

**YOUR 24 HOUR
ARIZONA DUI DEFENSE
ACTION PLAN**



**24 THINGS YOU SHOULD
DO FOLLOWING YOUR
AZ DUI ARREST**

By: James Novak an Arizona DUI Attorney

LAW OFFICE OF JAMES NOVAK, PLLC ARIZONA DUI & CRIMINAL DEFENSE ATTORNEY

Introduction

Congratulations! You have made a wise decision to take advantage of downloading your free Arizona DUI Winning Defense Strategies Book. If you were arrested for any Arizona DUI charge, your life has been turned upside down. It has probably traumatized you emotionally, physically, and financially, and had adverse impacts on your family, your ability to drive, your employment and other aspects of your life. Your top challenge now is answering the questions of “what happens now?”, “how can I make this go away?”, or in the least “how can I get the best outcome in my DUI case?” How is this going to affect my future and my freedom? If you are uncertain about answers to these questions read on:

By downloading and reading this book you, you have taken your first step towards getting those questions answered. In reading this book you will learn what happens step by step in the DUI and judicial processes, how it will affect you, and what can be done to get the best outcome of your case. Just because you have been charged with a DUI, does not mean you will be convicted. If you read this book and hire a good Arizona DUI Defense Attorney, such as the Law Office of James Novak, you will see, it’s not over yet—Not by a long shot. So you got a DUI--- That does not change the fact that you still have constitutional rights that Arizona police and prosecution must not violate. That does not change the fact that defenses on your behalf can be used to possibly suppress evidence or get your case dismissed. Every case is different and holds its’ own set of circumstances. But an experienced, seasoned DUI Defense attorney and litigator like James Novak knows which defenses to use under what circumstances. Then the evidence is examined carefully, and the best defense case possible will be mounted on your behalf to get the best outcome, from either lesser charges to a total dismissal.

Arizona has some of the toughest DUI laws in the Country. And with them you face harsh punishments. As a former Arizona Prosecutor, experienced DUI defense Attorney, Arizona Law Firm founder, experienced trial litigator, I have handled hundreds of DUI cases including high profile cases, celebrity and professional sports player’s DUI cases. I have been able to get many successful dismissals and not guilty verdicts. This was not out of luck- but hard work, training, education, experience and continuing to keep up on new local and tough Arizona state laws and DUI defenses that may affect my client’s cases. Remember, when you hire an attorney, they work for you. My number one priority is You. There should be **No Secrets** to providing a good defense. That is one of the reasons I share this book with you. I want you to feel comfortable, safe, assured, and understand everything possible there is to know that can be done to defend an Arizona DUI. Upon completion of the book you hopefully feel better about your situation and gain an understanding of the court, and judicial processes and what may be done by an

experienced DUI Attorney to defend and win your case. In this book you can expect “dos”, “don’ts” “how tos”, tips, tools, facts, laws, stories, and a multitude of defenses, defense tactics and strategies.

So let’s get started on helping you put the pieces back together, get on with your life, and shed some light on the road ahead from here. If you find it useful, share the news someone else who may need Arizona DUI legal help by telling them about my Free DUI Winning Defense Strategies Book, and the Law Office of James Novak, Arizona DUI Defense Attorney.

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You have been arrested. Everything is a blur. The same questions and thoughts roll through your mind: “What happens next?”, “What can I do?” “I feel helpless, and my life seems out of my control”. First, contact James Novak, Arizona Criminal & DUI Attorney and consult him about your charges. Next, review this list below of things you can do, to take control of your Arizona DUI charges. It provides key DUI defense tips, elements, facts and things that will help may make the difference between a good outcome and a great outcome in your Arizona DUI defense case. The Police have documented their side of the story. The prosecution and state are building their case with evidence. Now it’s time for you and your Attorney to mount a strong defense against the offense. It starts with your story, your recollection of facts, events and circumstances surrounding your case, and the arrest. Without this, there is no defense to the prosecutions’ processes to convict you.

