

MILITELLO LAW FIRM
Prospective DWI Client Information Form

Full name: _____ Today's date: _____

Address w/ City and Zip: _____

Client's cell phone number: _____ Alternate phone: _____

Preferred email: _____

Prospective client's birth date: _____ Current age: _____

Date of arrest: _____ Location of arrest? (City/Town): _____

What are you charged with? _____

When and where is your next court appearance? Place / Date / Time:

Are you on probation or parole? (Circle one) Yes / No

Did you take a breath test? (Circle one) Yes / No

If you took the breath test, what was the BAC result? _____

Was there a collision of any sort before your arrest? (Circle one) Yes / No

Have you ever been charged or convicted of DWI, DWAI, DUI, BUI, or OUI before, at any point in time, anywhere in the U.S.? (Circle one) Yes / No

It is important for you to let us know if you have prior felony convictions because it could effect your release eligibility. Please list all prior convictions (including DWI), whether the conviction was in NYS or not. You do not need to list traffic violations.

Do you hold a pistol permit? (Circle one) Yes / No

Conviction of any crime, including DWI, can effect your immigration status. Where were you born? (City, State, Country) _____

Do you need an interpreter? (Circle one) Yes / No

What is your first language?

Are you a citizen of the United States? If not, please state your citizenship and describe your immigration status:

Full name of spouse or partner and date of birth:

Do you have children that require transportation to currently scheduled medical appointments?

Please describe:

Are you a veteran? (Circle one) Yes / No

If so, please describe your service:

Occupation:

Employer or School name and address:

Please indicate your work schedule with start/stop times:

Are you currently on probation or parole? If yes, please explain:

Are you currently being treated for any substance abuse issues (please describe):

Please list any prescription medications you are on and their daily dosages:

Please list any physical conditions that effect your balance, coordination, *or* that are being treated by a physician:

Describe your current living situation (please make sure to note if you live with anyone on probation or parole):

Canada restricts travel into their country if non-Canadian citizens are convicted of any type of alcohol-related driving offense. How often, if ever, do you travel to Canada? Please describe the reason for travel:

Are you currently involved in any court matter involving custody of children? If so, please tell us the name (location) of the court, and describe what is happening:

Are you currently involved in any other court matter *not* involving custody of children (criminal, civil, etc....)? If so, please tell us the name (location) of the court, and describe what is happening: _____

We all encounter stressors in our life at one point or another. Are you currently, or have you recently experienced any of the following stressors? *(Please circle all that apply.)*

Marriage or relationship problems – Death or illness of a friend or family member

Drug or alcohol addiction - Pressure at work or loss of a job – Issues concerning your children – Other

Please describe the stress you are experiencing:

How did you find us? Google – Bing - Avvo.com - Justia - Referral - Other:

For office use only

Has OASAS Information been given? _____

If not, why? _____

Hardship needed? (Circle one) Yes / No

Next Steps:

There are a few things we will ask you to do, so that we may more effectively defend you, and so that your case proceeds more smoothly.

1. At your first court appearance, the judge will likely seize your license and suspend your driving privileges pending the outcome of your case. We can ask the judge for a hardship privilege to allow you to drive back and forth to work. In order to do that we need two things from you before we go to court: **a paystub from your job**, and a **copy of your schedule**. If you are in substance abuse counseling or have other medical appointments we can also ask the judge to give you driving privileges for those appointments. We will need a MyChart (patient portal) printout for your medical appointments. For counseling we will need to know your counselor's name, the location of the appointments, the days and times of the appointments. Please email these documents to both adam@militello.lawyer, and emily@militello.lawyer.
 2. Although your license will be seized, do NOT get a non-driver ID from the DMV. It will result in the forfeiture of your driving privileges, and can make it harder to get conditional driving privileges before. If you need a government-issued photo ID, this would be a good time to **get a passport**.
 3. The judge will typically order you to get a substance abuse assessment as a condition of your release. The assessment must be done by a clinician certified by the NYS Office of Alcohol and Substance Abuse Services (OASAS). Attached is a list of clinicians. Please schedule an evaluation, and more importantly, follow through with any recommended treatment. If you are recommended for treatment, **please bring a current treatment update letter to every court appearance**. Many providers will tell you that they sent it to me. That happens sometimes, but not all the time. Get one in your own hands and bring it to court.
- Thank you!

4. Please email us (emily@militello.lawyer, adam@militello.lawyer) a short bio. We want to know about your life so that we can present you as a human being to the prosecutor and judge – not just as another person with a DWI charge. You can also send us an updated résumé including education history, employment history, and volunteer history. In the bio we want to know about your hobbies, family, and personal life.

5. Send us a picture of the registration tag and insurance card for any vehicle that is titled or registered in your name. (emily@militello.lawyer, adam@militello.lawyer)

6. Do not call the court. Although most court clerks are friendly and helpful, they really don't like getting calls from defendants who are represented by a lawyer. The calls themselves can cause problems because people often offer information about their case that the clerk really shouldn't hear. On top of that, you are hiring us to be your point of contact. Allow us to do that! A large part of our job is to manage your case, and we don't want you known as "the defendant who keeps calling the court." It isn't helpful. Thank you!

