

WABC Radio Interviews Steven Epstein During National Impaired Driving Prevention Month

Our partner, and head of our DUI and vehicular homicide practice, Steven Epstein, was interviewed by WABC Talk Radio Host, Curtis Sliwa, about issues related to impaired driving.

Below is a partial transcript of the interview:

Host: Steven Epstein of Barket Epstein, is here to provide a few tips to a lot of folks out there who need information. figure there's no way I'm going to get pulled over and stopped and then busted and charged with D U I. Thanks for joining us, Steven, thank you for having me. Karen, it's greatly appreciated. All right, so recreational use of marijuana legal in Jersey, New York, almost everywhere within proximity to W ABC. So a lot of people figure they do puff off pass it wears off a little bit. They jump in the car. There is really no test for marijuana, but yet they get stopped to get busted, and sometimes they take their car, it goes their license points on their insurance. What kind of advice can you give to people during this holiday time? That's

Speaker 2 0:53

a great question. Curtis, people say to me recently, well, isn't it legal to smoke? So is alcohol legal to drink? The crime from marijuana is not driving with a certain amount of marijuana in your body. New York doesn't have what we call per se drug laws for marijuana. Like some states have, you can't drive with a certain amount of THC in your system. Instead, the key is, does it impair your ability to operate a motor vehicle? And it's so it's a kind of situation. Current is where it's going to depend on the surrounding circumstances. The first most important thing, don't smoke and then drive within any time frame that you think is actually going to impair your ability to drive. Never keep it in your vehicle, because that's really where the problem is going to arise. You get into a car accident. There's pot in your car. Think of Cheech and Chong. Please smoke, you know, rolling up the windows coming down, I think cloud smoke coming out of that. Other than that, there are some tests. By the way, you can have a saliva test, which will determine presence of alcohol, obviously, blood tests, but there's no first abred test. Will they

Speaker 1 1:52

join the holiday season and pound your car, take your car, and how long before you might ever see those four wheels again? It's

Speaker 2 2:01

really going to depend upon the county where you get pulled over. New York City's use of asset forfeiture is more limited than, say, Nassau County or Suffolk County. So it's really going to depend upon where you get pulled over. By the way, the marijuana laws are the same as prescription laws, so just don't think that you could drive having taken a prescription medicine, if it impairs your ability to drive, the key is, don't keep them with you. Don't keep them in the vehicle. Don't make any statements to the police that you've either smoked marijuana or taken your prescription drugs. It's

the unfortunate part is, as much as it's important to keep our roads safe, the laws are overly enforced. Innocent people do get swept up in it, because there's a sense of over prosecution of it, all

Speaker 1 2:45

right. Well, let's talk about the prescription drugs, because a lot of people are on drugs. In fact, I remember here I reached for my high blood pressure medicine. I take like 10 milligrams a day because I get so angry, my blood pressure, just like skyrockets through my cranium and my medulla. And I grabbed these other employees drugs, which was like some kind of mood, alternator, elevator, whatever you want to call it, I gotta tell you, it was prescription. Was legal, and he needed it. But I was in a different world. I was a space cadet. I don't think if I were behind the wheel, that I could be judged as being in complete control of my mental and physical faculties. People will say when they get stopped, you know, I take a prescription, you know, because it's a mood elevator or keeps me from being depressed, and yet it has a reaction on them where they're in a different stratosphere. What is your suggestion on that the

Speaker 2 3:49

key with prescription medicine is it's all based upon the individual, whether or not they're taking therapeutic amounts. There are many people who without their prescription medicines, will drive worse than they will that if they have their prescription medicine. So a lot of it depends upon that. Don't take somebody else's prescription. Don't take a drug that you think is going to impair your ability to operate the motor vehicle, but if you're taking a therapeutic drug that you normally take for your own medical purposes, it's not going to impair your ability to operate a motor vehicle at the same confessions. Don't make any statements to the police that you've taken any drug whatsoever, because even though you have a prescription for it doesn't mean you can drive while your ability to do so is actually impaired by that drug. Well,

Speaker 1 4:31

now when you say that, when you say that, Steven Epstein, barcad Epstein, a lot of people, especially if they graduated college, they got a graduate degree or master's degree or even a PhD. They think they're smarter than cops. They think that they hey, if I talk to the cop, I'll be able to outsmart the cop, especially if these check on challenge where they'll randomly pull you over and they'll do basically a thorough check of you. So what is your basic recommendation when a person knows that they've taken their prescription drug, knows they were smoking marijuana, or knows that they were drinking,

Speaker 2 5:11

the most important thing I could tell them is, first of all, you do have what's called a limited right to counsel. In New York, police officer pulls you over. Ask you to take a sobriety test, ask you to take a breath test. Actually ask for the opportunity to reach out to speak to an attorney. Don't make any statements about anything that you drank or any drugs that you did. The classic statement that we see in almost every DWI cases. I had two beers, people feel like I have this need to sort of make some confession or make some statement to the police, because it's going to go better if I do that. Don't. And the other thing I want to stress here that's important is some people get the misinformation that refusing a breath test is always the right thing to do, and there's no universal truth on that. In fact, sometimes you could be in a far worse situation if you refuse to breath test, because the consequence is going to have in your darn license.