You may not be able to complete or provide an accurate account of every item, within the first 24 hours of your arrest. Just get through as many as you can. As the legal process unfolds, more facts may become clear to you will indeed make a difference throughout the entire process through the end. Yes, it may not seem like it now, but it will end, and hopefully with the best possible outcome. And the goal at the Law Office of James Novak, in every case, which led to the writing of this book is to help you, the client, with the cards stacked against you now, to get a dismissal of your charges, or in the least, a reduction of charges, and convictions, or the most favorable outcome possible in your case. The information you provide will help you gain control back by providing the information necessary for examination by your DUI defense attorney. Don’t worry about if you think it will help or hurt you. Just document the facts as you remember them. These facts and all the evidence will be examined and used by your defense attorney, in order to mount the strongest defense possible for your case:

1. Write, Type, or Document in some form a Detailed

Narrative of the Incident As You Recall It: Your Arizona DUI Defense will depend on these specific facts about your DUI. It is of little or no difference whether you got a Phoenix DUI, Tempe DUI, Scottsdale DUI, Gilbert DUI, Mesa DUI, Chandler DUI, misdemeanor DUI or felony DUI. The type and location of the stop is of no concern at this point for your Arizona drunk driving defense. What matters most is for you to record what happened- Who, what, why, where, and when that night or day.

The earlier you write your narrative – the chances of you forgetting something will decrease. Our memories of details begin to fade over time. Humans have an unconscious ability to forget the pain of trauma, or extremely unpleasant events over time. So the sooner you can recall and document the events, the better. A good DUI attorney will tell you that it is crucial for you to document a true and self-honest account of what happened, however painful it may be to recall. Include everything leading up to the initial encounter with Arizona law enforcement stop. The more details you remember, the better the chances of you and your DUI lawyer identifying defenses that can be used, improve credibility of your story and testimony, and getting your case dismissed in Arizona.

It is always best when discussing facts which could have adverse legal consequences that you maximize confidentiality. Write "confidential attorney-client communication" at the beginning of the narrative and send it or get it to your lawyer during the first two weeks following the arrest. Always keep the original just in case the copy gets lost. It may hurt to look back, and you just want to move on. But remember, information is power for your defense. The more you give your attorney to work with, the more information they will have to base a strong defense. Details that may not seem important to you may be exactly what your Attorney needs to exercise a defense. Let your Attorney decide what is important regarding the details.

2. Vehicle Accidents: If you were in an auto accident, your DUI attorney will want you to include in your narrative details regarding the accident. Where did it happen? Who was cited or given a ticket for fault? How fast were you going? What was the Speed Limit? What were the road conditions? Who phoned for help? Precisely what time of day or night did the accident happen (check and keep phone records and receipts)? How heavy was the flow of traffic? What driving maneuver were you in the midst of? What direction were you going? What barriers were visible? What street signs or traffic signals were visible? Who was in what vehicle? Who arrived at the scene first? What were individuals doing while waiting for law enforcement or paramedics? What discussions were you aware of, were you having, or were others having? What other events were taking place at the scene, not included already? How long did it take for the first witness, police and/or Emergency Medical Service vehicles to show up? How many police or emergency personnel and agencies were finally present? Did you see any signs of injuries? What did the vehicles involved look like? What damage did you note to any of the vehicles? Was the accident on a freeway, roadway, rural areas, busy street, private or public property, rural or in town, deserted or were there people or cars passing by, pedestrians? Anything else you can think of about the accident not included yet.

3. Eating and Drinking: Include a description of your eating and drinking from over the 24 to 48 hours until the time of the stop. (including drinking while driving and/or especially drinking or eating after driving), where did you eat or drink, what did you eat or drink, how much, actual time of start to finish for each meal, and for each drink, duration from time of last drink time until you drove, and until the first police contact. How long was it from when you last drank until the time before you drove until the time of blood and/or breath tests took place? Where was the location of the stop and results of each breath or blood test?

4. Medications and Physical Limitations: Include a description of any medications you were on. Indicate name, and dosage. Include for what reason were you taking them (recreational or otherwise). If medical or dental, indicate the physical or mental conditions for which they were being taken. Your condition(s) may have impaired your ability to perform the field sobriety tests or could be a reason for the officers' improper conclusion that you had been driving impaired. Also, get and preserve your medication scripts from your doctor and keep the original pill containers.

5 Arizona DUI Documentation: Include copies for your DUI lawyer of all documents you were given during or after the arrest including citations, tickets, etc. You should always keep all the original paperwork. Give copies of each document to your attorney. Also, indicate what documents belonging to you showed or give to the police. These documents all contain important information and dates relating to you, and your charges.

