



Underage DUI Charges in NY Need Criminal Defense Representation

It is not usually good news when the phone rings late at night. Answering a phone call in the middle of the night, especially when one of your children is on the other end, is devastating. Once you have confirmed they are ok and there have been no injuries, you breathe and start to ask questions. How fast were you going? What happened? One thing to remember is when your child is calling you on the phone, in front of law enforcement, anything they say can be held against them in court. One of the first things an experienced criminal defense attorney will advise is to exercise the Fifth Amendment right under the United States Constitution. Nobody must answer questions beyond name, insurance, and age, even though the tendency is to try to talk their way out of trouble. It is best to keep the call simple. Please remind your child you are glad they are ok.



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An incident like this occurred recently on our quiet street. Around 9:30 PM, a car full of young people swerved off the road during a rainstorm and crashed into our neighbor's front yard landscaping. The five people in the vehicle, including the twenty-year-old driver, were detained by law enforcement for more than four hours. During this time, every passenger contacted their parents. As time passed, the passengers were cleared, and the driver was left on his own as the others were released into parent custody. Fortunately, the driver's parents immediately contacted a criminal defense attorney knowing their son was arrested and charged with driving under the influence and causing property damage while driving under the influence.

Driving under the influence is not just for alcohol. So, if your underage driver is under the influence of marijuana or other mind-altering drugs that police determine were impairing the driving, law enforcement will perform field sobriety tests, and an arrest will likely be made. Suppose they have done a breathalyzer test in the field when the substance is suspected to be alcohol. In that case, a criminal defense attorney knows this is not a foolproof test and will work to fight against the sobriety test results.

Restitution Efforts for Underage DUI Cases

Once your attorney has the incident details and has seen the police report, they begin to look for the most effective way to fight the charges against your underage child. One of the most common things a professional and experienced criminal defense attorney will suggest is to make restitution. They may recommend contacting the homeowners of the damaged property, working with them, and making amends by replacing damaged materials. Although not all homeowners are interested, the effort will work in your favor. These efforts will reflect positively on the case when presented to the judge. The police included property damage of \$1,500 in the police report in the case above. Still, the owners gracefully agreed that half (\$750) of the listed damages would suffice if the driver agreed to do the labor. This effort and following through will do well for the driver in front of the judge. The defense attorney will provide proof of the driver's responsibility, accountability, and a genuine desire to right the wrong.

Fines and Penalties for Underage DUI Charges

Due to NY's strict policies, even if the driver is under 21, they can still face hefty fines and lose driving privileges. The driver's license will most likely be confiscated at the scene. The courts may also require rehabilitation courses and extended community service. Your defense lawyer will be working on getting any charges reduced or dismissed, finding the least burdensome ways to meet the court's demands for restitution. Since the driver will no longer be able to get themselves to school, work, or community service, this burden falls on the parents.

The crash, arrest, and time spent in jail will likely be plenty to steer your child away from ever getting behind the wheel under the influence again. This will become a hard life lesson, especially in NY, where the Zero Tolerance policy is in place. NY has some of the strictest policies on driving under the influence. So, if you find yourself struggling to help someone underage who has been arrested for a DUI in NY, find a DUI criminal defense attorney with experience in your area. The relationships and knowledge of how judges have ruled on past cases can be incredibly helpful in your own situation.



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An experienced criminal defense attorney like Benjamin Greenwald - NY Criminal Defense Attorney [Law Office of Benjamin Greenwald, NY Criminal Defense Attorney](#) has represented underage clients and their families in NY for years. She understands how important it is to fight diligently, so this one mistake isn't long-term.

If you are on the fence about hiring a defense attorney, stop thinking about it, and do it now. Hiring a criminal defense attorney like Benjamin Greenwald - NY Criminal Defense Attorney [Law Office of Benjamin Greenwald, NY Criminal Defense Attorney](#) can help you go from a place of uncertainty to freedom.

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