

DWI/DUI Defense Checklist/Building Your DWI/DUI Defense. Being charged with a [DWI/DUI in Missouri](#) is a daunting experience. Following this checklist can help make sure you protect your rights and help your [DWI/DUI defense attorney](#) prepare for your defense:

1. Take Important Initial Steps Following Your Arrest

- **Document the Details of Your Arrest:** Note the time, location, and officer's actions and any statements. Also, record if the officer stated a reason for the stop.
- **Request a Copy of the Arrest Report:** Your attorney will use this document to review evidence and identify any procedural errors.
- **Avoid Discussing the Case:** Limit case discussions to your attorney and avoid posting details anywhere online, particularly social media.

2. Fully Understand Missouri DWI/DUI Laws & Penalties

- **Consider Implied Consent Law:** Understand Missouri's [implied consent law](#), which applies to blood and breath tests and can result in license suspension if you refuse testing. However, it's suggested that you do, in fact, refuse any:
 - [Field Sobriety Test \(FST\)](#)
 - [Breath Test](#)
 - [Blood Test](#)
- **Familiarize Yourself with Penalties:** Review potential fines, license suspension periods, and penalties for [repeat offenses](#).

3. Hire an Experienced DWI/DUI Attorney

- **Retain a DWI/DUI Defense Attorney:** Seek an attorney experienced in Missouri's DWI/DUI laws for tailored legal strategies.
- **Discuss Defense Strategies:** Common [DWI/DUI defenses](#) include lack of [probable cause](#), failure to issue [Miranda rights](#), a faulty breathalyzer, or improperly conducting a field sobriety test.

4. Examine Evidence of Probable Cause

- **Challenge the Reason for Traffic Stop:** Investigate if there was [reasonable suspicion](#) for the traffic stop.
- **Bodycam/Dashcam Review:** Request video footage from the stop to verify events and challenge police conduct.

5. Evaluate / Scrutinize Sobriety Tests

- **FST Legitimacy:** Review any sobriety test procedures and if they were administered according to Missouri guidelines.

- **Breathalyzer Machine Accuracy:** Check if the device was properly calibrated and maintained. According to statewide protocols as specified in [19 CSR 25-30.060](#), monthly maintenance reports on breathalyzers must be sent to Missouri Department of Health & Senior Services.

6. Review Chemical Testing Procedures

- **Blood or Breath Test Procedures:** Make sure any tests followed Missouri's strict protocols for chemical testing.
- **Challenge Chain of Custody:** Verify if samples were handled, transferred, and stored correctly, as any mishandling can severely impact test results.

7. Investigate Police Conduct and Any Rights Violations

- **Examine Miranda Rights Compliance:** Confirm if rights were read and respected at the time of arrest.
- **Unlawful Search and Seizure:** Determine if the officer conducted a lawful search based on reasonable suspicion or consent.

8. License Suspension Defense

- **File for an Administrative Hearing:** If facing license suspension, request an [Administrative Hearing](#) to contest the suspension within the statutory deadline of 15 days.
- **Consider Hardship License Options:** Explore driving privilege options that may allow limited driving under specific conditions. Missouri has two – [Limited Driving Privileges](#) (LDP) or [Restricted Driving Privileges](#) (RDP).

9. Gather Supporting Evidence

- **Health/Medical Documentation:** If applicable, provide records showing medical conditions or recent use of medications that could explain skewed test results or FST performance, such as:
 - Diabetes
 - Asthma, bronchitis, pneumonia
 - Gastroesophageal-reflux disease (GERD)
 - Low-carbohydrate diet
 - Heart Conditions
 - Flu or fever
 - Inhalers
 - Cold medications
 - Mouthwashes/Breath sprays
- **Compile Witness Statements:** Witnesses can corroborate your account and contest the officer's report.

10. Prepare for Court

- **Review Plea Options:** Weigh the potential benefits and disadvantages of negotiating a plea agreement versus going to trial. Your lawyer always has your interests in mind when trying to get you the best possible outcome.
- **Plan for Trial Defense:** Discuss with your attorney any evidence or testimony that could be used to refute the prosecution's case.

Arrested for DWI/DUI in Missouri? Reach out to the Expert Defense Attorneys at Combs Waterkotte Now

If you've been charged with DWI/DUI in Missouri, don't leave your future to chance. Call the [criminal defense attorneys at Combs Waterkotte](#) as soon as possible at 314-900-HELP or [reach out online](#) for a free, confidential consultation with a skilled DWI/DUI defense attorney. Here, you can discuss the specifics of your DWI/DUI case and get expert legal guidance and advice on next steps from a [knowledgeable team](#) that has over 30 years of experience and has [successfully handled](#) more than 10,000 cases just like yours.