6. Contact the Arizona MVD If You Want a Hearing: In most cases the Arizona police will take your driver's license and gives you a pink carbon copy of a notice of suspension and temporary license, unless you had an out-of-state license or the alleged DUI is drug-related instead of alcohol related.

Note: You have only 15 days from the date you received the notice (usually the arrest date, but not always) to request an MVD for a hearing (it's called an **Admin Per Se hearing**). This MVD suspension or revocation is otherwise automatic on the day your pink license expires, and is entirely different from the criminal court's proceedings. The MVD matter is more like a second civil matter in and of itself, separate from your criminal charges. So there are two entities to deal with: The State or County Court and Prosecution and then the State Motor Vehicle Department (MVD).

7. Calendar Your Court Date: If you ignore or forget to appear or are late at your designated court date and time, the court will immediately issue a warrant for your arrest. The court date and time is on your citation. This may change if you hire an experienced DUI attorney. Depending on the charges and circumstances, your Attorney may be able to vacate that date or otherwise appear on your behalf.

8. Check on Court Location: Prepare for the trip to the court. Whether it is City Court for a misdemeanor or Superior Court for a felony, be on time and know ahead of time where you are going. You do not want to be late for your scheduled court date and time. The judge considers this to be disrespectful and it does not set well for your defense. Also, depending on how late you are, the Judge may issue an arrest warrant. When estimating your travel time, Factor in traffic and high traffic times. Have your file, directions, court address, and contact phone of the court and your Defense Attorney, in case you are involved in an accident or other valid emergency. Don't speed, or drink alcohol, or ingest drugs. It does not look good if you get a speeding ticket on the way to court, or report to court drunk or impaired by drugs or alcohol.

9. Photographs of the Location of the Stop or Arrest: Your DUI attorney will explain that photographs of things that the police relied on as a reason for the stop may be challenged if the facts support it. Therefore, photograph anything that is related and referenced by the police such as objects that may have been hit or otherwise barriers such as other vehicles, light signals, trees. Also include mechanical items that were broken or failed such as turn signal lights, brake lights, taillights, a stop sign or traffic signal you may have been accused of

disobeying, any surrounding barriers such as long branches or trees covering a sign or signal, or large utility truck or bus stopped in front of a traffic signal blocking its' view, or low branches, electrical lines that may have been covering the view of the sign or signal. Document weather conditions and landscaping such as large snow drifts blocking a sign, large hail stones slamming on to your windshield and the like. Note, a photo of the scene of the arrest and/or sobriety testing, photo or video of the terrain or landscaping, damage to a vehicle, injury to you or others may be critically important later when the actual evidence has disappeared.

10. Repair Trigger Problems or Mechanical Failures: You should be proactive in your Arizona DUI defense and fix anything that you may have been cited for such as a broken windshield or window tint too dark, bulb out in brake or tail lights.

11. Get Proper Insurance or Registration: If you were cited for not having insurance or proper registration you must get either and provide proof. If you already had but were unable to provide proof of either please provide a copy of either to your attorney and bring the original to court.

12. Resolve any Unpaid Past Fines or Traffic Tickets: If you neglect past problems with your driver's license it may pile up and become worse with after any DUI conviction or any other points you may receive on the citation such as a reduced charge of reckless driving which carries 8 points against your driving record just like a DUI.

13. Check Your Address With the Arizona MVD: Any additional or future action on your ability to drive will be mailed to you from the Arizona Motor Vehicle Department (MVD). It does not matter if the information does not get to you because you moved and failed to notify the MVD. Notice is sufficient when mailed by the Arizona MVD. They do not need to serve you personally.

14. Check Your Driving Record with the Arizona MVD: You want to be prepared for any negative impact on your driving record. If you have past traffic, speeding tickets or violations that resulted in points on your driving record you could get a harsher license suspension than expected. Therefore, check your driving record before it is too late. Be prepared.

15. Get Your Car Back If Impounded: Arizona grants authority to law enforcement agencies to impound of the vehicle you were driving for up to 30 days if arrested for DUI, at the expense of the owner or driver. Therefore, determine if it may be released to you, your spouse, family member, or owner. If not, you will need to request an impound hearing. It is an informal hearing, and you do not need an attorney at that hearing. Most are conducted by phone. Therefore, read the impound instructions and request a hearing immediately so that the vehicle can be released from impound.

