Index

ACCURACY OF TESTING

Breath and blood test trial memoranda, insufficient foundation for admission of blood test, 7:6

Malfunction of gas chromatograph, 7:7

ADMISSION OF EVIDENCE

Breath and blood test trial memoranda, insufficient foundation for admission of blood test, 7:6

ADMISSIONS

Common law DWI trial memoranda, sufficiency of corroboration to admission of operation, **6:3**

AFFIDAVITS

Bail, transfer and assignment of, 1:13 Client affidavit, sample, 12:4, 13:4 Pre-trial motions, suppression of evidence from unlawful stop and seizure, 5:16

Sealing Criminal Records (this index)

Service, sample, 13:6

AGE

Client contact forms, driver under age of twenty-one letter, **1:9**

AGRICULTURAL EMPLOYEES

Client contact forms, 1:17

ALCOHOLICS ANONYMOUS

Sentencing forms, 9:7

APPEAL

Post-Conviction Material (this index)

APPEARANCE

Discovery, waiver of appearance, 3:7, 3:8

ARRAIGNMENT

Discovery, waiver of appearance, 3:7

ARREST

Pre-trial motions, suppression of arrest, **5:6**, **5:18**

AUTOMOBILE INSURANCE

Client contact forms, fines and penalties letter, 1:6

AUTOMOBILE OWNERSHIP

Sentencing forms, 9:12

BAIL

Affidavit for transfer and assignment of, 1:13

Motions, requesting order to fix bail, 2:2

Post-conviction material, application for release of defendant on his or her own recognizance on setting of bail pending appeal following conviction for felony DWI, 10:5

BILL OF PARTICULARS

Request for, 3:3

BLOOD TESTS

Tests and Testing (this index)

BREATH AND BLOOD TEST TRIAL MEMORANDA

Generally, 7:1

Admission of blood test, insufficient foundation for, **7:6**

Aggravated driving while intoxicated, **7:9**

Compliance with rules and regulations

rules not followed, 7:4

rules not provided, 7:3

Extrapolation/relation back, **7:2**, **7:9** Gas chromatograph, malfunction of,

7:7

BREATH AND BLOOD TEST TRIAL MEMORANDA

—Cont'd

Insufficient foundation for admission of blood test, **7:6**

Insufficient proof from breath test score of .08 percent, **7:8**

Insufficient proof from breath test score of .18 percent, **7:10**

Malfunction of gas chromatograph, 7:7

Motion to preclude breath test evidence, **7:11**

Observation period, compliance, 7:5 Relation back, 7:2

Test analyst, right to confront, 7:13
Test operator, right to confront, 7:12

Time, failure to comply with observation period, 7:5

BREATH TESTS

Tests and Testing (this index)

BRIDGMAN FACTORS

Motions, 2:4

BUSINESS LICENSES

Client contact forms, fines and penalties letter. **1:6**

BYPASS SURGERY

Involuntary intoxication, gastric bypass surgery, **6:6**

CANADA

Entry into, client contact forms, fines and penalties letter, **1:6**

CHARACTER REFERENCE LETTER

Sentencing forms, pre-sentencing memorandum and character reference letter, **9:3**

CHARTS

Court imposed sanctions, **1:6** Suppression hearings, **4:1 et seq.**

CHECKLIST

Witness preparation checklist, 4:3

CHEMICAL TEST

Tests and Testing (this index)

CHILDREN

Client contact forms, aggravated DWI with minor, **1:6**

Endangering welfare of child, legal standard for, **6:9**

Youthful Offender (this index)

CIVIL REVOCATION

Generally, 11:1 et seq.

