

Michigan DUI Attorney Paul J. Tafelski Explains Breath Tests and DUI Probation Laws

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Michigan DUI attorney Paul J. Tafelski releases a new article (https://www.michigandefenselaw.com/blog/breath-tests-and-dui-probation-in-michigan/) discussing Michigan laws on breath tests and DUI Probation. Attorney Tafelski explains that an OWI (operating while intoxicated) charge in Michigan usually includes probation during sentencing. OWI probation in Michigan requires abstaining from alcoholic beverages. To ensure that people on probation adhere to the requirements, probation officers sometimes use breath tests.

According to the Michigan DUI attorney, ?Typically, you will be required to meet with a probation officer regularly during the course of your probation. You may also be subject to random testing to determine whether you have consumed alcohol. This testing may take the form of an EtG test, which is supposed to determine whether you consumed alcohol at any time in the course of the past 80 hours. It may also take the form of a standard breath test.?

EtG breath tests determine the amount of alcohol in a person?s blood. When an individual breathes into the EtG device, trace amounts of alcohol from their blood, and then their lungs, are detected by the device. Failing a breath test can cause the revocation of a person?s probation order.

Attorney Tafelski adds, however, that even though a defendant is allowed a probation revocation hearing, a failed breath test alone can be enough to get the probation revoked. The prosecution in the probation hearing does not need to prove beyond a reasonable doubt that a violation occurred, only that the defendant failed the breath test.

Despite breath tests being a significant piece of evidence that can send a defendant to jail, the Michigan DUI attorney elaborates that the reliability of breath tests is questionable. Medical studies have demonstrated that almost 1 out of 4 individuals who were tested with breath tests showed a higher blood alcohol count than what was present in their bloodstream.

?Breath tests have known issues including being affected by nearby devices emitting radio waves, and an inability to distinguish between blood alcohol content and alcohol in a person?s mouth, such as might be caused by diabetes, heartburn, or the use of common household items such as mouthwash,? the Michigan DUI attorney adds.

Due to the fewer legal protections available to a defendant in a probation violation case, attorney Paul J. Tafelski expresses the importance of consulting with an experienced attorney in building a defense. A skilled lawyer can assist in gathering additional evidence and potentially avoid the revocation of probation.

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