

# GEORGIA traffic PROSECUTOR

A PUBLICATION OF THE PROSECUTING ATTORNEYS' COUNCIL OF GEORGIA TRAFFIC SAFETY PROGRAM

## >>> OUR MISSION

The goal of PAC's Traffic Safety Program is to effectively assist and be a resource to prosecutors and law enforcement in keeping our highways safe by helping to prevent injury and death on Georgia roads.

## >>> CONTENTS



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In a June 2013 case, the Georgia Court of Appeals case dramatically altered the way traffic prosecutors lay the foundation for the admission of the results of radar or laser speed detection devices in speeding cases. DeKalb County Assistant Solicitor-General Wylan Getz reviews the history of Georgia's speeding statutes, and offers insight into how to make good use of the new law that significantly streamlines speeding enforcement.

## feature articles

- Traffic Stops of Foreign Drivers 4
- Cronkite v. State 5



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## FRASARD V. STATE: A LOWER FOUNDATION FOR HIGHER SPEEDS

By Wylan Getz, Assistant Solicitor-General, DeKalb County Solicitor-General's Office

### O.C.G.A. § 40-14, Article 2: An Historical Perspective

The 16 sections in Article 2 of O.C.G.A. § 40-14 governing Georgia law enforcement's use of speed detection devices are among the most convoluted in all of Title 40. A quick review of these code sections reveals that these laws came into existence in the late 1960s as a result of the efforts of Governor Lester G. Maddox. Governor Maddox (most famous for his ardent stand in favor of segregation, choosing to close his Pickrick restaurant rather than allow African Americans to eat there following the enactment of the Civil Rights Act of 1964; see *Willis v. Pickrick Restaurant*, 231 F.Supp. 396 (N.D. Ga. 1964); and *Heart of Atlanta Motel v. United States*, 379 U.S. 241 (1964)) detested the use of "speed traps" by law enforcement officers. His installation of billboards (guarded by Georgia State Troopers) warning drivers of a "speed trap" and "clip joints" (gas stations allegedly sabotaging cars in need of repair in order to increase revenue) in the town of Ludowici, Georgia (halfway between Savannah and the Florida border) garnered national attention, including magazine and newspaper write-ups. See e.g., *TIME*, Vol. 95, Issue 17, April 27, 1970, at 32 – 33. To give legal force to his stance against "speed traps," Governor Maddox advocated passage of what became Article 2 of Chapter 14 in O.C.G.A. Title 40. Through these sections, the General Assembly tightly and strictly regulated the enforcement of speed limit laws and the prosecution of speeding cases. For example, what is now O.C.G.A. § 40-14-2 (enacted as Ga. L. 1968, p. 425, § 1), requires all law enforcement

agencies to obtain a license to operate speed detection devices and that officers making speeding cases be "registered or certified by the Georgia Peace Officer Standards and Training Council [P.O.S.T.] as operator of speed detection devices."

Other similar requirements are found throughout O.C.G.A. § 40-14-2, *et seq.*, including provisions requiring agencies to obtain a license from the Federal Communications Commission (FCC) to operate speed detection devices (see O.C.G.A. § 40-14-4); the installation of warning signs (see O.C.G.A. § 40-14-6); that a driver have a 500 foot unobstructed view of the officer (see O.C.G.A. § 40-14-7), and so forth. Based upon these code sections, there appear to be several foundational requirements that must be shown by prosecutors attempting to admit speed detection device results into evidence.

The number and apparent complexity of these requirements has spawned numerous "self-help" websites and online videos offering tips to keep the speed detected by a radar or laser device from being presented to a fact-finder (for example, <<http://thegeorgiaspeedingticketkiller.com>>). In addition, many judges have



Photography used courtesy of the Georgia Archives, Vanishing Georgia Collection, Ion001.

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This newsletter is a publication of the Prosecuting Attorneys' Council of Georgia. The "Georgia Traffic Prosecutor" encourages readers to share varying viewpoints on current topics of interest. The views expressed in this publication are those of the authors and not necessarily of the State of Georgia, PACOG or the Council staff. Please send comments, suggestions or articles to Todd Hayes at [thayes@pacga.org](mailto:thayes@pacga.org).

concluded that the State must produce a veritable *stack* of documents in order to lay a sufficient foundation for the admission of the result of a speed detection device. However, an analysis of these code sections in light of a recent case, *Frasard v. State*, No. A13A0629, 2013 Ga.App. LEXIS 545 (Ga. Ct. App. June 27, 2013), reveals that the actual foundational pieces are fewer and far easier to prove than many previously believed.