Administrative appeal form (AA-33A), **11:6**

DMV records, request, 11:5

Driving history, impact on re-licensing, 11:2

General consent form (MV-15GC), **11:4**

Safety factors, weighing (15 NYCRR 136.6), **11:3**

CLIENT CONTACT FORMS

Generally, 1:1

Age of twenty-one, driver under the age of, letter, **1:9**

Agricultural employees, 1:17

Assigned client "welcome" letter, 1:3

Automobile insurance, fines and penalties letter, **1:6**

Bail, affidavit for transfer and assignment of, 1:13

Business licenses, fines and penalties letter, **1:6**

Canada and other countries, entry into, fines and penalties letter, 1:6

Chemical test refusals, fines and penalties letter, **1:6**

Child, aggravated DWI with, 1:6

Close-out letter, 9:13

Commercial driver's license, fines and penalties letter, **1:6**

Consent for release of information, 1:11

Distinction between DWI and DWAI, fines and penalties letter, **1:6**

Drinking Driver Program (DDP), fines and penalties letter, **1:6**

Driver license penalties, letter regarding, 1:6, 1:10, 1:11

Index-2

CLIENT CONTACT FORMS CLIENT CONTACT FORMS —Cont'd —Cont'd Driver under age of twenty-one letter, Licenses—Cont'd out-of-state licensed drivers, letter Duties and responsibilities of client, for, 1:15 1:14 repeat offenders, letter regarding, Engagement letter, 1:4, 1:5 1:10 Minor, aggravated DWI with, 1:6 Entry into Canada and other countries, fines and penalties Mug shots, fines and penalties letter, letter, **1:6** 1:6 Fees 911 tapes, preservation of, 1:8 Out-of-state licensed drivers, letter engagement letter, hourly rate, 1:5 for. 1:15 re-licensing or termination of suspension fees, 1:6 Penalties. Fines and penalties letters, Fines and penalties letters above Pistol permit, fines and penalties letgenerally, 1:6 ter, 1:6 drivers license penalties, 1:10, Preservation of 911 tapes, 1:8 Professional licenses, fines and penal-Fingerprints, fines and penalties letties letter, 1:6 ter, 1:6 Prosecution compliance, demand First time offenders, letter regarding letter for, 1:22 driver license penalties for, 1:11 Refusal of chemical tests, fines and Foreign travel, fines and penalties penalties letter, 1:6 letter, **1:6** Release of information, consent for, Habitual offenders, letter regarding 1:11 driver license penalties for, 1:10 Re-licensing fee, fines and penalties Hardship license, fines and penalties letter, 1:6 letter, **1:6** Repeat offenders, letter regarding Ignition interlock device, 1:6, 1:17, driver license penalties for, 1:10 1:18 Suspensions pending prosecution, Information, consent for release of, fines and penalties letter, 1:6 1:11 Tape recordings, preservation of 911 Insurance, fines and penalties letter, tapes, 1:8 1:6 Telephone, preservation of 911 tapes, Jury duty, fines and penalties letter, 1:8 Test refusals, fines and penalties let-Law enforcement compliance, ter, **1:6** demand letter for, 1:21 Travel, foreign, fines and penalties Law enforcement contact, request letter, 1:6 redirecting, 1:7 Vehicle and traffic point chart, 1:19 Letter for private investigator or Victim Impact Program, fines and defense expert, 1:20 penalties letter, 1:6 Licenses "Welcome" letter business licenses, fines and penalgeneral form, 1:2 ties letter, 1:6 assigned client "welcome" letter, driver under twenty-one years of 1:3 age, 1:9 Zero Tolerance Law, letter regarding fines and penalties letter, 1:6, 1:10, driver under the age of twenty-

one, 1:9

COMMERCIAL DRIVER'S LICENSE

Client contact forms, fines and penalties letter, 1:6

COMMON LAW DWI TRIAL MEMORANDA

Generally, 6:1

Admission of operation, sufficiency of corroboration to, **6:3**

Corroboration to admission of operation, sufficiency of, **6:3**

Dismissal, order of, 6:11

Dismissal for legal insufficiency, motion, **6:10**

Endangering welfare of child, legal standard for, **6:9**

Evidence of operation, sufficiency of, **6:4**

Field sobriety tests, suppression of, **6:8**

Gastric bypass surgery, involuntary intoxication, **6:6**

Involuntary intoxication, 6:5, 6:6

Legal standard for intoxication v. impairment, **6:2**

No admission by client, **6:4**

Simultaneous intoxication and operation requirement, **6:7**

Sufficiency of evidence of operation, **6:4**

Suppression of field sobriety tests, **6:8**

Tests, suppression of field sobriety tests, **6:8**

CONSENT FOR RELEASE OF INFORMATION

Client contact forms. 1:11

CONTACT FORMS

Client Contact Forms (this index)

