Investigation Workbook

SPEEDING GUIDE

This investigation workbook is intended for those who have been cited for a speeding violation by a law enforcement officer. The purpose of this book is to take an in-depth look in the causes and effects of the speeding ticket, and how you may be able to beat it in court. It is not to be substituted for legal advice. Although an attorney can help represent you in court, you can be prepared to represent yourself for this misdemeanor speeding charge.

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INTRODUCTION

If you have obtained this manual, then you or someone you know received a speeding ticket. The purpose of this book is to organize and document the events surrounding the speeding offense. It is not intended to serve as legal advice or a way to avoid being ticketed in the future. It's merely a tool to assist you in the preparation of your defense.

Criminal defense attorneys may hire investigators or consultants to do the same things that are in this manual. The investigation costs are obviously passed on to the client, which may add up to hundreds of dollars in fees. Why pay an investigator or consultant if you can do your own investigation? This manual was written with the help of law enforcement officers who have a vast knowledge in the subject material. Who better to investigate your case than a former police officer? The manual teaches you how to gather evidence, document evidence, and dig deeper into the circumstances surrounding the ticket.

Statistics show that individuals who take a vested interest in their case are more likely to get a favorable result in court than if they did not. Consult with an attorney about your case before proceeding into a courtroom if you are facing possible felony charges. This manual should not serve as a substitute for good legal advice from a professional, but it will give you everything you will need to represent yourself for misdemeanor speeding.

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INITIAL STOP

The first phase of a speeding ticket is the traffic stop itself. In order to stop someone, a law enforcement officer must have probable cause or reasonable suspicion that a crime has occurred. Probable Cause and Reasonable Suspicion are two very different things. Probable Cause would be something like a traffic violation. A speeding violation or expired tag would be considered probable cause.

Reasonable Suspicion would be when you are traveling through an area that has a drug problem and an officer would stop you to ask why you were in the neighborhood. Although you may have a very valid reason for traveling through the area, the officer is basing his traffic stop on reasonable suspicion.

When analyzing your traffic stop, you must determine if the officer had probable cause to stop you. This should be fairly simple. An officer may approach your vehicle and say something like, "Sir/Ma'am, the reason I am stopping you is for speeding." You may receive a citation for whatever the violation is. If you know why you were pulled over, then you have established probable cause and you know what to examine. Reasonable suspicion is much harder to prove in court for officers.

Generally, an officer will try and find probable cause for stopping someone rather than using reasonable suspicion. If you really do not know why you were pulled over, you may fall into this category. Always find out exactly why you were stopped because this may hold to the key to the rest of your case.

The following questions should be answered:

1. Why was I pulled over? _____

2. Did the officer tell me why I was pulled over? _____

3. Was a citation issued by the officer for that reason (i.e. Speeding, expired tag, etc.)? _____

4. Is my stop considered probable cause? _____

5. Is my stop considered reasonable suspicion? _____

6. Was I stopped without explanation? _____

7. Has this officer stopped me before? _____

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There are many things that should be considered when analyzing your speeding ticket. You will need to answer the following questions and then ask them of the officer on your court date.

8. Was it raining when I was stopped? _____

9. Was the road wet? _____

10. Was it daytime, dawn, dusk, or night? _____

11. Was the area where the violation occurred well lit if it was at night? _____

12. How much traffic was in the area at the time of the occurrence? _____

13. Are there any defects in the roadway? _____

14. Is the roadway clearly marked with paint showing centerlines and fog lines? _____

15. Is the area properly marked with posted speed limit signs? _____

16. Is the area properly marked with stop signs or any other traffic signs? _____

17. Where was the officer when the alleged violation occurred? _____

18. Was the officer stationary or moving? _____

19. Is it possible that the officer may have witnessed another vehicle committing the violation? _____

20. Did you identify the officer's vehicle as officially marked law enforcement? Vehicle? _____

21. Were you talking on your cell phone when the violation occurred? _____

22. Were you adjusting your radio when the violation occurred? _____

23. Were you eating food or drinking a drink with the violation occurred? _____

24. Was there anything occurring inside of the vehicle when the violation occurred?

_____

25. Was anyone riding with you when the violation occurred? _____

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After you have answered the above questions, take these next steps:

1. Photograph your vehicle from all angles including front, rear, left side, and right side. Include a photograph of your vehicle's tag also. This will helpful as we get into the initial contact with the officer later.

