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ATTORNEYS AT LAW

December 12, 2006

Steve Shellist
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Dear Steve:

Approximately two months ago, you were kind enough to conduct a seminar for our firm regarding drinking-related offenses. Your seminar was excellent and, in addition, entertaining. I had no idea at the time that I would put to use much of what you taught at the seminar.

Here is my story. On Friday, November 1st, around 8:00 p.m., I was driving to my farm which is located in Washington County. Five miles south of my farm, while traveling on a Farm-to-Market road, I hit a bad patch of road that was under repair. My truck began skidding and veered off the road into a ditch. When my truck hit the ditch, it began rolling, and to the best of my recollection, it rolled three times. Needless to say, I was stunned, somewhat in shock, and extremely concerned for the three dogs that were traveling with me in the cab of my truck. All three dogs had been thrown out of the truck while it was rolling in the ditch.

Fortunately, this was a single car accident. Nonetheless, I was extremely concerned about our dogs. Although my ribs and legs hurt, I frantically began looking for my dogs while passer-bys called the police. I immediately located one of our dogs, which, fortunately was not injured. Within a few minutes, the local county sheriff deputies arrived and offered assistance. I declined their offer of an ambulance and asked them to assist me in trying to find my other two dogs.

Within 20 minutes of the accident, I had probably covered over ½ mile looking for the dogs. After 20 minutes of looking for the dogs, the local Texas Department of Public Safety trooper arrived and she began her "investigation." By the time she began interviewing me, I had survived a near-fatal wreck, I was in pain, somewhat in shock, and extremely concerned about our missing dogs. My truck was totally wrecked, but all I could think about was locating my dogs. I cooperated with her, provided her with my driver's license and insurance information, and was hopeful she would soon release me to continue my desperate search for our other two dogs.

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The trooper unilaterally decided I must have been drinking and began an inquest about whether I was intoxicated. I had not been drinking, but she adamantly insisted that I had. The first thing she said to me was, "Have you been drinking?" I said no. She then said, "I smell alcohol on your breath." I reiterated I had not been drinking. She then said, "Come over here, I want you to do a few things for me." At that point, I implemented the advice you gave at the seminar. I said to her the following, "Ma'am, I am invoking my right to counsel and I will not perform any tests or do anything without advice of counsel." She then looked at me indignantly and said, "All I want to do is have you perform a few tests. You seem dazed and unsteady in your walk." Of course I was dazed and unsteady – I had just survived a near-fatal wreck and I had spent 20 minutes running up and down the farm-to-market road looking for our dogs! She argued with me and tried to talk me out of invoking my right to counsel and submit to her "tests." I repeatedly told her, "I want to speak to my lawyer."

Finally, she told me to stay where I was (in front of her vehicle) and she returned to her vehicle and placed a call. My guess is she called her superior. Remembering the great advice you gave us during the seminar, I was prepared to go to jail and continued to refuse to submit to any tests, including a breathalyzer. After what seemed like a 20 minute phone call, she walked over to me and gave me a ticket and did not arrest me.

Steve, had it not been for the seminar you conducted for our firm, and had it not been for the sage advice you gave to all of us about invoking our right to counsel in these situations, I am convinced I probably would have performed the field tests and I would have failed them because I was suffering from shock and injury as a result of the near-fatal accident.

Consider this letter a testimonial to your outstanding seminar and the outstanding advice you gave me and others in that seminar. I have sung and will continue to sing your praises for years to come. Thank you very much for helping me avoid what would have been false arrest for driving while intoxicated. (By the way, we located all three dogs and they were not hurt.)

Best wishes to you and your firm.

Very truly yours,

William



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