

Queens Dwi Lawyer Has Dwi Case Dismissed Where Client Blew .196 On Breathalyzer

By law office of michael s. discioarro

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New York City DWI lawyer Michael S. Discioarro is granted motion to dismiss case where client blew over two times the legal limit. All charges against the defendant were dropped by the state.

In a case that has been pending for over a year, New York City DWI DUI defense lawyer, Michael S. Discioarro was granted a motion to dismiss his client's case where he blew a .196 on the breathalyzer. James G. was pulled over at a checkpoint in Queens in August of 2008. The police allege that he had bloodshot watery eyes, a string order of alcohol on his breath and could not maintain his balance. He was then asked to take a breathalyzer test and complied. The results of the test were .196, which is over two times the legal limit of .08.

Mr. Discioarro states that he had concerns over the legitimacy of the police checkpoint. "You just can't have cops randomly setting up checkpoints in the city. There are legal procedures that must be followed according to the New York Court of Appeals." he said. Mr. Discioarro states that he would use the lack of a legal stop to suppress any evidence in the case. "I was confident we could win the hearing."

After a year of legal motions and decisions, the state of New York represented by the Queens District Attorney's Office, stated in open court that they would agree to the dismissal of all charges against the defendant. The Hon. Ira Margolis, of Queens Criminal Court entered the dismissal in favor of the defendant and all charges were dismissed.

"Obviously my client was very happy. The police had no reason to pull him over and I think they realized their mistake." Mr. Discioarro said. He also stated that many DWI DUI cases are dismissed on procedural grounds because the police fail to follow the law. The political need right now to prosecute as many people as possible for DWI is tremendous. The police seem to be looking for ways to pad their stats, regardless if their actions comport with constitutional protections. Mr. Discioarro can be contact by calling 917-519-8417 or visiting <http://www.dwi queens.com>, <http://www.newyorkcitydwi.com>. <http://www.dwibrooklyn.com>

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