16. Interview Potential Witnesses: If you had passengers in the car that were not under the influence or otherwise would be considered a credible witness when you were stopped, or you were with company shortly before the DUI arrest, talk to these people right away. Ask them questions such as: Did I appear drunk to you? How was my driving? Was my speech slurred? Was I alert and coherent? Was there anything that suggested to you that I was too intoxicated to drive? They may say that you were alert, sharp, speaking and driving normally. If so, your Arizona DUI attorney will want to collect statements from these witnesses.

17. Get Receipts for Alcohol and Food Purchases: You want to establish an accurate itinerary of what, when and where you drank and ate prior to the Arizona DUI arrest. But to prove it in court, you need as much documentation and corroboration as possible. One effective way to prove this is to save your receipts for any alcohol or food you purchased before your Arizona DUI arrest. Credit card receipts or statements may be of some use. But the best is to get receipts from the establishment. These receipts should itemize what was purchased, the quantity, to the person it was sold, and other details available.

18. Ambulance or Hospital: If you were taken to the hospital or emergency Room, following an accident and the ambulance went to the scene or you went to the hospital obtain medical records from both entities. Because of patient privacy laws, it is usually faster for you to obtain the records from the medical provider including the ambulance records, than if your Attorney requests them.

19. Records for 911 Calls: If an observer called the 911 police emergency phone number to report the possibility of a drunk driver then you may want to preserve the tape because law enforcement agencies will delete the calls. Also, if there was an accident involved, the same goes for the #911 call. The timetable is different for each police department. Order early so it does not get destroyed.

20. Keep your Attorneys Contact Information Ready: If and when you decide to hire an experienced Arizona DUI attorney, be sure to have your information readily available. Carry it with you, your vehicle, or program it into your phone or mobile device.

21. Be Prepared For Release Conditions: If you are charged with if you are charged with An Arizona felony DUI the Judge will set release conditions on your first appearance. This is known as “OR” which means release on your “own recognizance”. This condition assumes the defendant will simply not commit any further crimes, and report to all future court appearances required. The judge may also require that the defendant be released to “Pre-Trial Services”. In this event, authorized individuals or agencies will monitor your release to include such requirements as drug and alcohol testing. The last type of release condition is to “Post Bond”. In most cases if this is your first time in Superior Court and have no prior felony convictions and no prior “failure to appear” then most likely you will not get this. However, setting release conditions is always up to the Judge with

input from the prosecution. Other factors the judge considers when deciding whether or not to require the defendant to “Post Bond” are the type and severity of the charges and circumstances surrounding the charges. Be prepared and have someone with you, or available, in the event you need to have someone post a bond or take you home following your release.

22. Get Fingerprinted and Photographed: Some courts will issue an order for you to get fingerprinted and photographed. The court order may come from lower city court or higher superior court. No matter which court, it is critical that you not ignore this. Get processed and bring the stamped receipt with you to court. If ignored, the court will issue a warrant for your arrest.

23. Communicate, Communicate and Communicate:

If you have an attorney, you should get in the habit of staying in contact with him or her and keep the lines of communication open. That is there job as well. If you have hired an attorney, with whom you feel you can not communicate with, or do not have a professional comfort level with your case may be destined for failure. That should be a major factor to consider, if and when you decide to hire an attorney. In any event, contact them in the least prior to every court date. Make sure you coordinate the time and place to meet your attorney. You don’t want any surprises. Remember, the Attorney you hire works for you.

24. Consult an Arizona DUI Lawyer as Soon as Possible:

DUI cases in Arizona are serious offenses. Even for some attorneys, they are Difficult to defend due to changing laws, and the many facets involved with effectively defending a case. You need to consult an Attorney who is well versed in all such matters surrounding Arizona DUI Cases, defends them on a daily basis and has extensive DUI litigation experience. Criminal Defense & DUI Attorney must have the needed experience and education to know the principles of biology, alcohol physiology, and the flaws of the breath machine and blood testing process, roadside police investigation procedures, be familiar with the constantly changing and radical Arizona DUI laws, and the vast number and type of DUI defenses that can be used to defend your case, and get you a successful outcome.