CRIMINAL PROCEDURE LAW

Article 440 challenges, generally, **12:1 et seq.**

Client affidavit, sample, 12:4

Clients court records, letter request pursuant to freedom of information statutes. 12:2

CRIMINAL PROCEDURE LAW

—Cont'd

CPL Article 440 motion, sample, **12:3**

Proposed order of vacatur, sample, 12:5

CROSS-EXAMINATION

Preparation for prosecution, **4:1 et seq.**

DEMAND

Discovery (this index)

DEPOSITIONS

Discovery (this index)

DISCOVERY

Generally, 3:1

Appearance, waiver of, **3:7**, **3:8**Arraignment, waiver of appearance, **3:7**

Bill of particulars, 3:3

Certificate of compliance, 3:21, 3:22

Defendant's obligation, defendant's compliance, **3:20**

Felony, waiver of speedy trial, **3:11**

Freedom of Information Law request, **3:6**

Initial discovery

motion to compel and for sanctions and remedies, **3:13**

over 45 days since arraignment, demand letter, **3:12**

Late compliance, motion for sanctions and remedies for, **3:17**

Lost or destroyed material, motion for sanctions and remedies for, 3:18

Misdemeanor, waiver of speedy trial, 3:10

Notice of defective certificate of compliance, **3:23**

Preliminary hearing, waiver of, 3:9

Prosecution, demand letter for compliance, **3:16**

Reply to people's motion for sanctions or remedies, **3:19**

Request for supporting depositions, 3:2

4:1 et seq.

DISCOVERY—Cont'd ENDANGERING WELFARE OF Specimen subpoena CHILD general form, 3:4 Legal standard for, 6:9 judicial subpoena, 3:5 **ENGAGEMENT LETTER** Speedy trial, waiver of, 3:10, 3:11 Client contact forms, 1:4, 1:5 Subpoena. Specimen subpoena, above ENTRY INTO CANADA AND Supplemental certificate of compli-**OTHER COUNTRIES** ance, 3:22 Client contact forms, fines and penal-Supplemental discovery ties letter, 1:6 demand letter, 3:14 **EVIDENCE** motion to compel and for sanctions Common law DWI trial memoranda, and remedies, 3:15 sufficiency of evidence, 6:3 et Waiver seq. appearance, 3:7, 3:8 **Tests and Testing** (this index) arraignment, waiver of appearance, Witness preparation checklist, 4:3 **EXAMINATION AND INSPECTION** preliminary hearing, 3:9 **Discovery** (this index) speedy trial, **3:10, 3:11** Grand jury minutes, 8:2 **DISMISSAL** Preparation for prosecution, cross-**Common Law DWI Trial** examination, 4:1 et seq. Memoranda (this index) **Tests and Testing** (this index) Motions EXTRAPOLATION common law DWI trial Breath and blood test trial memoranda, motion to memoranda, 7:2, 7:9 dismiss for legal insufficiency, **6:10 FEES** pre-trial motions, 5:13, 5:19, 5:20 Client Contact Forms (this index), 1:6 DISTINCTION BETWEEN DWI AND DWAI FELONY DWI Fines and penalties letter, 1:6 Post-conviction material, application for release of defendant on his D.N.A. SAMPLE or her own recognizance on set-Sentencing forms, **9:11** ting of bail pending appeal following conviction for felony DRINKING DRIVER PROGRAM DWI, 10:5 Prior convictions Fines and penalties letter, client inspection of grand jury minutes contact forms, 1:6 and reduction to misdemeanor, 8:2 **DRIVER'S LICENSES** insufficient proof of prior offense **Licenses** (this index) presented at trial, 8:3 **DUE DILIGENCE** Sentencing forms, defense presentencing memorandum, 9:6 **Discovery** (this index) Speedy trial, 3:10, 3:11 **DUNAWAY HEARING** FIELD TESTS Preparation for prosecution, chart,

Tests and Testing (this index)

FINANCIAL STATUS

Post-Conviction Material (this index)

FINES AND PENALTIES

Client Contact Forms (this index)
Court imposed sanctions, chart, 1:6

Letters regarding fines and penalties.

