

Advice in Cases of Suspected DUI

By Dean Kantaras and Liana Kaylor



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Driving under the influence (DUI) is a serious offense in Florida, and the consequences can be life changing. If you find yourself in a situation where you are being pulled over by law enforcement for suspected DUI, it is essential to know your rights and take the right actions to protect yourself. We will discuss the key steps to take if you are ever stopped under suspicion of DUI, how to protect your future, and why it is crucial to have experienced legal representation on your side.

Do Not Agree to Perform Field Sobriety Tests – If you are pulled over and the officer asks you to perform field sobriety tests, it is important to understand that you have the right to refuse. Even if the officer seems to phrase the request as a command, you still have the right to politely refuse to perform the test. Officers may tell you that refusal can be used against you in court, but remember, it is harder for the State of Florida to prove your guilt beyond and to the exclusion of every reasonable doubt when you give them less evidence.

Invoke Your Fifth Amendment Right to Remain Silent – One of the most important things you can do during a DUI stop is to remain silent. If you are questioned by an officer, do not provide any statements about whether or not you have been drinking. Instead, immediately invoke your 5th Amendment right to remain silent. Simply state, “I am exercising my right to remain silent, and I would like to speak to an attorney.”

Remember, you are under no obligation to answer questions beyond identifying yourself.

Do Not Blow Into a Breathalyzer – When an officer requests that you take a breathalyzer test, it is important to know that you are not legally required to comply. Officers may tell you that refusing the test will result in an automatic license suspension, and they may even try to pressure you into blowing into the breathalyzer by saying things like, “You’ll lose your license anyway.” While refusing the breathalyzer can lead to a suspension of your driver’s license under Florida’s implied consent laws, refusing can still help protect you from incriminating yourself.

In some cases, a breathalyzer reading may not be an accurate representation of your level of intoxication, and refusing the test may prevent the prosecution from having that piece of evidence against you.

If you have been pulled over for DUI, it is best to calmly refuse the test and request to speak to an attorney. This is your right, and it can make a significant difference in your case.

The Importance of Legal Representation – If you have been arrested for DUI, having skilled legal representation is essential to protecting your rights and minimizing the potential consequences. Our firm’s lead criminal defense attorney is a former prosecutor, bringing a unique understanding of how the other side builds their case and how to approach criminal defense from a strategic, informed perspective. We understand that a DUI arrest can have far-reaching consequences, both professionally and personally. We are committed to guiding you through the legal process, offering the expertise and dedication you need to protect your future. ❖

EDITOR’S NOTE: K. Dean Kantaras is the managing partner of K. Dean Kantaras, P.A., a firm handling cases in family law and immigration. Mr. Kantaras is board certified in marital and family law by the Florida Bar. He has been practicing for over 30 years and is “AV” rated by Martindale-Hubbell. Liana Kaylor is an associate attorney at the firm and a graduate of Thomas M. Cooley Law School. Their offices are located at 3531 Alternate 19, Palm Harbor, 34683, (727) 781-0000; 1930 East Bay Drive, Largo, 33771; and 111 S. Albany Ave., Suite 200, Tampa, 33606, kantaraslaw.com.