You need an assertive attorney who does not just sit back and hope for the best. First of all, the best will not happen, in that event. Second of all, if you wanted that, you would not need an attorney at all. It’s too important a matter. There’s too much at stake, and the process is too difficult to take on your own, or to let “a family attorney” or someone who is not extremely competent in defending DUIs to handle your case. That is why if you are arrested or charged with a DUI or criminal case you should immediately contact the Law Office of James Novak, PLLC and speak with James Novak directly.

THE NEED TO HIRE A DUI ATTORNEY

The police have already done their job and charged you with Arizona criminal DUI. You have a lot at stake including adverse effects to your job, driver's license, family, finances, children, future and freedom. The case is already in the court system and your file has been attached a court reference number. A mug shot and a case number are all you are in the eyes of the State of Arizona and the Prosecution. Sound cold? Yes, but true. The Prosecution does not care who you are, what you do, or how your family or job will be affected by any of it. All they want is a conviction. That's what they get paid for. And they will work closely, with the police to get it. They will not look over every detail of your case to evaluate it to determine if the charges are justified, or to determine if your constitutional rights were violated in anyway. That is not their job and they are too busy for that anyway. Their job is not to protect you, provide a defense, or help to find a way to minimize the adverse impacts to you due to the charges. They prosecute and convict.

If you are looking for the Judge to be in your corner, look again. He's not either. The Judge does not intervene until a motion is filed or your sign a plea agreement or take the matter to trial. "Telling" your side of the story to the Judge will not have favorable effect on your situation. The Judge does not have authority to dismiss the case until a proper Legal defense challenge is made on your behalf by your Arizona Defense Attorney, or the jury returns a Not-Guilty Verdict on all charges. The chances of getting an acquittal or not-guilty verdict without a good Arizona Criminal Defense or DUI Attorney are slim to none. The system is complicated. It is a maze of laws, protocol, people and odds against you.

You have a choice. You need a strong ally. You need an Arizona Criminal and DUI Defense Attorney to build a strong defense for your case. You need someone you can call for answers to questions, to defend you, to protect your constitutional rights, to fight to get evidence suppressed, charges reduced or labor to get your case ultimately dismissed. The chances of any of these favorable outcomes are drastically reduced without the Retention of a private Arizona Criminal Defense or DUI Attorney, who does this day in and day out.

The decision is yours. Charges of Arizona DUI are serious, as are many other criminal charges. An Arizona DUI has many factors to evaluate. Including, a violation of your Constitutional Rights, the reason for the stop, the police officer's handling of the case, proper crime lab testing methods, proper implementation of field sobriety tests, and more. There are many factors in a case that can be challenged to your favor. But you will not get that benefit without the right defense attorney. The judge and prosecution will look at your case through the mind of prosecution only, not in your defense.

The impacts of an Arizona DUI or other Felony charges are negatively life altering.

You should strongly consider hiring an Arizona DUI defense attorney. If you ask whether you can afford an Arizona DUI defense lawyer. You should first ask whether you can afford *not* to hire an Arizona DUI lawyer. Money can be paid back, or made up again. But your future, your freedom, your reputation, your family are not so easily repaired. Too much is at risk when you get convicted of an Arizona DUI, Felony and even some Misdemeanor crimes in Arizona.

When you consult criminal defense or DUI attorneys, get quotes. Also, you must have a comfort level with that attorney. Make sure you feel they are competent and experienced enough to defend you effectively. You may be surprised how affordable some DUI attorneys may be, as compared to what you have to lose. Some like The Law Office of James Novak have extremely affordable flat fees with an options for flexible for payment plans that are agreed upon by both the client and James Novak. His motto is “Client First”. Showing up to court with no defense is just putting your hope in the hands of the person who wants to convict you, the prosecutor. That’s their job.

CHOOSING AN ARIZONA DUI ATTORNEY

If you are facing Arizona DUI and criminal charges, you have an important decision to make. How do I choose the right Arizona DUI defense attorney for my case? Below are just a few questions you should ask any attorney before making the decision to hire.