Client Contact Forms (this index)

Sentencing Forms (this index)

FINGERPRINTS

Client contact forms, fines and penalties letter, **1:6**

FIREARMS PERMIT

Client contact forms, fines and penalties letter, 1:6

FIRST TIME OFFENDERS

Client contact forms, letter regarding driver license penalties, **1:11**

FOREIGN TRAVEL

Client contact forms, fines and penalties letter, 1:6

FREEDOM OF INFORMATION LAW

Client's court records, letter request pursuant to, 12:2

Discovery, 3:6

GAS CHROMATOGRAPH

Malfunction, breath and blood test trial memoranda, 7:7

GASTRIC BYPASS SURGERY

Involuntary intoxication, 6:6

GRAND JURY MINUTES

Prior convictions, inspection of grand jury minutes and reduction to misdemeanor. 8:2

HABITUAL OFFENDERS

Client contact forms, letter regarding driver license penalties, 1:10

HARDSHIP LICENSE

Client contact forms, fines and penalties letter, 1:6

Motions, 2:4

HEARINGS

Dunaway hearing, preparation for prosecution, **4:1 et seq.**

Huntley hearing, preparation for prosecution, **4:1 et seq.**

License refusal hearing, request for adjournment of, 2:7

Mapp hearing, preparation for prosecution, **4:1 et seq.**

Motions (this index)

Post-conviction material, waiver of revocation hearing, **10:9**

Preparation for prosecution, **4:1 et** seq.

Pre-trial motions, "Wade" hearing, **5:9**

Suppression hearings, chart, **4:1 et seq.**

"Wade" Hearing (this index)

HUNTLEY HEARING

Preparation for prosecution, chart, **4:1 et seq.**

IDENTIFICATION

Pre-trial motions, in-court identification, **5:9**

IGNITION INTERLOCK DEVICE

Client contact forms, 1:6, 1:17, 1:18

Post-Conviction Material (this index)

Sentencing forms, 9:12

INCOME

Post-Conviction Material (this index)

IN-COURT IDENTIFICATION

Pre-trial motions, 5:9

INDIGENT PERSONS

Post-Conviction Material (this index)

INFORMATION, RELEASE OF

Release of Information (this index)

INSPECTION

Examination and Inspection (this index)

INSURANCE

Client contact forms, fines and penalties letter, 1:6

INVOLUNTARY INTOXICATION

Common law DWI trial memoranda, **6:5, 6:6**

JURY DUTY

Client contact forms, fines and penalties letter, **1:6**

JURY TRIAL

Pre-trial motions, waiver of jury, 5:15

LAW ENFORCEMENT CONDUCT

Demand letter for compliance, 1:21 Pre-trial motions, dismiss in furtherance of justice, 5:13

LAW ENFORCEMENT CONTACT

Client contact forms, 1:7

LETTERS

Client Contact Forms (this index)

Format sample, sentencing forms, 9:3

Post-conviction material, letter to client outlining terms of sentence and right to appeal conviction, 10:2

Pre-trial motions and forms, letter to prosecutor for use in plea negotiations, **5:2**, **5:3**

Sentencing Forms (this Index)

LICENSES

Client Contact Forms (this index) Hardship License (this index)

Motions (this index)

Suspension of License (this index)

MAPP HEARING

Preparation for prosecution, chart, **4:1 et seq.**

MEMORANDA

Breath and Blood Test Trial Memoranda (this index)

Common Law DWI Trial

Memoranda (this index)

Pre-sentencing memorandum. **Sentencing Forms** (this index)

Pre-trial motions and forms. **5:4**

MEMORANDA—Cont'd

Sentencing Forms (this index)

MINORS

Children (this index)

