MARTIN & JONES PLLC
Attorneys at Law

Driving while under the influence of alcohol remains a problem on our roads, and drivers who are intoxicated behind the wheel often cause very serious accidents. If you have been injured in an accident with a drunk driver, you need an experienced car accident attorney who can help you get the compensation you need to rebuild your life.

Drinking and Driving is Negligence

In any car accident claim, the foundation of your case depends on proving that the other driver was negligent in some way. To be successful, you do not need to prove that they were negligent in some extraordinary way - "ordinary" negligence is sufficient. For example, a driver can be held liable for an accident simply because they were speeding.

The situation is no different with alcohol. Even if the other driver was not charged with DUI, you can still prove that it was negligent for them to get behind the wheel with their level of intoxication. Observations made by you and others can be relevant to your case.

- Could you or others smell alcohol on the driver's breath?
- Were their eyes glassy or watery?
- Was their speech slurred or were they speaking loudly?
- Did the driver admit to having consumed alcohol prior to getting behind the wheel? ("I just left happy hour" or "I'm coming from a dinner party" may also be indicative.)

Driving while under the influence is often coupled with other negligent driving behaviors such as improper lane changes, speeding, or running a stop light. At a minimum, the fact that they were drinking and driving indicates that they used poor judgment. An experienced car accident attorney will know how to build your case if you have been injured in a car accident with an intoxicated driver.

Was the Other Driver Charged with DUI?

A DUI charge can be powerful evidence in your case if you need to pursue a personal injury claim. A driver is typically charged with DUI when they fail field sobriety tests or a breathalyzer test or both. The officer observed indications

that suggested they were intoxicated - they smelled alcohol on their breath, their speech was slurred, and their eyes were glassy. All of this can serve as evidence in your case that the other driver's negligence caused your accident.

The Difference Between Criminal Actions and Your Personal Injury Claim

It is important for you to understand that whatever happens with the other driver's DUI claim is independent of whether or not you pursue a personal injury case. The criminal case is between the driver and the state of North Carolina. And while the driver may face heavy fines, the DUI case will not result in compensation for your injuries or other losses.

As a result, you need to pursue your own claim if you have suffered a serious injury as a result of a car accident with a driver who has been drinking. You do not need to wait for a conviction and can proceed almost regardless of what happens in your DUI case.

What if the Other Driver's DUI Charges Are Dropped or They Are Found Not Guilty?

While a DUI conviction would be powerful evidence in support of your claim, it is not necessary for you to pursue a personal injury claim. This is primarily because your personal injury claim and the DUI case are subject to two very different evidentiary standards.

- In the DUI case, the prosecution must be able to prove that the driver was intoxicated ***beyond a reasonable doubt***. This is the highest evidentiary standard in our legal system. It is used only in criminal cases in order to provide some certainty that the person who is convicted is actually guilty.
- In your personal injury case, you must only prove that the other driver was guilty by a ***preponderance of the evidence***. This means that the evidence simply needs to weigh in your favor, if only slightly, in order for you to prevail.

DUI cases can be dropped or result in a verdict in favor of the driver for a variety of reasons. It could be that the breathalyzer test was improperly administered, or the arresting officer is unable to testify for some reason. Regardless, you may still be able to prove that the other driver's intoxication caused your accident and they should therefore be held liable.

What to Do if You Are in an Accident with a Drunk Driver

The steps you take immediately following your accident are critical to the success of your claim. To the extent that you are able to, you should take the following action following your accident.

1. **Contact the police**. First, they will be able to secure the scene of the accident by diverting traffic. This will keep you safe from other drivers. Second, they will make an accident report, which will be helpful in establishing critical facts. Third, they will be able to observe whether or not the other driver is intoxicated. You should inform the officer if you have observed behavior that leads you to believe they were driving under the influence. You may be able to later use the officer's testimony and the driver's test results as evidence in your case.
2. **Get contact information for any witnesses**. If there were witnesses to the accident who observed that the other driver was intoxicated, you need to be able to get in touch with them. Their observations as to the driver's behavior both behind the wheel and after the accident can be powerful evidence. Make sure you get their mobile phone number, address, and email address. You may need them to provide a statement later on.
3. **Make note of any traffic cameras**. Video evidence of the accident and the other driver's behavior following the accident may be able to support your claim that the accident was caused by the other driver's intoxication.

Ultimately, an experienced car accident lawyer will be able to gather the evidence you need to support your case. If you have been injured in an accident with a drunk driver, the best thing you can do is contact an attorney as soon as possible.

Martin & Jones - We Hold Drunk Drivers Accountable

If you've been injured in an accident with a drunk driver, we can help you get fair compensation for your injuries. Contact us today at 800-662-1234 to schedule a free consultation. Let's talk about what we can do to help you get back on your feet.

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