### **Frasard: “Takeaways” that Alter the Speeding Landscape**

The first “takeaway” from *Frasard* is that an admissible speed detection device result is not necessary for a speeding conviction. This is so for two reasons. First, the specific speed at which a defendant travels above the speed limit is not a material element of the offense. *Id.* at 718. In other words, the State does not have to prove beyond a reasonable doubt that a defendant drove at a specific speed as long as it proves that the speed traveled was above the posted limit. Second, the officer’s estimate of the defendant’s speed is itself sufficient evidence to sustain the conviction; testimony that the defendant was driving “at a high rate of speed” in excess of the limit is enough. *Id.* An important practical consideration on this point is the fact that, in order to get a radar operator’s permit, officers must demonstrate the ability to estimate the speed of a moving vehicle within 2 miles per hour. Officers desiring to obtain a permit to operate laser speed detection devices must first possess radar certification; therefore, officers operating both radar units and laser devices have the ability to visually estimate the speed of a moving vehicle without the assistance of instrumentation. This ability on the part of officers makes speeding cases simpler, far less technologically-dependent, and less arbitrary. With the specific speed in excess of the limit not being material, it follows that an accusation is sufficient so long as it puts the defendant on notice that the State accuses him or her of driving in excess of the speed limit, which must be alleged within the charging document itself. *Id.* at 720.

The second *Frasard* “takeaway” is that the foundational requirements for speed detection device results are not as daunting as they appear, by far. One set of issues concerns proof of the speed limit and locations at which officers may use speed detection devices. *Frasard* establishes that the State need not plead the local ordinance setting the speed limit on the road under O.C.G.A. §§ 40-6-182 and 183. *Id.* at 718 – 719. An officer’s testimony concerning the speed limit in effect at a given location is enough. Similarly the Court of Appeals reiterates that strict compliance with O.C.G.A. § 40-14-6(b) (requiring warning signs regarding the use of speed detection devices) is not necessary and that “incomplete compliance” with that section does not “mandate that evidence obtained by the speed detection device be excluded.” *Id.* The officer’s testimony as to the ex-

istence of such signs is sufficient. The Court of Appeals also stated that the 500-foot visibility requirement found in O.C.G.A. § 40-14-7 is a question of fact to be determined by the finder-of-fact. *Id.* at 719. Laser devices indicate the distance of a target vehicle from the operator, and P.O.S.T. trains laser operators to record this measurement on the speeding citations they issue. In sum, the officer can properly testify about: 1) the speed limit as determined by his personal observation of speed limit signs; 2) that the county or municipality has placed the warning signs; and 3) that the driver was more than 500 feet away. Such testimony, when offered, satisfies the statutory foundational requirements,

Other foundational issues of concern within O.C.G.A. § 40-14 include the existence of an FCC license, the inspection of the devices, and whether the actual device used to determine the defendant’s speed is approved for police use in speeding cases. O.C.G.A. § 40-14-4 requires the FCC license and inspection. *Frasard* holds that there is a presumption that if a law enforcement agency holds a certificate from the Department of Public Safety to run radar and laser, that the agency has also complied with O.C.G.A. § 40-14-4; therefore, the State need not produce the actual FCC license at trial or offer specific proof of inspection. *Id.* at 719. The burden of production (NOT THE BURDEN OF PROOF) is on the defendant to overcome the evidentiary presumption that “official duties will be presumed to have been done rightly until the contrary is shown.” *Id.*

