

The Breathalyzer Experience

For most people the summer and Christmas seasons mean family, friends, holidays and lots of good food and drink. For policemen, lawyers and paramedics they are the seasons for drunkenness, breathalyzers, motor vehicle accidents and misery.

I am often asked about the best way to beat the Breathalyzer. There is only one answer and it is simple and short - take a taxi. This is true no matter what the season but it is especially true during summer and December when the authorities are extra vigilant.

Chances are that getting charged with a drinking and driving offence will result in either a plea of guilty before trial or a finding of guilt after trial. This is so for a number of reasons. First of all, the Breathalyzer is an amazingly accurate piece of machinery and there are very few defenses available if it says you've had too much.

Most defenses are of the technical variety and they are simply not available if the operating technician follows the correct procedure and correctly fills out the forms. Most do.

Refusal to blow charges are even easier for the Crown to prove and harder for the Defense to beat, especially as the higher courts continue to whittle down the list of good reasons for refusing. Suffice it to say that if you don't have to wheel around an oxygen bottle to survive or if you weren't unconscious or in shock at the time of the demand, you can probably forget it.

As for impaired driving charges, the use of video cameras has made it much more difficult for defense counsel to argue that the slobbering, argumentative, stumbling, incoherent buffoon on the TV was really a most sensible lad (or lass), quite capable of controlling a 2,000 lb. machine at high speeds.

The cost of drinking and driving is horrific, even if you don't count the chances of killing someone else or killing yourself. Since most drunk driving charges are laid as a direct result of motor vehicle accidents, there are usually repair costs, replacement vehicle costs, legal fees and fines to worry about.

Of course, if you plead or are proven guilty, that voids your insurance and you will be responsible for all of the costs of your own repairs and any damages or repairs to the other fellow's car or injuries to his body. Don't even ask about increased insurance premiums, just assume you won't be able to afford them.

And if the whopping expenses aren't enough, it doesn't even take into account the stigma of acquiring a criminal record or having to bum rides or take taxis for a year. In short, it is probably fair to say that the average drunk driving incident will cost you a minimum of \$5,000.00 - \$10,000.00 and probably much more than that.

Even if you get toilet hugging drunk a whopping four times a month, it will still take you at least ten years of taxis to use up the costs of one drunk driving incident (assuming you do half of your heavy drinking at home). Of course, at the end of the ten years, as a bonus, you still won't have

a criminal record.

If you drink a little closer to home you might even stretch it out for fifteen or twenty years. You might also consider walking home and sobering up while you get some exercise. In any event, one drunk driving offence is probably worth more taxi rides than any moderate social drinker will ever need.

A drunk driving incident can often work a chain reaction, spreading grief and misery like ripples in a pond. Imagine the horror when you (now referred to as "the Accused") wake up in hospital to find that maybe one or two of your friends or loved ones have also been injured or killed in the accident. When you see the policeman guarding the door of your hospital room, believe me, that is the kind of hangover that will never go away.

You will never forget the pain of your victim's relatives as they try to understand why their loved one had to die just because you were too stupid or too stubborn to park your car for the night. You will never forget the looks on the faces of your children in court as you are led away to jail.

If you drink and drive, don't expect any sympathy or leniency. You won't get any. All you will get if you're caught is grief and sorrow, but you will get that in abundance.