



Criminal Defense Law Firm in Massachusetts

Suppressing the Breathalyzer

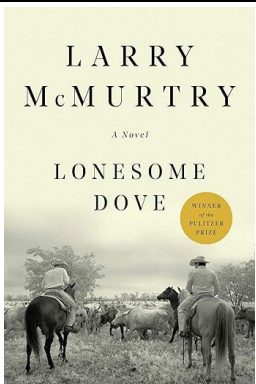
My client went to the Bruins game and had a few glasses of wine. She used her GPS to guide her home through an area of Boston that was under construction. It was dark out. The GPS was confusing and so was the signage. She struck a curb. She pulled the car over at the next block and was immediately approached by the police, who suspected her of impaired driving. She was arrested and taken to the station. The police turned on the breathalyzer machine, milled about the booking room coming in and out, talking to themselves, sometimes to my client, and often not paying any attention. This went on for over twenty minutes. All the while, my client stood perfectly still, didn't sway or stumble, and waited patiently for the police to complete their procedures. She took the breathalyzer. She blew over the limit. Things weren't adding up. The results were incompatible with how she was acting. According to the machine, she was impaired. According to the way she looked on the booking video, she was in full control of her faculties. She didn't seem impaired. I filed a motion with the court to suppress the results of the breathalyzer from evidence. Without those results, I thought we had a great case. I was right. I won. How? The law requires a certified breathalyzer operator to watch the arrestee for at least 15 minutes to make sure they don't put anything in their mouth that might contaminate the results. On cross-examination I got the certified breath test operator (a sergeant with the local police) to admit that he didn't watch my client for 15 minutes because he didn't need to. He told me (and the judge) that he could delegate and have other people do it. I smelled blood. "Ok sir," said I. "Name the people you delegated this task to." I was met with a blank stare. This is where things started to get awkward. I continued: "You say you delegated this task. Fair to say that you never confirmed with those officers whether or not they watched my client for 15 minutes?" The sergeant: "Correct." Me: "So no one was watching my client to make sure she didn't inadvertently contaminate the breath test machine." Him: "Correct." I don't think the judge had a difficult time deciding to rule in my favor. The breath test operator simply didn't do his job.

Other Case Results

The Pomodoro Technique

I don't want to bore you with the details, but an Italian fellow in the 1980s figured out a supreme method of time management that will help you crush tasks with aplomb. Each interval of worktime is called a pomodoro ("tomato" in Italian) and lasts for 25 mins. Here's what you do. Determine the one cognitive task you need to focus all your attention on. Set a timer for 25 minutes and do nothing else but work on that task. No task switching. No social media. No browsing the internet. No BS. When the timer goes off, you get a 5-minute break. Do whatever you want. After you've finished 4 pomodoros, take a 15-30 minute break. This naturally requires discipline, which is the very thing well all need more of. Practice this and you will be satisfied with the results.

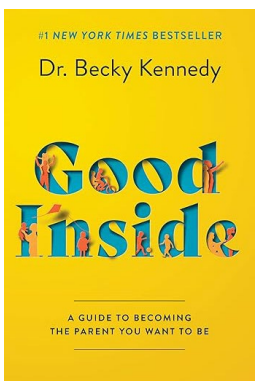
Recommended Reading



Lonesome Dove

By: Larry McMurtry

From Amazon: "Journey to the dusty little Texas town of Lonesome Dove and meet an unforgettable assortment of heroes and outlaws, whores and ladies, Indians and settlers. Richly authentic, beautifully written, always dramatic, *Lonesome Dove* is a book to make us laugh, weep, dream, and remember."
From Nate: Epic. Just read it.



Good Inside

By: Dr. Becky Kennedy

The importance of good parenting cannot be overstated. It's the most important thing in the world. You are programming someone's mind. If you screw this up, their operating system will be buggy. This is the root of the world's problems. This book shows you how to do it the right way.

What I'm Listening To

Baroque for Thinking & Studying Playlist

If it ain't Baroque, don't fix it. Science tells us that completing cognitive tasks and finding the flow state is more easily achieved when we're listening to Baroque music. Pair this up with pomodoro for a successful recipe.

