

In 2014, Attorney Humphrey continued his series of lectures for the prosecutors and defense attorneys of the State of Rhode Island for the Rhode Island Bar Association on the successful prosecution and defense of drunk driving cases. As Rhode Island's authority on drunk driving cases, Attorney Humphrey prepared **Rhode Island's DUI Practice Manual** entitled, "**Drunk Driving: Detection, Prosecution and Defense**" which is widely used by drunk driving law practitioners in courtrooms throughout the State.

Attorney Humphrey's DUI Practice Manual focuses on the five (5) basic components that every prosecutor and defense attorney must be concerned with when handling a DUI case. The five (5) basic components of a DUI case are as follows:

1. Can the Prosecution establish the requisite reasonable suspicion to stop the suspect's vehicle;
2. Can the Prosecution prove the suspect's operation of the vehicle;
3. Can the Prosecution demonstrate the necessary probable cause to arrest the suspect;
4. Can the Prosecution prove that the suspect was under the influence of intoxicating liquor and/or drugs to a degree that rendered him/her incapable of safely operating the vehicle; and
5. Can the Prosecution prove compliance with R.I.G.L. 31-27-3 (the suspect's right to an independent physical examination by a physician of his/her own choosing). See, *Drunk Driving: Beyond the Basics*, Rhode Island Bar Journal, May/June 2010, Robert H. Humphrey, Esq.

In 2013, Attorney Humphrey continued his series of lectures for the prosecutors and defense attorneys of the State of Rhode Island for the Rhode Island Bar Association at the Bar Association's Annual Meeting regarding Refusal Cases: Beyond the Basics.

In every refusal case the State must prove, by clear and convincing evidence, four (4) key elements to sustain a refusal charge. The four (4) key elements are the following:

1. That the law enforcement officer who submitted the sworn report to the RITT had reasonable grounds to believe that the defendant had been driving a

vehicle within the State while under the influence of intoxicating liquor or drugs;

2. That the defendant, while under a lawful arrest, refused to submit to a chemical test upon the request of the law enforcement officer;
3. That the defendant had been informed of his or her rights in accordance with R.I.G.L. 31-27-3; and
4. That the defendant had been informed of the penalties incurred as a result of non-compliance with R.I.G.L. 31-27-2.1. See, *Refusal Cases: Beyond the Basics*, Rhode Island Bar Journal, November/December 2011, Robert H. Humphrey, Esq. and Kimberly A. Petta, Esq.

If you or a family member has been charged with drunk driving or refusal to submit to a chemical test, please allow Attorney Robert H. Humphrey's reputation, experience and skill to successfully guide you through the legal process.

**ATTORNEY HUMPHREY NOT ONLY WROTE THE BOOK
ON DUI LAW FOR THE STATE OF RHODE ISLAND,
HE CONTINUES TO REWRITE IT!**