MISCONDUCT BY LAW ENFORCEMENT

Pre-trial motions, 5:13

MISDEMEANORS

Pre-trial motions and forms, **5:3**, **5:19** Prior convictions, **8:2**, **8:4**, **8:5** Speedy trial, **3:10**, **5:19**

MOTIONS

Generally, 2:1

Affidavit to suppress evidence from unlawful stop and seizure, pretrial motions, **5:16**

Arrest, suppression of, pre-trial motions, **5:6**, **5:18**

Bail, requesting order to fix, 2:2

Breath and blood test trial memoranda, 7:11

Bridgman factors, 2:4

Common law DWI trial memoranda, motion to dismiss for legal insufficiency, **6:10**

Discovery (this index)

Dismissal (this index)

Hardship license, 2:4

Hearing. License, below

In-court identification, pre-trial motions, **5:9**

Indigent persons. **Post-Conviction Material** (this index)

Jury, waiver of, pre-trial motions, 5:15

License

generally, 2:1 et seq.

hardship license, 2:4

legal standard for refusal of license, 2:5

refusal hearing, right to appeal, 2:7 suspension of license, 2:3, 2:6

Post-Conviction Material (this

index)

Preclusion of field sobriety test, pretrial motions, **5:10**

MOTIONS—Cont'd

Pre-trial motions and forms, dismissal of charge, **5:13**, **5:19**, **5:20**

Pre-Trial Motions and Forms (this index)

Prior convictions, pre-trial motions, **5:14**

Refusal hearing. License, above Refusal to submit to chemical test, pre-trial motions, **5:11**

Release, request for an order of, 2:8

Sentencing forms, motion to withdraw plea, **9:2**

Statements, pre-trial motions, 5:8

Suppression of evidence. **Pre-Trial Motions and Forms** (this index)

Suspension of license, 2:3, 2:6

Tests and testing. **Pre-Trial Motions** and Forms (this index)

Unlawful stop and seizure, suppression of evidence from, pre-trial motions, **5:5**, **5:16**, **5:17**

Waiver of jury, pre-trial motions, **5:15**

MUG SHOTS

Client contact forms, fines and penalties letter, **1:6**

911 TAPES

Client contact forms, preservation of tapes, **1:8**

NOTICE

Post-Conviction Material (this index)

Sealing criminal records, notice of motion, 13:3

OBSERVATION PERIOD

Breath and blood test trial memoranda, compliance with observation period, 7:5

ORDER REQUESTING RELIEF

Pre-trial motions, 5:21

PENALTIES

Fines and Penalties (this index)

PERMITS

Generally. **Licenses** (this index)
Pistol permit, client contact forms,
fines and penalties letter, **1:6**

PISTOL PERMIT

Client contact forms, fines and penalties letter. **1:6**

PLEADINGS

Discovery (this index)

POOR PERSONS

Post-Conviction Material (this index)

POST-CONVICTION MATERIAL

Generally, 10:1

Application for release of defendant on his or her own recognizance on setting of bail pending appeal following conviction for felony DWI, 10:5

Civil revocations, administrative appeal form (AA-33A), **11:6**

Financial status. Indigent persons, below

Ignition interlock

employer/employee exception, 10:13, 10:14

removal. 10:11

requirement, 10:10

Indigent persons

motion for permission to appeal to Appellate Division as poor person, **10:7**

motion to proceed as indigent on appeal to County Court and order granting motion, 10:6

Letter to client outlining terms of sentence and right to appeal conviction, **10:2**

Notice of appeal, 10:4

Notice to client of appeal right, 10:3

Plea allocution, motion to vacate judgment and set aside sentence on grounds of insufficiency, 10:8

Release pending appeal, motion for, 10:15

Index-8

POST-CONVICTION MATERIAL —Cont'd

Right to appeal, notice to client of, 10:3

Summary of financial status, **10:7** Waiver of revocation hearing, **10:9** Youthful offender adjudication, **10:12**

PRECLUSION OF FIELD SOBRIETY TEST

Pre-trial motions, **5:10**

PRELIMINARY HEARINGS

Discovery, waiver of preliminary hearing, **3:9**

PREPARATION FOR PROSECUTION

Generally, 4:1 et seq. et seq.

