

# JOHN E. FITZGERALD

CRIMINAL, DWI & TRAFFIC TICKET DEFENSE ATTORNEYS



Hello, everyone, and welcome to my first ever office newsletter. As you can tell, I studied law and not graphic design, but hopefully you will still find the information in this message to be helpful!

Last week a long-time friend asked what type of law I practice. I was surprised that he didn't know what I do for a

living. It occurred to me that I haven't done a great job of marketing myself and that I need to change that. My friends want to refer me business but I have to educate them about what I do and what types of cases to send me.

I am what is commonly known as a criminal defense attorney. I help people who have been accused of criminal, DWI, and traffic offenses. In more basic terms, I defend people who get in trouble and need to go to court, whether it's for something as simple as a speeding ticket or a more serious offense. I also do things like get charges erased from a person's criminal record if they qualify and help get a person's driver's license reinstated if it has been suspended.

I don't really like the term "criminal defense attorney" because most of my clients are not what I or they think of as "criminals." I have represented people as young as 16 and as old as 87. My clients are from all different backgrounds, but are generally quite educated and fairly well off financially. Most of them just make mistakes like having one drink too many, but others are wrongly accused of committing crimes like drunk driving and they need me to fight for them in court.

I have been practicing law for over 25 years and have my own firm in downtown Winston-Salem. I currently have an associate and 2 paralegals. I limit my practice to Forsyth, Davidson, and Davie counties so I can provide the highest quality service to my clients.

I realize that none of what I write about in my newsletters may ever apply to you, but you may know someone who needs my help. I greatly appreciate you reading this material and forwarding it to anyone who could benefit from it. Of course,

please email or contact me at any time if you no longer wish to receive it.

I'm going to try to make my newsletters relevant and helpful to as many people as I can, so today's timely and relevant topic is "7 Ways To Stay Out Of Court Over the Holidays." Thank you again for reading and I wish you all safe, happy, and trouble-free holidays!

John

## 7 WAYS TO STAY OUT OF COURT OVER THE HOLIDAYS

- 1. DON'T SPEED.** Police officers are everywhere over the holidays looking for speeders. Speeding tickets can raise your insurance premium for 3 years. Court costs are usually \$263.00 and you may have to physically appear in court. Wouldn't you rather spend your hard-earned money on Christmas gifts instead? Speed is also a factor in many accidents. Don't ruin your holiday and your budget by getting a speeding ticket.
- 2. CONTROL YOUR TEMPER WHEN DRIVING.** I see a lot of road rage and aggressive driving incidents over the holidays. Not only is road rage dangerous, but you could be arrested and taken to jail. A road rage conviction will give you 8 insurance points! If someone cuts you off or is rude to you on the road, take a deep breath and try not to retaliate. Of course, always call 911 if appropriate and don't try to take the law into your own hands.
- 3. DON'T DRIVE WHILE IMPAIRED!** Police officers have an easy time finding impaired drivers over the holidays. Forsyth County has a highly-trained squad of officers whose only job is to catch drunk drivers. It takes fewer drinks than you think to put you over the legal limit. If charged with DWI, you will be arrested,

taken to jail, and will have to appear in court. The charge will likely remain on your permanent record. You could lose your driver's license for a year and your insurance premiums will go through the roof. You may even have to install a breathalyzer machine in every vehicle you own. Does this sound fun yet? Most first offense DWI's cost up to \$10,000 in court costs, attorney's fees, insurance premiums, substance abuse classes, and other expenses. Those are expensive drinks! If you have any doubt about whether it is safe for you to drive, ask a sober friend to drive you, call a taxi, or magically summon a ride service like Uber or Lyft on your smartphone. These are minor expenses and inconveniences compared to the major hassle and often life-changing event of a DWI conviction.

**4. DON'T CARRY CONCEALED WEAPONS UNLESS YOU HAVE A PERMIT.** Many of my clients carry weapons for their protection, especially over the holidays when they are shopping or have large amounts of cash. A common mistake is for someone to hide their weapon if they are stopped by an officer. While this may sound like the right thing to do, it is actually a crime. The better practice is to put the weapon on the dashboard or somewhere where it is clearly visible. If stopped by a law enforcement officer while in your vehicle, I recommend that you and your passengers roll the windows down and put your

hands outside where the officer can see them. As the officer approaches, tell them that you have a weapon in the vehicle and describe where it is located. The officer will likely be grateful and thank you for telling them about the weapon. Please note that it is always illegal for a convicted felon to possess a firearm, concealed or not. There are permits available for people who qualify to legally carry concealed weapons. Please contact your local Sheriff's office for more information.

**5. DON'T SHOPLIFT OR ACCIDENTALLY CONCEAL MERCHANDISE.** Believe it or not, shoplifting is a common offense, and people of all ages and backgrounds do it. As those people discover, most stores have surveillance cameras or undercover security officers pretending to be customers watching the sales floor. Most shoplifters get caught. I've also had clients absent-mindedly put items in bags, accidentally conceal them, or forget to pay for them at checkout, which is also a crime. Don't let this happen to you! Shoplifting or concealing merchandise will ruin a person's criminal record and often prevents them from getting accepted to college, hired for jobs, or approved for loans.

**6. DON'T CARRY MARIJUANA, ILLEGAL DRUGS, OR MEDICATIONS THAT ARE NOT LAWFULLY PRESCRIBED TO**

YOU. People of all ages and from all walks of life use marijuana or other illegal drugs and/or prescription medication that is not prescribed to them. A person has very little legal protection or constitutional rights when they are in their vehicle or on foot. An officer can search a vehicle if they smell marijuana in it. A driver can get an impaired driving charge if the officer finds marijuana or other drugs in the vehicle and the driver shows signs of impairment. Of course, drug charges can also ruin a person's criminal record. I don't judge anyone who uses these substances. I'd rather that you not use them, but if you do, please don't use or possess them in your car or walk around in public with them. If you do, you're eventually going to need my help, so keep my card handy!

**7. DON'T STAY OUT LATE AT NIGHT.** Not to sound old (I'm 52. Is that old? I remember when I used to think it was!), but there's a saying at the courthouse that nothing good happens after about 10:00 at night. While I'm not trying to put a damper on your holiday celebrations, most people get pulled over or arrested after about 10 pm. You are also more likely to be a victim of a crime or encounter an impaired driver on the road after that time. Have fun, but please be careful if you have to be out late.

I hope this short list is useful to you and your loved ones over the holidays. Of course, my experienced staff and I are here to help if you or anyone you know gets in trouble.

I am also happy to answer any legal questions you might have about the areas of law I practice and I welcome suggestions for future newsletter topics. My office phone number is 336-777-1090 and my firm's email address is [help@FitzLawNC.com](mailto:help@FitzLawNC.com). My websites are [www.FitzLawNC.com](http://www.FitzLawNC.com) and [www.ForsythDWILawyer.com](http://www.ForsythDWILawyer.com). Please forward this message to anyone you think would benefit from it. Have a safe and happy holiday!