*Frasard* also dramatically reduces the documentary burden upon the state to show compliance with O.C.G.A. § 40-14-17, which relates to the use of laser devices. O.C.G.A. § 40-14-17 declares that laser speed detection devices “shall be considered scientifically acceptable and reliable,” and states that a laser result “shall be admissible” if the Department of Public Safety has approved the use of device to determine speed. The General Assembly enacted this code section in response to *Izer v. State*, 236 Ga.App. 282 (1999), which held that the State needed expert testimony to explain the speed timing principle of laser before a laser result would be admissible in evidence. Section 40-14-17 also states that a certified copy of a list of approved devices from DPS is self-authenticating proof that the device is approved. The *Frasard* court, referencing *Gidey v. State*, 228 Ga.App. 250 (1997) (*allowing a certified Intoxilyzer 5000 operator to satisfy the foundational admissibility requirements for a breath test without the need for quarterly inspection certificates by providing testimony that the instrument was functioning correctly with all of its parts properly attached*), held that similar testimony was sufficient “to meet the authenticating procedures of O.C.G.A. § 40-14-17.” *Id.* at 720. Therefore, the State need not produce a certified copy of the DPS list of approved laser devices before seeking to admit a laser result at trial. Instead,

the officer’s testimony that: 1) he or she possessed a certificate to operate the laser; 2) DPS has approved the laser device used; and 3) the officer used the laser in accordance with his or her training, satisfies the foundational requirements for a laser result admissibility pursuant to O.C.G.A. § 40-14-17.

By handing down the decision in *Frasard*, the Court of Appeals has effectively held that the State need not tender *any* exhibits in a speeding trial. In every relevant and important instance, the testimony of the officer operating the speed detection device is sufficient to lay the foundation for admission of the result. As a practical matter, it is important to consider that officers issuing citations for speeding routinely maintain copies of several of the foundational documents required by O.C.G.A. § 40-14-2, *et seq.* and keep them accessible for court purposes. Therefore, it makes sense to tender the officer’s radar and/or laser operator’s certificate *and* their speed detection device inspection log at the appropriate time, despite the fact that neither is required after *Frasard*. Both documents enhance the credibility the officer and show that he or she is properly maintaining his or her instrumentation.

### **Sample Direct Examination Questions**

Given that the procedures applicable in speeding cases have been dramatically altered by *Frasard*, the author suggests the following direct examination questions for use in speeding cases where a speed detection device was used by the citing officer:

1. Where are you employed?
2. Is that a certified law enforcement agency?
3. What peace officer certification do you have?
4. How long have you been a P.O.S.T. certified officer?
5. Have you been trained in the use of speed detection devices?
6. What sort of training have you received?
7. Are you certified to operate radar speed detection devices?
8. When did you receive that permit?
9. Are you certified to operate laser and/or lidar speed detection devices?
10. When did you receive that permit?
11. Are you able to visually estimate the speed at which a car is travelling down a road?
12. How did you come to be able to do that?
13. Let me show you what has been marked for identification purposes as State’s Exhibit 1. Do you recognize this? (*Hand the officer a copy of his or her radar/laser operator’s permit.*)
14. What is it?
15. Is this your original permit, or a copy?

*continued >*

16. Where is the original maintained?
17. Is this a fair and accurate copy of your permit?

### TENDER STATE'S EXHIBIT 1 (Radar/Laser Permit) INTO EVIDENCE

18. At (incident time) where were you working?
19. In what county is (location)?
20. Why were you working at that particular spot?
21. What is the speed limit at (location)?
22. How do you know the speed limit there?
23. Does your jurisdiction have warning signs advising drivers of the use of speed detection devices?
24. At (incident time and location) what sort of vehicle did you see?
25. Why did that vehicle catch your attention?
26. With respect to the posted speed limit, did you have an opinion about the speed of the vehicle based on your visual observation of it?
27. What was that opinion?
28. At (incident time) what sort of speed detection device were you using?
29. Does the permit introduced into evidence earlier include the use of that particular device?
30. Has the Department of Public Safety approved the use of that device for speed detection purposes?
31. Prior to and after your duty shift on (incident date) did you inspect and test the speed detection device according to your training?
32. What was the result of those tests?
33. Were those results recorded?
34. Where?
35. Let me show you what has been marked for identification purposes as State's Exhibit 2. Do you recognize this? (*Hand the officer a copy of his or her speed detection device inspection log for the date of the offense.*)
36. What is it?
37. Is this an original page from your inspection log, or is it a copy?
38. Where is the original maintained?
39. What is the date for this page?
40. Is this a fair and accurate copy of your inspection log for the date of your encounter with this defendant?