2. Go to the scene of the violation. Photograph the area so that it may show your Attorney or the court the area where the violation occurred. Take several photographs if possible. Make sure you photograph during the day so that it gives you optimal lighting. Night time photographs may not give the court a clear idea of what the scene looks like.

3. Photograph any traffic signs in the area. This is especially important if you have been stopped for speeding or running a stop sign. Make sure that you photograph signs that might potential affect your case. Speed limit signs are good to photograph because they may show that the sign was damaged, a long distance from the violation, or non-existent.

4. Photograph the painted lines like centerlines and fog lines. This may show the court that they are clearly marked or poorly marked.

5. Position your vehicle at the location of the traffic stop. If possible, put in the exact same spot where you stopped. Photograph it from all different angles. If you were stopped on private property, you may want to ask the property owner for permission to take the photographs. After you have explained what you are doing, they usually cooperate.

6. Use a video camera and record the traffic in the area. You only need to do this for just a few minutes. Don't sit there all day.

7. Video record your route of travel before you were stopped. You will need another person to do this. Have the other person drive you while you operate the video camera. You don't need but approximately five (5) minutes of video footage when you do this. If you left a restaurant and got stopped only a short distance from there, then you would start videotaping from where you left. If you were traveling all day long and got stopped, just go back about five (5) minutes prior to the stop and start video recording. When you're doing a video recording, keep in mind that this may be shown in court. Try to keep it clean and professional. Do not talk unless you have to. When you do talk, just say things like "I was in this lane and was merging over into this lane" or "This where the officer turned on his emergency lights." Again, your video recording should be conducted during the daytime hours for optimal lighting. Video recordings put others in the "passenger seat" of your vehicle before you were stopped.

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The next few pictures will demonstrate how photographs should be taken. Try to take as many photographs from different angles as you can. It's always better to have too many photographs than not enough.

This photograph shows that there are no lines designating lanes of travel. In a case of possible weaving, there would be no indication where the actual center of the roadway is located.

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This photograph shows the speed limit as 45 mph.

This photograph shows a decline in the roadway. It would show the court that speed could increase coming down the hill. The officer would never volunteer the fact that the hill was there when he stopped you for speeding.

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Remember there are always circumstances that contribute to your situation and those circumstances need to be fully explored. Most people who receive speeding citations just assume that they are guilty and then pay the fine. However, if you take the time to investigate your case, you will be more prepared to present your case in court. Spending just a few minutes doing the things outlined in this guide could save you over a hundred dollars in speeding fines.

Also there are different methods for officers when conducting speeding blitzes, or "speed traps". There may be a spotting officer and a stopping officer. In this situation, one officer with a radar gun will be spotting speeders in traffic. That officer will then radio the description and details to the stopping officer further down the roadway. This can be beneficial to you and give you an advantage. First, the officer that is approaching your vehicle is NOT the officer who has you on radar speeding. Ask the officer to see the radar and if he refuses, then use that in your report when you go to court. Always ask the officer to see the radar to confirm your speed. If they refuse, it makes them look bad not you.

A second problem with radar used in heavy traffic is something known as batching. Batching is when there are several cars close together and the radar cannot determine one from the other. Always ask if it is possible that it was another car that was speeding.

Did you know that Insurance companies contribute money every year to help law enforcement agencies purchase new radar equipment? They do not want you to investigate your speeding ticket because if you are found guilty, you may pay them higher premiums. Always ask questions and then ask more questions. The key is being informed. Always call the telephone number on your citation to make arrangements for court.

In conclusion, do your homework and be confident when you go to court. Do not be rude, but be precise and prepared. Thank you for choosing POLICEFIX.COM and please check our website for future guides and updated versions.

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