

Criminal Law Part 2: Speeding tickets, DWI, Drug Laws in New York State

There is so much to cover when it comes to criminal law and traffic violations that we thought a second show about DWI myths and tips, drug laws and what you need to know about your criminal record would be useful to our listeners. We were lucky enough to welcome back criminal defense attorney Tom Carr who was able to go more in-depth on these topics.

A hot news item right now among defense attorneys in Albany County is the new policy that limits the amount of discretion a District Attorney has when dealing with a DWI case. Basically, the policy sets perimeters based on the blood alcohol content, or BAC, of the defendant and forces them to make a certain plea or go to trial. My problem with this policy is that it seems the District Attorney's Office will no longer be looking at the circumstances of each individual case. Whether it happens to be a 21-year-old college student driving drunk after a party or a 50-year-old woman who had a couple glasses of wine at dinner and made a bad choice to drive, this policy treats everyone the same, and I don't believe that is entirely fair.

To learn more about this policy, take a look at this article [in the Albany Times Union](#).

We've all been there – you've hitched a ride off of a friend or acquaintance after a party and all of a sudden you hear the siren and see the flashing lights. Unbeknownst to you, there is a bag of marijuana or other illegal substance under the seat. Can you get in trouble? According to criminal defense attorney Tom Carr, the answer is yes. The whole car can get charged with possession and even worse, if you are driving and your friends are passing around drugs and you get pulled over, the county can seize your vehicle.

If you are ever in this situation or are convicted of a crime, you might be worried about your criminal record. This record never goes away; any felony or misdemeanor you are convicted of is with you for life. If you are worried about this hurting your chances of getting a job, I suggest considering enlisting the help of an attorney and apply for a Certificate of Relief from Civil Disabilities. This won't clean your record, but it will say that your prior convictions should not be used against you in terms of employment or licensing.