



# *Be careful, or you may see more than Christmas lights this holiday season*

BY JOHN E. RAPP | MEMBER, HINKLE LAW FIRM

The holiday season is quickly approaching. I hope you all are as excited as I am for the season of family, friends, food and, well, celebrating. With that in mind, I offer this friendly reminder to be safe, and do not drink and drive. There are a number of options for you out there with Uber, taxis, buses, designated drivers, party buses, limos and, yes, of course, walking. There is only one way to be sure you will not be arrested for a DUI, and that is to not drink and drive. There is no special formula where you can calculate how many drinks you can have over a certain amount of time and be under the legal limit to operate a vehicle. There are too many other factors that could lead to an officer's belief or a machine reading (.08) that may lead folks to believe you are under the influence. That's all for the public service announcement.

I've been practicing DUI law for nearly 14 years and have handled nearly 4,000 cases, so I've seen it all. Let me begin by dispelling some myths. The penny in the mouth trick doesn't work. I have seen this attempted and aside from not working,

it's not sanitary. The chugging of whiskey before the officer arrives at your vehicle won't work. I've seen this one as well. Also, racing home while the officer is chasing you won't work. Sorry folks! There is no olly-olly-oxen-free. There is no home base. You can get a DUI on private property even if you own the property, especially if the officers followed you there. Racing home is an especially bad decision that some have made. Typically this leads to additional charges like felony flee and elude or reckless driving. And let's not forget, if a wreck occurs there's usually more serious charges on the horizon. Many of those are felonies.

Remember, what you say can also lead to a DUI charge. Law enforcement officers are paying attention to everything going on around them. I've seen videos with individuals insisting, "I'm not that drunk," or, "I'm the designated driver and my passengers are all worse than me." They should have remained silent. They knew they had the right — they just didn't have the ability.

Let's all stay safe this holiday season. Please don't put yourself in a position to be arrested and ruin your holiday or that of others. Stay safe. Be safe. And lastly, enjoy!

***John E. Rapp has been recognized in Super Lawyers Magazine as a Missouri and Kansas Super Lawyer. He also was recognized as a Wichita Business Journal 40 Under 40 recipient.***

***Mr. Rapp's practice includes civil and criminal litigation. He is a member of the National Association of Criminal Defense Lawyers, the Wichita Bar Association and the American Bar Association. He is licensed to practice in municipal, state and federal courts in Kansas.***

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