

## Pham, Scott

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**From:** Missouri Lt. Governor Candidate <chad@mikecarter.com>  
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### Mike Carter Calls on Fellow DWI Recipients Spence and Brunner to Fix Missouri DWI Laws

ST. CHARLES, Mo., July 9, 2012 /PRNewswire/ -- DWI arrests make up an average of nearly ten percent of all arrests in Missouri each year. Many people wouldn't think of a judge (Carter), a governor (Spence), a senator (Brunner), or a football coach (Pinkel) as your typical criminal, but these are exactly the types of people who are facing some of the harshest consequences imposed for ANY misdemeanor offense in this state.

"Much the same as no one politically speaking wants to deny poor people health care in light of the latest Obama Care discourse, no one politically speaking thinks that people should be out driving drunk," said Carter.

However, the fact remains that normal, respectable, innocent citizens in this state are facing very permanent negative consequences from DWI arrests without the evidence that most citizens would assume is needed to show that the accused was indeed under the influence," asserted Mike Carter, Republican candidate for Lieutenant Governor.

Carter is referring more specifically to the administrative aspects of DWI laws that allow a person's driver's license to be immediately revoked for one year if they refuse to submit to a breath test, or for ninety days if they do submit to an officer's request to blow. This **EXTREMELY CRUCIAL** aspect of a DWI is completely separate and distinct from the criminal charges they face in the city or county where the arrest occurred.

In these administrative cases, **rather than requiring proof beyond a reasonable doubt** that a driver was under the influence, a **police officer need only say that he or she had reasonable suspicion to believe** that the driver was in violation of an alcohol related driving offense. This doesn't have to be proven in front of a judge and jury, either. It only has to be proven to a hearing officer who **acts as both judge and prosecutor** for the Missouri Department of Revenue, a **JUDGECUTOR** or PROSEJUDGE, if you will. Carter says that everyone he shares this with is struck with disbelief.

Carter went on to explain that losing one of these hearings results in an administrative alcohol suspension or revocation being reflected upon one's driving record permanently.

"These unilateral 'JUDGECUTORS', playing two roles, have an alarming amount of control over something that can have such a massive impact on one's life. This goes beyond the inconvenience of not being able to drive for a few months. It can negatively impact a person's ability to secure employment, attend school, or a number of other things, **EVEN IF** they are found completely innocent on the criminal charges; there definitely are deeply **troubling DUE-PROCESS aspects** of the **current law.**"

In 2009, during Carter's tenure as municipal judge in the City of Wentzville, **Carter** fought a bad

DWI charge and was **found innocent** (days after his election) of driving while intoxicated **in nine minutes by a jury**. As an attorney, judge, and defendant he knows the entire process intimately and also knows that most defendants are not attorneys with the ability to successfully fight a bad DWI charge.

This motivated Carter to take an active role in fighting the injustices that can sometimes come along with a DWI case. Carter is the senior attorney at a law firm that focuses on DWI defense and runs a website that offers information to those charged with DWI at <http://www.DWImo.com>. Missouri's DOR's DWI website is <http://dor.mo.gov/drivers/dwiinfo.php>.

"I'm not alone in my criticism of the way the DWI laws stand now. Prosecutors and defense attorneys alike have begun to sense a growing dissatisfaction with DWI laws among jurors hearing DWI cases across the state. During initial interviews, jurors routinely acknowledge knowing someone who has been adversely affected by this."

Carter isn't the only politician seeking office in Missouri that has faced DWI charges. GOP Gubernatorial candidate Dave Spence has admitted to being charged with a DWI in July of 2004, and GOP candidate for U.S. Senate John Brunner was reportedly accused of Driving While Intoxicated in August of 2004. A very wealthy Brunner was evidently able to have the offense wiped off his driving record TWO YEARS later after a judge invalidated the breath test used in his arrest. It is often the case that only the rare technicality will allow for this.

"I know it's a touchy subject, and no one wants to make things easier for people who are really putting others at risk, but the administrative consequences of a DWI arrest in this state are in complete opposition to all of the Constitutional rights we as a country have fought so hard to protect. Until in the cross-hairs, many don't think deeply about this.

I call on other candidates like Brunner and Spence who have witnessed these systemic problems first-hand to take a principled stand with me."

Carter will be robo calling Missouri voters this week to announce this push. Voters can opt out of the calls at <http://www.MikeCarter.com>.

**Carter is an independent-minded Republican that values prohibiting governments' intrusion into citizens' privacy above nearly all else. He has voted for Ron Paul and Ross Perot twice. He is a former judge, real estate attorney, Senior Lecturer for the University of Missouri, corporate counsel, and Director at the St. Louis Board of REALTORS.**

Missouri Lt Governor Candidate Bios at <http://www.moltgov.com>

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