PRE-SENTENCING MEMORANDUM

Sentencing Forms (this index)

PRE-TRIAL HEARINGS

Preparation for prosecution, **4:1 et** seq.

PRE-TRIAL MOTIONS AND FORMS

Generally, **5:1 et seq.**

Affidavit to suppress evidence from unlawful stop and seizure, **5:16**

Arrest, suppression of, **5:6**, **5:18**

Dismissal of charge, **5:13**, **5:19**, **5:20** Field sobriety test, preclusion, **5:10** In-court identification, suppression

Jury, waiver of, 5:15

of, 5:9

Letter to prosecutor for use in plea negotiations, **5:2**, **5:3**

Misdemeanors, **5:3**, **5:19**

Order requesting relief, 5:21

Pre-indictment biographical memorandum in fatal accident case, **5:4**

Prior convictions, suppression, **5:14**Refusal of breath screening test, **5:12**Refusal to submit to chemical test, suppression, **5:11**

PRE-TRIAL MOTIONS AND FORMS—Cont'd

Roadblocks, suppression of arrest for failure to comply with rules concerning, **5:6**

Speedy trial, motion to dismiss based on failure to provide, **5:19**, **5:20**

Statements, suppression of, 5:8

Stop at roadblock, suppression of, **5:7** Suppression of arrest, equipment violation, **5:18**

Suppression of arrest, parking lot, **5:18**

Suppression of evidence, unlawful stop and seizure, **5:5**, **5:16**, **5:17**

Unlawful stop and seizure, suppression of evidence from, **5:5**, **5:16**, **5:17**

Waiver of jury, **5:15**

PRIOR OFFENSES AND CONVICTIONS

Felony DWI

inspection of grand jury minutes and reduction to misdemeanor, **8:2**

insufficient proof of prior offense presented at trial, 8:3

Misdemeanor DWAI, 8:4, 8:5

Pre-trial motions, **5:14**

Sufficiency of evidence, generally, **8:2 et seq.**

PRIVATE INVESTIGATOR

Letter for private investigator, 1:20

PROFESSIONAL LICENSES

Client contact forms, fines and penalties letter, **1:6**

PROSECUTION

Demand letter for compliance, 1:22

RECORDS AND RECORDING

Client contact forms, preservation of 911 tapes, **1:8**

Client court records, letter requesting, 12:2

DMV records, request for, 11:5

Prior convictions, inspection of grand jury minutes and reduction to misdemeanor, **8:2**

RECORDS AND RECORDING —Cont'd

Sealing Criminal Records (this index)

REFERENCE LETTER

Sentencing forms, pre-sentencing memorandum and character reference letter. 9:3

REFUSAL OF TESTS

Tests and Testing (this index)

RELATION BACK

Breath and blood test trial memoranda, 7:2

RELEASE OF INFORMATION

Client contact forms, consent for release of information, 1:12
Sentencing forms, authorization to release information, 9:4

RELIABILITY OF TESTING

Breath and blood test trial memoranda, insufficient foundation for admission of blood test, 7:6

RE-LICENSING

Driving history, impact on, 11:2 Fees, client contact forms, 1:6

REPEAT OFFENDERS

Client contact forms, letter regarding driver license penalties, **1:10**

RIGHT TO APPEAL

Notice to client of, 10:3

ROADBLOCKS

Pre-trial motions, arrest, 5:6

SANCTIONS

Fines and Penalties (this index)

SEALING CRIMINAL RECORDS

Generally, **13:1 et seq.**Affidavits
Article 160.59, client affidavit sample, **13:4**service, sample, **13:6**Article 160.59
client affidavit, sample, **13:4**

SEALING CRIMINAL RECORDS —Cont'd

Article 160.59—Cont'd notice of motion, sample, **13:3** verification in support of motion, sample, **13:4**

Certificate of Disposition, sample request to Court, **13:2**

Decision and order, sample, **13:7** Non-opposition, proposed statement, **13:5**