### TENDER STATE'S EXHIBIT 2 (Page from Speed Detection Device Inspection Log) INTO EVIDENCE

41. On (incident date and time) were you using the speed detection device in accordance with your training?

42. Was it working properly?
43. Both before and after (incident date) have you used that speed detection device?
44. Was it working properly on those occasions?
45. When you pointed your speed detection device at (the defendant's vehicle) how far away was (the defendant's vehicle) from your location?
46. How were you able to determine that distance?
47. Were there any obstructions between your location and (the defendant's vehicle)?
48. Was the grade of the road at that location less than 7%?
49. What result did you obtain from your speed detection device?
50. Once you obtained that result, what did you do?
51. How did you identify the driver?
52. How do you know the car you stopped was the one at which you pointed your speed detection device and obtained the result about which you just testified?
53. Is there any chance that you obtained a speed result from another vehicle on the roadway that was not driven by this defendant?
54. Why not?
55. Who was the driver you stopped after obtaining the result about which you just testified?
56. Do you see the driver in court today?
57. **RADAR ONLY. Prior to issuing the Defendant's speeding citation, did you offer to perform a radar calibration test of your radar unit?**
58. Please identify the driver by location in the courtroom and an article of clothing. 



*Wylan Getz graduated from Williams College in Massachusetts with a BA in English in 1994. He then attended the Case Western Reserve University School of Law in Cleveland, Ohio, and graduated from Emory's Law School in 1998. The bulk of his legal career was spent as an indigent defense panel attorney in Gwinnett County, focusing on post-conviction representation of different sorts. Mr. Getz has been lead counsel on approximately 100 direct appeals. He joined the staff of the DeKalb County Solicitor-General's Office in the Spring of 2012.*



## UPCOMING TRAINING EVENTS

### OCTOBER 21, 2013

#### Joint Prosecutor & Law Enforcement DUI Training

Dodge County LEC Conference Room  
85 Industrial Boulevard  
Eastman, GA 31023  
8:00 AM - 3:00 PM

### OCTOBER 25, 2013

#### Asset Forfeiture Training

Richmond County Sheriff's Office  
RSCO Training Range  
2089 Greenland Road  
Blythe, GA 30805  
8:00 AM - 3:00 PM

### OCTOBER 25, 2013

#### Joint Prosecutor & Law Enforcement DUI Training

Athens-Clarke County Police Department  
3035 Lexington Road  
Athens, GA 30605  
8:00 AM - 3:00 PM

### NOVEMBER 8, 2013

#### Joint Prosecutor & Law Enforcement DUI Training

Sardis Police Department  
1209 Ellison Bridge Road  
Sardis, GA 30456  
8:00 AM - 3:00 PM

### NOVEMBER 14, 2013

#### Joint Prosecutor & Law Enforcement DUI Training

Walton County Government Building  
303 South Hammond Drive  
Monroe, GA 30655  
8:00 AM - 3:00 PM

### NOVEMBER 22, 2013

#### Family Violence Training

Cobb County Superior Court  
Jury Assembly Room  
70 Haynes Street  
Marietta, GA 30090  
8:00 AM - 3:30 PM

### NOVEMBER 28, 2013

#### 2013 Fundamentals of Prosecution

Georgia Public Safety Training Center  
1000 Indian Springs Drive  
Forsyth, GA 31029

### DECEMBER 12, 2013

#### Family Violence Training

Baldwin County Courthouse  
121 North Wilkinson Street  
4th Floor, Courtroom 2  
Milledgeville, GA 31061  
9:00 AM - 4:00 PM

Visit the PAC website to read more about our training events or to register to attend a course [www.pacga.org](http://www.pacga.org).

# TRAFFIC STOPS OF FOREIGN DRIVERS IMPACTED BY CHANGE TO FEDERAL BORDER REGULATION

By Charles C. Olson, General Counsel, Prosecuting Attorneys' Council of Georgia



## Licensing Requirements for Foreign Drivers

Several international treaties to which the United States is a party (including, but not limited to the 1949 Convention on Road Traffic, TIAS 2487, 3 U.S.T. 3008, which has been ratified by more than 150 countries; and the 1943 Convention on the Regulation of Inter-American Automotive Traffic, TIAS 1567, 3 Bevans 865, which covers most North and South American countries) establish the baseline licensing requirements applicable to non-resident foreign drivers. Residents of foreign countries legally visiting the United States as non-immigrants (such as tourists, business travelers, and students) are allowed to drive in this county for up to one year if they have a valid driver's license (not a photocopy) issued by their country of residence and are over 18 years of age. The one-year driving period begins when they are admitted to the U.S. by the Federal Customs and Border Protection Service (CBP) at a port of entry (airport or sea port) or at a border crossing. Georgia law adds the requirement that if the foreign drivers' license is in a language other than English, the driver must also have an International Driving Permit (IDP) that translates the contents of the license into English. O.C.G.A. § 40-5-21(a)(2).