Speaker 1 6:03

Wow. So going back old school, the cop used to ask you to step out. Obviously, most people comply. Walk the Line, touch your nose, touch your you know, put your hands over your head, touch your finger. Is that something that you should commit yourself to

Speaker 2 6:23

you have my concern is taking a standardized field sized sobriety test when it's being administered in the field and you have some other reason or basis why you can't do it right, you're sober, at least pull you over. There's no reason that you shouldn't cooperate. There's no reason why you shouldn't take a bread test. There's no reason why you shouldn't do standardized field size of our tests. I'm talking about the situations where you find yourself in a position that you should have put yourself in for a lot of different reasons for for a lot of people as well. I had one drink of wine or two glasses of wine, but what they don't realize is a glass of wine and not what's poured at the bar, and then sometimes two or three glasses of wine. So they get they get these wrong estimates of what it is that they drank. And people who aren't intending to go out and try while they're intoxicated, especially holiday parties, can have one too many drink. And there's one other thing to think about, which is not everybody's the same person, someone 15 pounds can drink a heck of a lot less than somebody who's 220 pounds, somebody who has certain medical conditions like gastro esophageal reflux disorder, which is, you know, acid reflux. You can actually blow an elevated BAC because of that. So you want to be careful about how much you're drinking, and if you're going to be driving, it's obviously much less expensive and much safer to be taking the Uber. If you have some pot or if you drink some alcohol, find another way to get home. It's really the best thing to go

Speaker 1 7:51

to check on Charlie's, which go up during the holiday time, especially Christmas Eve, New Year's Eve, New Year's they will just start full of people. So what are the ramifications if you get jammed up? What are the worst things are going to happen to you? Because obviously it would be better not to be not to be

Speaker 2 8:18

doing we and not to be on your prescription drug that puts you in never, never, never. Well, first of all, the most important thing I can tell people is make sure you hire an attorney. Actually does this. For example, Curtis myself 32 years this is almost all I've done my whole career. Is, I know it sounds crazy, but dwind Kill homicides, it could really have a huge impact. Forget about just the loss of your driver's license, which can impact your ability to work. Some people, if they get multiple DWI convictions, can actually lose their license for their life. You can go to jail. You could wind up on probation. You could wind up having to install ignition interlock device in any car you own or operate. So their thing, their offenses that most people used to think aren't really big deals, but they really are. Now, the Lord takes it very seriously,

Speaker 1 9:05

and if people were interested in finding out more about what you do. Steven Epstein, at Barca Epstein, how like they get information?

Speaker 2 9:13

I'm sorry say that again. Curtis illustrate their second to get in touch with me. Barque epstein.com, B, A, r, k, e, t, e, p, s, t, e, i n.com. That's our website. You can contact us, going on that website, or sending me an email through it, and

Speaker 1 9:28

enjoying the holiday. You're available, and in all of a sudden, somebody gets pinched.

Speaker 2 9:34

Yeah, you can actually make a you can actually make a request at the side of the road to tell the police officer I want the opportunity to speak to my attorney, and they could actually pick up the phone and call you. Listening to this call, I'll even give them my cell number. It's 516-650-1297,

Speaker 1 9:53

Steven. Why do you think most people think they can outsmart the cops? You know, I don't think

Speaker 2 9:58

you think they can outsmart them. I think they find themselves in a position where they think that the police officer is going to help them out if they cooperate with them. They feel, they feel in a situation where, if I am a good guy and I talk to him, I can talk my way out of this,

Unknown Speaker 10:13

and they never can. You

Unknown Speaker 10:14

can't, not with DWIs anymore, trust

Speaker 1 10:17

me, most things, Stevie, you can't, but I appreciate your advice. It's a problem that played so many, sometimes it's the only Mar, they have in their entire life. Are they driving, where I can show. Hey, why is up as we go into the holidays. Absolutely. Curse.

Transcribed by <https://otter.ai>