

Thousands of convictions may be overturned as specialist law firm uncovers flaw in drink driving breathalyser

Submitted by: Third Arc Promotions

Monday, 23 February 2009

Driving Defences LLP, a solicitors firm specialising in drink driving (<http://www.drivingdefences.com/alcohol-offences/drink-driving-and-excess-alcohol.aspx>), says that thousands of people convicted of failing to provide a specimen could see their convictions quashed due to the fact that the police Intoximeter machine could be proven unreliable.

This revelation follows a test case which was successfully defended, in which it was proven that due to an error made by the police officer, the defendant could not possibly have provided a sample of breath even though he did all he could to provide a sample.

Martin Hammond, a solicitor at Driving Defences LLP said

“This discovery means that not only will people who have been convicted have the right to apply for an appeal, but people taken to police stations with this equipment could face future convictions until this problem is corrected. We would urge all people who have been convicted of failure to provide a specimen of breath to contact us immediately.”

The problem lies in the mouthpiece, through which air is blown into the machine. If the problem has occurred it would be impossible to blow enough breath to provide a sample, with no clear explanation as to why. Therefore, it is possible that a perfectly innocent motorist could face a charge of failure to provide a sample. This charge can often result in more serious consequences than drink driving itself, as there is no way for the Court to know if the motorist was completely sober or heavily intoxicated.

All Intoximeter machines are given type approval from the government and this means that challenging the machines' reliability can often prove very difficult. However a challenge to the machine used in Wembley police station led to the case being withdrawn by the Crown Prosecution Service.

Driving Defences LLP solicitors are initiating a campaign to have the manufacturers of the problem part solve this issue but if you have been convicted of this offence they are keen to hear from you so they can attempt to have your conviction overturned.

Please contact Martin Hammond or Philip Trotter on 08443 350 767 or email info@drivingdefences.com. Journalists can also contact Martin or Phillip for legal advice or expert opinion for any other motoring offence articles. For more information please visit www.drivingdefences.com