

DWI Client Questionnaire

Private and Confidential

1. Describe where and when you were drinking:

When and Where Did You Eat:

(If your attorney intends to lead evidence contradicting the breath machine it is essential that you detail exactly the times, types and quantity of food consumed over the course of the day, this may effect your alcohol elimination rate for purposes of calculation by the toxicologist)

When and Where you Started Drinking:

What Were you Drinking:

(If your attorney intends to lead evidence to contradict the breath machine you will need to make very detailed notes of exactly what, how much, and when you consumed alcohol. You should also keep all bar bills and safeguard all glasses, pitchers, jugs, jiggers, and bottles for future reference and evidence. You may need to purchase the pitcher from the bar.)

When Did You Finish:

Who Witnessed Your Drinking:

(Your witnesses need to make detailed notes too. Do not, however, discuss your recollection with them and witnesses should be told not to make their notes together or to discuss their evidence together. Their evidence will sound very hollow in Court if it appears that any evidence has been concocted as the result of discussion.)

Did you/they use a jigger, shot glass, or measuring device?

2 Describe Yourself:

Age:

Gender:

Height:

Weight:

Experience with Drinking:

What were you wearing:

Shoes:

Shirt:

Jacket:

Hat:

Your Employment:

Exposure to fumes at home or work:

3. Medical or Other Conditions Respecting:

Your eyes:

Your face:

Your lungs and breathing:

Your stomach and intestines:

Your balance and co-ordination:

Injuries:

Disabilities:

Medications (and times):

4. Your Driving Record:

Previous Drunk Driving Charges (Where, When, Sentence):

Previous Suspensions or Prohibitions from Driving:

Other Criminal Record:

Outstanding Criminal Charges:

Previous State or Provincial Offences (Where, When, Sentence):

Outstanding State or Provincial Offences:

Record of Accidents:

Automobile Insurance Company and Status:

5. What offences are you charged with:

6. Did the police see you driving?

Describe where you were driving including streets and city names.

Speed limits?

Where did you come from?

How far did you drive?

Where were you going?

Was there anything unusual about your driving? Why?

When and where did you first see the police vehicle?

What drew your attention to the police vehicle?

How far did you go after you first saw the police vehicle?

How did the police stop you?

Was there any construction on the road, if so please have someone take photos.

Time:

Were you stopped at a spot-check programme? Describe the site including what each officer was doing:

Can the police prove that you were driving?

7. Was there an accident?

Describe where you were driving including streets and city names.

Where did you come from?

How far did you drive?

Where were you going?

When and where did you first see the other vehicle or obstacle that you collided with?

What drew your attention to the other vehicle?

Were you injured?

Did you stay in the car or did you get out?

Did you talk to others at the scene?

When did you first see a police vehicle?

How did the police approach you?

Was there any construction on the road, if so please have someone take photos.

Did anyone take photos of the accident?

What did you say to the other drivers or witnesses?

Was anyone injured?

Time of the accident:

Can the police prove time of the accident? How? Was there a witness who noted the time?

Who can give evidence for you about the accident?

Who can give evidence against you about the accident?

8. If the police didn't actually see you driving

Were you seated in the driver's seat when the police approached you?

Time:

Where were your buttocks?

Where was your head?

Where were your hands?

Where were your feet?

Did you get out of the car before the police approached you?

Where were the keys?

Was the engine on or off?

Was the transmission in park or in gear?

Were the headlights on or off?

Was the radio on or off?

Was the heating/air conditioning on or off?

9. Where was the police officer when they first saw you?

Did the police have a video camera at the scene?

Did the officer come up to the car window?

Time:

Did you roll the window down before or after the officer approached?

Was anyone else in the car? Where? Had they been drinking?

Were there any alcoholic beverages open in the car?

10. What did the police officer ask you to do? Remember in detail the words that the police officer used and the exact chronology of events.

Did the officer ask you to produce your ownership and driver's licence? Did you do it without fumbling?

Did the officer ask you to get out of the car?

Did you lean on the car?

Time:

Did you have any trouble walking? Why?

Did the officer ask you if you had been drinking?

Did the officer ask you to get into the police car? Remember in detail all the words that the police officer used and the exact chronology of events.

Were you videotaped at the scene?

11. Physical Tests at the Scene

Did the officer ask you to perform any roadside physical tests?

How did you reply?

Did you perform any physical tests?

What did he/she ask? How did you do?

Describe each roadside physical sobriety test :

- 1.
- 2.
- 3.

Did the officer ask you to count or recite the alphabet?

12. Did the officer require that you blow into a roadside screening device?

When were you first told that this was the officer's intention?

Did the officer read something formal to you from a notebook card? What did he or she say:

Did the officer pull a fresh mouthpiece out of a sealed bag?

Did the officer look at the mouthpiece?