Service, sample affidavit, 13:6

SEARCH AND SEIZURE

Pre-trial motions, unlawful stop and seizure, **5:5**

SENTENCING FORMS

Generally, 9:1

Affidavit confirming lack of automobile ownership, **9:12**

Alcoholics anonymous form, **9:7**Authorization to release information

Authorization to release information, **9:4**

Client close-out letter, 9:13

Defense pre-sentencing memorandum, **9:5**, **9:6**

D.N.A. sample, order to provide, **9:11**

Format sample, pre-sentencing memorandum and character reference letter, **9:3**

Letter documenting client's compliance with sentencing terms, **9:9**

Letters

compliance with sentencing terms, letter documenting, **9:9**

pre-sentencing memorandum and character reference letter, **9:3**

Motion to withdraw plea, 9:2

Outline of DWI sentence, 9:8

Pre-sentencing memorandum and character reference letter, 9:3

Youthful offender, waiver of presentencing report, **9:10**

SERVICE

Sealing criminal records, sample affidavit. **13:6**

SIMULTANEOUS INTOXICATION AND OPERATION REQUIREMENT

Common law DWI trial memoranda, **6:7**

SOBRIETY TESTS

Tests and Testing (this index)

SPECIMEN SUBPOENA

Discovery (this index)

SPEEDY TRIAL

Felony DWI, **3:10, 3:11**

Pre-trial motions and forms, **5:19**, **5:20**

Waiver of speedy trial, discovery, 3:10, 3:11

STANDARDS

Common law DWI trial memoranda, legal standard for intoxication v. impairment, **6:2**

STATEMENTS

Pre-trial motions, **5:8**

STOP AND SEIZURE

Pre-trial motions, unlawful stop and seizure, **5:5**

SUBPOENA

Discovery (this index)

SUPPRESSION HEARINGS

Preparation for prosecution, **4:1 et** seq.

SUPPRESSION OF EVIDENCE

Common law DWI trial memoranda, suppression of field sobriety tests, **6:8**

Pre-Trial Motions and Forms (this index)

SUSPENSION OF LICENSE

Client contact forms, fines and penalties letter, **1:6**

Motions, 2:3, 2:6

TAPE RECORDINGS

Client contact forms, preservation of 911 tapes, **1:8**

TELEPHONE

Client contact forms, preservation of 911 tapes, **1:8**

TESTS AND TESTING

Breath and Blood Test Trial

Memoranda (this index)

Common law DWI trial memoranda, suppression of field sobriety tests, **6:8**

Discovery (this index)

Pre-Trial Motions and Forms (this index)

Refusal of test

client contact forms, fines and penalties letter, **1:6** pre-trial motions, **5:11**

TIME

Breath and blood test trial memoranda, failure to comply with observation period, 7:5

Common law DWI trial memoranda, simultaneous intoxication and operation requirement, **6:7**

TRAVEL, FOREIGN

Client contact forms, fines and penalties letter, **1:6**

UNLAWFUL STOP AND SEIZURE

Pre-trial motions, suppression of evidence, **5:5**, **5:16**, **5:17**

VACATUR

Proposed order of, sample, 12:5

VICTIM IMPACT PROGRAM

Client contact forms, fines and penalties letter, **1:6**

"WADE" HEARING

Preparation for prosecution, chart, **4:1 et seq.**

Pre-trial motions, 5:9

WAIVER

Discovery (this index)

Post-conviction material, waiver of revocation hearing, **10:9**

Pre-trial motions, waiver of jury, **5:15** Sentencing forms, waiver of presentencing report for manda-

NEW YORK DRIVING WHILE INTOXICATED DEFENSE FORMS

WAIVER—Cont'd

tory youthful offender, 9:10

"WELCOME" LETTERS

Client Contact Forms (this index)

WITNESS PREPARATION CHECKLIST

Generally, 4:3

YOUTHFUL OFFENDER

Post-conviction material, **10:12** Sentencing forms, waiver of presentencing report, **9:10**

ZERO TOLERANCE LAW

Client contact forms, letter regarding driver under the age of twentyone, **1:9**