## Changes to Form I-94

In April of 2013, CBP, which is part of the U.S. Department of Homeland Security (US DHS), changed regulation 8 C.F.R. §§ 264.1. That regulation specifies what documents foreign visitors to the United States are required to keep in their possession while traveling in this country. The regulatory change eliminated the *paper* Form I-94 or I-94W (Arrival/Departure Record) for most foreign visitors who arrive

in the United States by air or sea. Foreign visitors may still obtain an I-94, but they must do so by accessing a CBP website via computer; in most cases, this cannot be done at the airport or seaport. The result is that an increasing number of foreign drivers will no longer have a physical copy of Form I-94 or I-94W in their possession.

## The Impact on Law Enforcement

Because most non-immigrant foreign visitors to the United States were formerly required by law to keep the I-94 (or I-94W) in their possession before the change to 8 C.F.R. §§ 264.1, PACGA had in the past recommended that law enforcement officers making a traffic stop of a foreign driver ask to see the paper copy of the drivers Form I-94 for the purpose of determining whether the driver entered the U.S. within 12 months of the stop. However, the recent regulatory change by CBP has altered the way state and local officers should proceed when a stopped driver presents a driver's license issued by another country. Since CBP no longer routinely issues I-94's to foreign tourists and business travelers (who compose 74% of the annual number of foreign visitors to the U.S.), **effective immediately officers making traffic stops should not insist that a foreign driver produce an I-94 (or I-94W) when verifying that the driver is entitled to drive on his or her foreign license.**

Instead, the officer may ask the stopped foreign national when he or she arrived in the U.S. The officer may also ask whether the driver has any documents showing the date upon which they entered the United States. Tourists and business travelers *may* have the printout of the automated version of Form I-94 or they may have the admissions stamp in their passport. As long as the date on the passport admission stamp **is not more than one year from the date of the stop and the departure date has not passed**, an officer can assume that the driver is operating the vehicle within the 12-month period allowed by treaty. If the foreign driver does not have either their passport or a printout of the I-94, other documents such as an airline boarding pass showing an arrival date, a car rental agreement, or credit card receipts for fuel can be used to help confirm the driver's *approximate* arrival date.

Other types of foreign visitors such as students and frequent business travelers to the U.S. will have an identification card-type visa issued by the Department of State or the Immigration and Customs Enforcement (ICE) Service. As long as they are valid, these documents can also be used as proof of the right to drive on a valid foreign license. [Note: Though foreign students and long term foreign business travelers technically cannot become residents of Georgia because of their Visa status, Georgia allows them to obtain a Georgia driver's license that is valid for the length of their Visa. As a courtesy, officers are encouraged to make these foreign drivers aware of this program.]

**Foreign licensed drivers who have: 1) a valid driver's license issued by the country where they reside; 2) a valid IDP issued in that country if the license is not in English; and 3) who have not been in the U.S. for more than 12 months should not be issued a citation for driving without a valid license under O.C.G.A. § 40-5-20 unless there is evidence that they have been a resident of Georgia for more than 30 days.** If a foreign driver is charged with a violation of O.C.G.A. § 40-5-20, but subsequently provides evidence that the foreign driver's license is valid (such as certification by their consulate or embassy, O.C.G.A. § 24-9-902(3), or a valid IDP), prosecuting attorneys should dismiss the charge.

## U.S. Citizens with Foreign Licenses

Occasionally during a traffic stop, an officer will be presented a foreign driver's license by a U.S. citizen. Most foreign countries require U.S. citizens who are residents in that country to obtain a driver's license from that country. If they are long-term residents in the foreign country, they may no longer have a valid driver's license issued by a U.S. state. The treaties and Georgia laws that apply to foreign drivers *also* allow these U.S. citizens to drive on a valid foreign license when they return to the U.S. for short-term visits as long as they do not change their residence back to the U.S. As a result, traffic stops for U.S. citizens who present a foreign driver's license should be handled in the same way as a stop of a foreign citizen presenting a license from their country of origin.