- Who Will Be My Lawyer?
- Will you be the lawyer who is actually handling my case?
- Who is doing all the investigation on my case? Will you be the lawyer who shows up to court with me?
- Will you be switching lawyers on me?
- Can I meet my assigned lawyer before I agree to hire your firm?
- Will I be able to speak to you if I have a question or concern?
- What is it going to Cost?
- What is Your Experience?
- What background do you have that qualifies you to handle my case?
- Have you ever been a prosecutor? If so, where, and for how long?
- What training do you have with the issues involved in my case?
- How many cases like mine have you handled?
- How often do you handle this specific type of case?
- How often do you deal with this particular prosecutor?
- How often do you appear in this court?
- How often do you appear before this particular Judge?
- What is your current caseload?
- How long should I expect to wait to hear back from you if I have to leave a message for you?

No matter what you chose to do, remember a DUI or other Criminal Charge you are innocent until and only if you are proven guilty. Everyone makes mistakes. It's how you recover from that mistake that counts more. You can take control of your criminal or DUI charges now, by consulting and retaining James Novak, Arizona Criminal and DUI Defense Attorney. Get a strong defense in your corner. You deserve a second chance.

Author Biography



James Novak exclusively defends Arizona DUI and Arizona Criminal Cases. As an experienced Arizona Attorney, James Novak understands how an Arizona DUI or Arizona Criminal charge can affect your employment, your future, and your freedom. Arizona has some of the toughest DUI laws in the country. And with them comes harsh punishments. As a Former Arizona Prosecutor, experienced DUI defense Attorney, Arizona Law Firm founder, experienced trial litigator, James has defended hundreds of DUI cases, with many successful outcomes. He is extremely knowledgeable, efficient, and experienced in defending Arizona DUI and Criminal Cases.

He is very familiar with the harsh and constantly changing Arizona DUI laws, penalties, courts systems, many of the judges, many of the prosecutors, procedures, protocol; most importantly he knows what defenses can be used and are needed to get evidence suppressed, cases dismissed and get “not guilty” verdicts on DUI and criminal cases.

He recognizes that all cases have their own set of circumstances and evidence. He does not defend with a “cookie cutter” mentality, or simply sit back and “hope for the best”. Upon retention he immediately begins examining the evidence, and formulating and effective defense to pro-actively mount against the prosecution based on each client’s unique situation.

James Novak is highly educated. He holds four advanced higher education degrees. He draws from his experience, training, and education to provide the most effective defense possible against criminal and DUI charges. Nothing replaces experience, training, and education when it comes to understanding and knowing how to provide a viable defense. In addition to his Jurist Doctorate degree (Attorney at Law) James Novak also holds a Degree from the School of Engineering. This assists in the assimilation and understanding of all matters that relate to all technical issues, such as crime scene investigations and crime lab testing processes, accident reconstruction, biomechanical engineers and forensic experts. His third advanced degree was awarded in Arizona where he received with Distinction a Masters in Counseling/Education. This provides the physiological tools to assist in reading people in jury trials, jury selection, and depositions. This advanced degree also assists in mitigation hearings as it relates to alcohol, drugs and other addiction issues. His final advanced degree was also awarded from Arizona and is a Masters of Business Administration (MBA). This education gave him the tools to evaluate evidence as it relates to White Collar Crimes, Theft, Employment Crimes, Fraud, Embezzlement, and anything related to business or financial matters. James Novak is qualified to handle any DUI and Criminal matter. James Novak lives by the law motto “no barriers for defense”. The Law Office of James Novak was built on the philosophy that “The Client's needs and Defense Comes First”. He is deeply committed to that priority. His quest is to make sure each of his clients receives the

strongest defense possible; and will fight relentlessly to protect their constitutional rights, their future and their freedom.

James Novak stays connected with the Legal Community both at the State and Federal Level, and keeps informed on the constantly changing Criminal & DUI laws at both levels. He has authored many Criminal & DUI Defense papers, web articles, and web blogs, to help anyone looking for free legal help on the internet. He is dedicated to helping defendants overcome their DUI and Criminal Charges trauma and consequences with information, understanding and support. Now he invites you to join the many, to learn and enjoy his free Arizona DUI Winning Defense Strategies DUI Book.

“Knowledge is power.”

- *Sir Francis Bacon, English author, courtier, & philosopher (1561 - 1626)*