7. The best way to reach Adam is by sending an email to both Emily (emily@militello.lawyer) and Adam (adam@militello.lawyer). Texting Adam should be reserved for business hours, communications on your day of court, or in the event of an emergency. I want to be available to my clients as much as possible, but I need some down time from work just like everybody else. Thank you!

Substance Abuse Assessments

Please call any one of these providers, tell them you have been charged with a DWI, and also tell them that your lawyer wants you to get a “substance abuse assessment.”

Note well: With the exception of Anita McLeod, these agencies will typically not send me the assessment report. Please give them my contact information, and sign a HIPAA release allowing them to send me the report when it is complete, but also **get a copy of the report for yourself and bring it to court with you.**

Substance Abuse Assessments are a four-part process:

- 1) You interview with a counselor.
- 2) You take a urine screen.
- 3) The counselor contacts a friend or relative who knows you well. They will ask about your habits surrounding drugs and alcohol.
- 4) The counselor will write a report that either recommends treatment, or does not recommend treatment. Please bring me a copy of that report. If treatment is recommended, please start it immediately and bring a treatment update to every court appearance.

Also note: These agencies will give you a urine screen. If you have any unprescribed drugs (marijuana, for example) in your system you will not get into additional legal trouble, but the agency may refer you to treatment.

Anita McLeod, LCSW (McLeod Counseling, PLLC)
250-B Lucius Gordon Drive Suite 4B West Henrietta, NY 14586
(585)967-9700

Unity Hospital of Rochester
1565 Long Pond Rd Rochester, NY 14626 (585) 368-6900
or, 2000 Winton Rd S., Rochester, NY 14618; (585) 368-6900

Delphi Drug and Alcohol Council, Inc.
1839 E Ridge Rd Rochester, NY 14622
(585) 467-2230 x35

Huther-Doyle Memorial Institute, Inc.
801 West Avenue Rochester, NY 14611
(585) 325-5100 x3501

Strong Memorial Hospital
300 Crittenden Blvd Rochester, NY 14642
(585) 275-5597

Westfall Associates, Inc.
919 Westfall Road Rochester, NY 14618
(585) 473-1500 x240

LIVINGSTON COUNTY

CASA-Trinity, Inc. d/b/a Trinity of Chemung County
4612 Millennium Dr
Geneseo, NY 14454
(585) 991-5012

CASA-Trinity, Inc. d/b/a Trinity of Chemung County
45 Maple St
Dansville, NY 14437
(585) 335-5052

WAYNE COUNTY

Brigitta Lalone, LCSW-R
3800 Railroad Avenue
Williamson, NY 14589
(315) 945-8530
<http://www.Lalonecounselingservices.com>

Joseph I. Peters, LCSW-R
145 W. Pearl Street
Newark, NY 14513
(315) 331-5659

ORLEANS COUNTY

GCASA
249 East Ave, Albion, NY 14411
(585) 589-0055

First Appearance in Court: What to Expect

Your first appearance in court is called an arraignment. At your arraignment, the judge will read the charges against you, and if she has a certified breath test she will suspend your license pending prosecution. It goes something like this:

- The judge or clerk will call out your name.
- You walk to the front of the courtroom, and stand at the bench with your attorney. You should stand next to your attorney, on the side so that you are not in-between him and the prosecutor.¹
- The judge will ask your name, and you respond.
- The judge will ask if you are present with your attorney, and you say, “yes.”
- The judge will begin to read the charges against you. It will go something like this, “Ms. Smith, you are charged with violating NYS VTL 1192(3) Common-Law DWI, VTL 1192(2) DWI per se, and VTL 1180(d) Speeding 75 in a 55.”
- At that point, your attorney will say, “Your Honor, we enter a plea of not guilty to all the charges and waive a further reading.”
- The judge will then look through the paperwork that was filed to see if you took a chemical test.² If she finds a certified document showing that you took a breath test and the result was .08% or greater, she will suspend your license pending the outcome of your case.
- After the judge suspends your license, we will request a hardship license so that you can drive to work, school, and medical appointments. This license is good for as long as your case is pending.
- The judge may address the issue of bail. Misdemeanor DWI cases where the defendant is a first-time offender, and where there was no accident, will always result in the defendant being released on their own recognizance (ROR’d). If you are on probation, or if you have two prior felony convictions, we will discuss the issues of bail and remand at our first meeting.
- The judge will end your appearance by scheduling a second court date, which often consists of a pre-trial conference between the judge and attorneys.
- To learn about other aspects of what is happening at court or in your case, we have put up a very big FAQ section at <http://RochesterNYDWI.lawyer>. It has information on Victim Impact Panels, Ignition Interlock Devices, the differences between DWAI and DWI, and more.

1. Irondequoit and Penfield Town Courts are the rare exception to this rule. Defendants stand in the middle of the bench, between the defense attorney and the prosecutor.

2. This is commonly called a breath test, or Breathalyzer. In most counties it is actually a DMT Datamaster chemical test of your breath to determine your blood alcohol content (BAC).