MORE THAN .10 PERCENT BRINGS DWI CHARGE

By KATHLEEN THAMES
Advertiser Staff Writer

John's eyes were red. Perhaps it was from the alcohol or maybe it was from crying.

But there he sat in the police station at about 2:30 a.m. one Saturday, waiting to take a test to determine if he had been driving while drunk.

Within an hour, he would be arrested for OWI—operating while intoxicated.

A person is presumed intoxicated, according to Louisiana law, when his blood alcohol content (BAC) reaches at least .10 percent. John's BAC measured .18 percent on a photo-electric intoximeter (PEI).

His evening had been interrupted earlier when he was stopped by law enforcement officials.

Policemen explained later that a patrol car, lights flashing, had followed John's car, but couldn't get him to pull over. A sheriff's deputy was in the area and traveled alongside John's car to try to get the driver's attention.


Keeps Moving

The three cars continued in that formation for four blocks, but John didn't stop until the deputy's car pulled in front of his car and gave him no choice.

He was later booked with failure to yield to an emergency vehicle and improper lane use.

When he was told about those alleged traffic violations, John said he didn't even see an ambulance.

At the station, he was first observed by officers for at least 20 minutes to make sure he took nothing, such as alcohol, drugs or even a cigarette, orally.

He was then asked to follow a standard testing procedure.

Anyone suspected of drunk driving is asked to take a field sobriety test and an alcohol breath test. If he refuses, his driver's license is suspended for six months and he can still be booked with OWI.

John was taken into a small rectangular room. While seated next to a table with a PEI resting on it, the 28-year-old wiped tears from his face from time to time and tried to gain his composure.


testing procedure.

At the beginning of the procedure, officers told John a videotape machine was rolling. From that moment on, everything he said or did was preserved for use in court.

An officer read to John about his rights as they pertain to an allegation of drunk driving. He was given a copy so he could read along.

He was asked to sign a form which stated he had been informed of those rights, but he refused to sign it.

It was then time for a field sobriety test. First, John was asked to walk, heel to toe, along a wide piece of gray duct tape fastened to the floor. He was to take nine

(Continued From Page 1)