer indicated that the client had slurred speech, bloodshot eyes and smelled strongly of alcohol. The client produced his license and registration without difficulty and was told to get out of the car. She failed the one leg stand, alphabet and the finger to nose test. – **.13% breath test CASE DISMISSED**



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**Framingham District Court** – A cell phone caller describes the clients vehicle as swerving and operating without headlights. The officer found the vehicle parked half on someone's lawn. He noticed she smelled of alcohol and had slurred speech. She admitted to 2 glasses of wine. She was not given field tests due to severe weather conditions. – **NOT GUILTY**

**Plymouth District Court** – Client was found hunched over his motorcycle after a civilian called in that the client had struck his car and left the scene. The officer testified that the client smelled of alcohol but due to injuries was taken to the hospital. – **NOT GUILTY**

**Plymouth District Court** – Client was stopped for speeding and crossing the center line. The officer arrested him on an outstanding warrant (which turned out not to be him) and after he got him out of the car he noticed that he smelled of alcohol – **NOT GUILTY**

**February 2009**

**Orleans District Court** – The officer wrote in his report that the client was straddling the center line and that he had to swerve to avoid the clients car. He wrote his speech was slurred and smelled of alcohol. He wrote that he failed the alphabet, one leg stand, counting backwards and the 9 step walk and turn test. – **CASE DISMISSED**

**Orleans District Court** – The client was stopped for going back and forth between the travel and passing lanes. The officer testified he was slow to pull his car over. The officer wrote in his report that the client failed the alphabet test three times and testified that the client could not keep his foot in the air for more than 3 seconds – **NOT GUILTY**



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**Dedham District Court** - The client was asleep in his car in the parking lot of a closed business. The officer testified the client had red, bloodshot eyes and smelled of alcohol. The client produced his license and registration without difficulty and was told to get out of the car. He stumbled getting out of the car. He failed the one leg stand and the 9 step walk and turn test but passed the alphabet test – **.13% breath test NOT GUILTY**

**Stoughton District Court** - The police officer responded to a 3 car accident.

The officer's report indicated the client was swaying and smelled of alcohol. He passed the alphabet but had difficulty counting backwards. – **CASE DISMISSED**

**January 2009**

**Hingham District Court** –The police officer responded to complaints from a cell phone caller and observed a vehicle straddling the center line and had to swerve out of the way of the vehicle. The client admitted to 5 or 6 beers, was unsteady on his feet, had bloodshot eyes and a strong odor of alcohol on his breath. – **NOT GUILTY**

**Hingham District Court** –The police officer responded to an accident.

The driver was outside the car and had chest pains and a bloody nose The officer testified the client had bloodshot eyes and smelled of alcohol. He failed the alphabet, one leg stand and the 9 step walk and turn test. **.09% breath test – NOT GUILTY**



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**Milford District Court** – The client was stopped for crossing the lanes numerous times. The officer testified the client had bloodshot eyes and smelled of alcohol. He fumbled for his license. He failed the one leg stand and the 9 step walk and turn test. **.08% breath test – NOT GUILTY**

**Worcester District Court** - The client was stopped for straddling the center line and speeding. The officer testified the client had red, bloodshot eyes, slightly slurred speech and smelled of alcohol. The client produced his license and registration without difficulty, admitted drinking and was told to get out of the car. He was not unsteady walk to the back of the car. He failed the finger to nose, one leg stand and the 9 step walk and turn test. – **NOT GUILTY**

**Plymouth District Court** – Client was stopped after the trooper observed him drive over the curb with both passenger side tires. The trooper testified the client had bloodshot eyes, slurred thick speech, smelled of alcohol and was unsteady after he got out of the car. He also testified the client sang the last half of the alphabet, refused the one leg stand due to injured knees and failed the walk and turn test – **.15% breath test – NOT GUILTY**

**Plymouth District Court** – Client was stopped after the trooper observed him drive over the curb with both passenger side tires. The trooper testified the client had bloodshot eyes, slurred thick speech, reeked of alcohol and was wobbly when he got out of the car. He also testified the client was uncooperative. – **NOT GUILTY**



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**Brockton District Court** – The police responded to a report of a car driving on a lawn, hitting a tree and fleeing from the scene. They responded to the location and found the client outside of her car and visibly intoxicated. She was argumentative and uncooperative and failed all of the field sobriety tests. – **NOT GUILTY**

#### November 2008

**Peabody District Court** – The client was stopped for crossing into oncoming traffic. She produced her license and registration without a problem. She did not complete the one leg stand or walk and turn test. – **NOT GUILTY**

**Cambridge District Court** – a police officer noticed damage to a light pole and found the client Behind the wheel of a damaged vehicle one block away. His had difficulty waking the client up and when he awoke he had very slurred speech and was placed under arrest. – **NOT GUILTY**

**Peabody District Court** – The client was stopped after a cell phone caller called the police reporting that he was following a vehicle that was all over the road. The officer then pulled the car over for speeding. The client produced his license without difficulty, admitted drinking and was told to get out of the car. The client could not stand on one leg for more than 3 seconds and could not walk heel to toe. His recitation of the alphabet was not understandable according to the officer and repeatedly asked to be let go. – **NOT GUILTY**



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#### October 2008

**Federal District Court** – The client was stopped for running a stop sign. He was cooperative with the officer. He failed the alphabet, one leg stand and the 9 step walk and turn test. **.079% breath test – CASE DISMISSED**

**Hingham District Court**- The police responded to a call about a hit and run. They went to the owner of the vehicles home and spoke to the client who admitted being in an accident. The officer wrote in his report that the client was slurring his words, smelled of alcohol, had glassy eyes and was unsteady on his feet. The client failed all of the field sobriety tests. - **CASE DISMISSED**

#### September 2008

**Federal District Court** – The client was stopped for running a stop sign. She was cooperative with the officer. She produced her license and registration without a problem. She stumbled at the back of the car but otherwise was not unsteady. She did not complete the one leg stand, walk and turn and horizontal gaze nystagmus to the officer's satisfaction, but was able to do a finger to nose test. **.13% breath test – NOT GUILTY**

**Newton District Court** – The client was involved in a one car rollover accident. The police responded and observed that the client had an odor of alcohol and bloodshot eyes. The client was transported to the hospital and his **blood alcohol level was .13% -NOT GUILTY**



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**August 2008**

**Hingham District Court** –The police officer observed a vehicle cross the fog line twice and almost hit a parked car. The driver was slow to react to the officer’s requests. The officer detected and odor of alcohol, slurred speech and bloodshot eyes. The officer testified the client was having a difficult time understanding the field test instructions and could not say the alphabet. – **NOT GUILTY**