Officers and/or prosecutors with questions or concerns regarding the impact of this regulatory change upon traffic enforcement should feel free to contact the author at the Prosecuting Attorneys' Council of Georgia. 

# CRONKITE v. STATE:

## A TRIAL COURT’S REFUSAL TO FIND AN OUT-OF-STATE WITNESS FROM CMI, INC. “MATERIAL” NOT AN ABUSE OF DISCRETION WHEN DEFENDANTS FAIL TO SHOW A “LOGICAL CONNECTION” BETWEEN THE INTOXILYZER 5000 SOURCE CODE AND FACTS SUPPORTING A BREATH TESTING ERROR

By Todd Hayes, Traffic Safety Resource Prosecutor, Prosecuting Attorneys’ Council of Georgia



Photograph by Ed Jackson, © 2013 GeorGialInfo and the State Digital Library of Georgia. Used with permission.

In *Cronkite v. State*, S12G1927 (July 1, 2013), the Supreme Court of Georgia affirmed a decision of the Court of Appeals upholding a trial court determination that evidence relating to the source code of the Intoxilyzer 5000 evidential breath testing instrument was not material within the meaning of the Uniform Act to Secure the Attendance of Witnesses from Without the State (O.C.G.A. § 24-10-90, *et seq.*, since recodified at O.C.G.A. § 24-13-90 *et seq.*). The record showed that at the Uniform Act hearing to determine the materiality of the source code evidence, the defendant introduced the testimony of an expert witness

(found to be credible by the trial court) who could only speculate as to the existence of errors in the code. Furthermore, despite a stipulation that the defendant had dental implants and a retainer in his mouth at the time of the breath test, the defense did not introduce evidence indicating that mouth alcohol was actually present when the test occurred, and did not point to any other evidence supporting the existence of another potential error in the defendant’s breath test.

The Court of Appeals upheld the trial court’s finding of non-materiality, reasoning that the defense was required to establish “some fact indicating the possibility of an error in this case,” because “[s]ome evidence of such an error [in the source code] is the consequential fact that would render testimony regarding the source code logically connected to the issue presented here.” *Cronkite v. State*, 317 Ga.App. 57, 60 (2012). After granting *certiorari*, the Supreme Court affirmed the holding of the Court of Appeals, but disagreed with its analysis of the “consequential facts” that would render the source code evidence material. According to the Supreme Court, “it cannot be the case that a defendant must be able to show the possibil-

ity of an error in the source code itself in order to compel testimony regarding the very same source code. Rather, the ‘consequential facts’ of this case deal with whether the Intoxilyzer 5000 may have generated erroneous results from Cronkite’s breath test.”

Turning to these pivotal “consequential facts,” the Supreme Court noted that Cronkite presented no evidence that mouth alcohol was actually present during his test such that the Intoxilyzer should have generated an error message that it did not generate. Further, the Court held that Cronkite failed to “point to any other evidence of *facts* supporting the existence of a possible error in his specific breath test results such as discrepancies in the operation of the Intoxilyzer 5000 machine itself.” (Emphasis in original). Thus, the Court held that the defendant failed to establish the logical connection between alleged errors in the source code and the consequential facts of his case that would have made evidence regarding the code “material.” Therefore, the Supreme Court agreed with the Court of Appeals’ determination that the trial court did not abuse its discretion by declining to issue a certificate of materiality. In an important footnote, the Supreme Court also stated that because the trial court did not abuse its discretion in finding that the out-of-state witness was not material, Cronkite’s argument that he was denied his right to compulsory process was “entirely without merit.” GIP



