



**INFORMATIONAL PACKET
FOR OWI ARREST
(This Information is Relevant to First Time Offenders Only)**

OWI CRIMINAL CHARGES

You've been charged with a OWI (Operating while Intoxicated) charge. This charge is likely file under I.C. 9-30-5-1. You've likely been charged with one or all of the following:

I.C. 9-30-5-1 Operation of vehicle with specified amount of alcohol or controlled substance in body-defense- (a) A person who operates with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol but less than fifteen-hundredths (0.15) gram of alcohol per:

- (1) one hundred (100) milliliters of the person's blood; or
 - (2) two hundred ten (210) liters of the person's breath;
- commits a Class C misdemeanor.

(b) A person who operates a vehicle with an alcohol concentration of at least fifteen-hundredths (0.15) gram of alcohol per:

- (1) one hundred (100) milliliters of the person's blood; or
 - (2) two hundred ten (210) liters of the person's breath;
- commits a Class A misdemeanor.

(c) A person who operates a vehicle with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's body commits a Class C misdemeanor.

(d) It is a defense to subsection (c) that the accused person consumed the controlled substance under a valid prescription or order of a practitioner (as defined in IC 35-48-1) who acted in the course of the practitioner's professional practice. P.L.2-1991, § 18; P.L.33-

1997, § 7; P.L.266-1999, § 2; P.L.1-2000, §§ 6, 7; P.L.175-2001, § 5.

I.C. 9-30-5-2. Operation of vehicle while intoxicated.-

Except as provided in subsection (b), a person who operates a vehicle while intoxicated commits a Class C misdemeanor.

(b) An offense described in subsection (a) is a Class A misdemeanor if

the person operates a vehicle in a manner that endangers another person. P.L.2-1991, § 18; P.L. 175-2001, § 6.

Under certain circumstances an OWI charge can be charged as a felony offense. This is either because the individual has a prior criminal conviction for operating while intoxicated or an accident was involved that resulted in injuries.

CRIMINAL PENALTIES

A conviction for a Class A Misdemeanor is as follows:

IC 35-50-3-2. Class A misdemeanor.- A person who commits a Class A Misdemeanor shall be imprisoned for a fixed term of not more than 1 year; in addition they may be fined not more than (\$5,000 dollars).

Penalties for a Class C Misdemeanor is as follows:

IC 35-50-3-4. Class C misdemeanor.- A person who commits a Class C misdemeanor shall be imprisoned for a fixed term of not more than (60) days; in addition he may be fined not more than (\$500 dollars).

Penalties for a Class D Felony is as follows:

IC 35-50-2-7. Class D felony.- (a) A person who commits a Class D felony should be imprisoned for a fixed term of between (6) months (3) years, with the advisory sentence being (1 and 1 ½) years. In addition the person may not be fined more than (\$10,000 dollars).

Penalties for a Class C Felony is as follows:

IC 35-50-2-6. Class C felony.- (a) A person who commits a Class C felony should be imprisoned for a fixed term of between (2) and (8) years with the advisory sentence being (4) years. In addition, the person may be fined not more than (\$10,000 dollars).

YOU HAVE RIGHTS

Constitutional Rights

- 1.) Right to hire an attorney of your choice;
- 2.) Right to have an attorney assigned to represent you if you do not have

sufficient funds to hire an attorney;

- 3.) The right to a speedy and public trial by jury;
- 4.) The right to confront in person and cross-examine witnesses who would testify against you;
- 5.) The right to have the court subpoena witnesses to testify in your favor;
- 6.) The right to have the state prove your guilt beyond a reasonable doubt.

At trial where you can not be compelled to testify against yourself;

- 7.) The right to appeal the judgement of the court if you were to have a trial and be found guilty.

LICENSE SUSPENSION

Your license will be suspended at the initial hearing for a minimum of (180) days. At or before your initial hearing you will be asked to sign the following Acknowledgment of Administrative License Suspension:

Acknowledgment of Administrative License Suspension

The undersigned hereby acknowledges that he/she has been arrested and charged with a violation of I.C. 9-11-2. The undersigned further understands that pursuant to Indiana law, his/her driving privileges shall be suspended at the time of the initial hearing in this cause.

The undersigned, by and through his/her attorney, has filed a separate motion blank waiving initial hearing and requesting that a plea of not guilty be entered.

The undersigned hereby acknowledges that his/her driving privileges are suspended at the time of the initial hearing, which date is: _____.

Further, the undersigned hereby surrenders all driver's license, permits and receipts which are in his/her possession, and the same is attached hereto.

The undersigned acknowledges by signing this document that he/she will waive the admonition of this Court concerning the suspension of the undersigned's driving privileges effective at the time of the initial hearing.

(Signature)

Rhame & Elwood employs certain procedures and processes which may substantially reduce the suspension or completely avoid it. Porter County law enforcement take OWI arrests very seriously. It is very difficult to have an OWI charge reduced to a lesser offense. You can maximize that possibility by hiring the right attorney.