Describe the machine. Did it have lights or a digital display? Do you know what the manufacturer or model of the machine was?

Did the officer show you how to blow?

Did you try to blow or did you stick your tongue in the mouthpiece?

How many tries?

What light came on or what did the digital display show?

Did the officer complain that you weren't blowing hard enough?

Did you get a warning about not blowing hard enough?

What happened next?

13. Details of the arrest, breath demand/implied consent warning, and rights?

What did the officer say:

What did they arrest you for?

Did they demand a breath, blood, or urine sample?

Did they read an implied consent warning?

Did you have any trouble with the language spoken by the officer? Did you need an interpreter?

Did they caution you that you did not have to say anything and that anything you said could be used against you?

Did you answer any police questions at the scene or in the car prior to consulting counsel?

14. How did the officer bring you back to the station?

Time left the scene. Reason for delay, if any:

What happened to your car?

Where were you placed?

Were you handcuffed?

Did the officer radio for instructions. Was there any delay or confusion in the instructions from headquarters?

What route did the officer take?

Was it a direct route? Any detours?

Any conversation between you and the officer in the car?

15. What did they do with you when you first arrived at the station?

By what route did they bring you into the building?

Were you videotaped when you first arrived?

Were you asked if you wanted to telephone a attorney of your choice?

Were you asked if you wanted to telephone duty counsel?

Were telephone books provided? What condition were they in? Were they for the jurisdiction where your attorney has an office?

Did the police give you privacy during your telephone call?

Who did you call?

Describe the room, the door, and where the officers were.

How long were you on the phone.

Were you videotaped during the call?

Were you asked any questions before you spoke to the attorney or duty counsel?

Did you ask to make a second telephone call? Why?

Did you ask to visit the washroom? Did you have any difficulty on the way to or in the washroom that the officer observed?

Was there any delay?

Was any other accused ahead of you in the breath room?

16. What happened at first in the breath room?

Was there any delay?

Were you videotaped?

Were you audiotaped?

Did the arresting officer come into the room? Did he or she explain the details of the case to the breath technician? Did he or she outline his or her "r & pg" or reasonable and probable grounds?

What did the arresting officer say?

About time of arrest or the accident?

About evidence of impairment?

About admissions by you?

About what the arresting officer was told by witnesses?

Were you asked to comment? Did you? Did you follow the advice given to you by your attorney or duty counsel?

How close did the breath technician get to you?

Did he or she look into your eyes or face or smell your breath?

Did the breath technician see you walking?

Where were you sitting? Did you lean against the wall?

Did the breath technician make his or her own formal demand for a breath sample (out of his or her notes or notebook)?

Did you ask to visit the washroom? Did you have any difficulty on the way to or in the washroom that the officer observed?

What sort of breath machine was used? Describe it by size, sounds, make (if you know)?

What did the breath tech tell you before you blew into the machine?

Did you have any difficulty blowing into the machine? Why?

What were the results of the first breath test:

What time was the first breath test:

Describe what the technician did before and after the blow:

17. Describe what happened after the first test:

Did you receive any warnings about not blowing properly?

Were you charged with failure to blow?

Did you ask to use the washroom? What happened?

Did you ask to call a attorney again?

Were you asked to perform any physical tests?

How did you reply?

Did you perform any physical tests?

Describe them:

Were you asked any questions?

Did you reply? If so, what were your answers?

About where you were coming from and where you were going?

About your criminal record?

About how much you were drinking and when?

About your medical condition (if any)?

About your sense of time?

Any delay?

Did the breath tech perform tests on anyone else in the meantime?

18. Describe the second breath test (if any)?

Was there any delay?

Did the machine appear to be operating properly?

What did the technician do before and after the second test?

Did you have any difficulty blowing?

What were the results:

Time of second test:

19. Did they tell you they were charging you with a further charge?

Did they give you any further warnings?

Did they read you your rights again?

What did they say?

20. Did they lodge you in the cells until sober?

Was anyone waiting to pick you up from the station?

Did the police let you call home or a friend to pick you up?

Did the police give you an explanation as to why they were still holding you?

Did the police delay in releasing you?

What method did the police use to determine that you were sober enough to release?

21. What papers did you receive when you were released?

Did the releasing officer carefully compare the copy of each document with the originals to ensure that you were served with a true copy?

Are there any errors on any of these documents? Do not write anything on any of them!

22. If you suffered any injuries in the accident, at the scene, or at the police station did you go to the hospital after you were released?

Were any blood samples taken at the hospital? This should have been done forthwith if at all.

Document everything that happened at the police station and bring the details to your attorney. What are the names of each of the police officers? Describe them.

What is the name of the breath technician? Describe him or her.

Have someone take photos of any injury that you suffered.

Obtain a city map of the area where you were driving.

Obtain a weather report for the time when you were driving.

23. Book an appointment with Mr. Threadgill immediately.

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