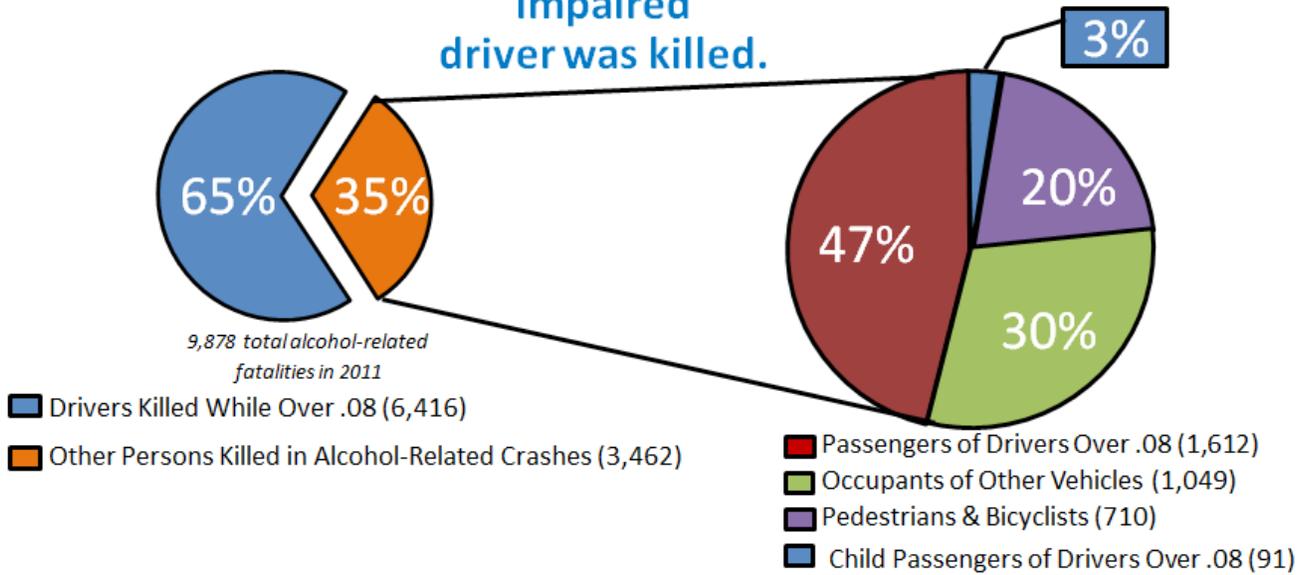
## DID YOU KNOW?

Drunk driving dramatically impacts our children. In 2011, a total of 1,140 children age 14 and younger were killed in motor vehicle traffic crashes. Of those 1,140 fatalities, 181 (16%) occurred in alcohol-impaired-driving crashes. Out of those 181 deaths, 91 (50%) were occupants of a vehicle with a driver who had a BAC level of .08 or higher, and another 25 children (14%) were pedestrians or pedalcyclists struck by drivers with a BAC of .08 or higher.

Source: National Highway Traffic Safety Administration, “Traffic Safety Facts 2011: Alcohol-Impaired Driving,” 2012, available at <http://www-nrd.nhtsa.dot.gov/Pubs/811700.pdf>.

**In 2011, 9,878 people lost their lives in the United States because of impaired driving.**

**Thirty-five percent (35%) of the time, someone OTHER than the impaired driver was killed.**



**Impaired Driving Affects YOU, EVEN if you don't drink and drive.**

Source: NHTSA's "Safety 1n Num3ers Newsletter," Volume 1, Issue 5, August 2013, available at [http://www.nhtsa.gov/nhtsa/Safety1nNum3ers/august2013/Issue5/9723\\_S1N\\_Aug13\\_Iss5.html](http://www.nhtsa.gov/nhtsa/Safety1nNum3ers/august2013/Issue5/9723_S1N_Aug13_Iss5.html).

# GEORGIA traffic PROSECUTOR

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## >>> GEORGIA TRAFFIC SAFETY RESOURCE PROGRAM



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### >>> fact:

Every day, 32 people in the United States die in motor vehicle crashes that involve an alcohol-impaired driver. This amounts to one death every 45 minutes. The annual cost of alcohol-related crashes totals more than \$51 billion.

-Statistics courtesy NHTSA ([www.nhtsa.gov](http://www.nhtsa.gov))

The "Georgia Traffic Prosecutor" addresses a variety of matters affecting prosecution of traffic-related cases and is available to prosecutors and others involved in traffic safety. Upcoming issues will provide information on a variety of matters, such as ideas for presenting a DUI/Vehicular Homicide case, new strategies being used by the DUI defense bar, case law alerts and other traffic-related matters. If you have suggestions or comments, please contact Editor Todd Hayes at PAC.