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## CRIMINAL LAW CORNER

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Criminal Law Corner is a newsletter published monthly by Probst Law Office, LLC, which contains relevant information concerning criminal, traffic and DUI/OVI matters, the specialty practice areas of the firm. Michael S. Probst is a criminal defense trial lawyer with more than 10 years of experience.

#### **INCREASE IN SOBRIETY CHECKPOINTS**

As the summer begins, law enforcement agencies often step up sobriety checkpoints. Once a driver enters the checkpoint area, they may be randomly stopped according to a predetermined plan. For example, officers may stop every other car or every fifth car, or son on. A quick screen is conducted and if the officer has no suspicions of OVI, the driver will be directed through the zone and be on his or her way. If the officer's suspicions are aroused, they direct drivers to a nearby screening area to perform field sobriety tests.

Deviation from proper procedures may lead to a dismissal or acquittal of OVI charges. Drivers who are cited or arrested should pay attention to the circumstances of their stop and bring any questions or concerns to the attention of an attorney.

Remember that an admission to drinking creates grounds to ask you to submit to field sobriety tests. If you have questions during a traffic stop ask to speak with your lawyer!

#### **SPEEDERS FACE NEW THREAT – GUESSES!**

In a 5-1 decision last week, the Supreme Court of Ohio upheld a speeding ticket based solely on how fast a driver appeared to be moving. The Supreme Court affirmed the lower court rulings, stating "we hold that a police officer's unaided visual estimation of a vehicle's speed is sufficient evidence to support a conviction for speeding in violation of R.C. 4511.21(D) without independent verification of the vehicle's speed if the officer is trained, is certified by the Ohio Peace Officer Training Academy or a similar organization that develops and implements training programs to meet the needs of law enforcement professionals and the communities they serve, and is experienced in visually estimating vehicle speed."



**Monthly Tip:** Texting while driving is now illegal in Columbus, Ohio. Notwithstanding the fact that it is highly unsafe, a violation will now result in fines of up to \$150 after a warning period.