

From: [Deborah Gonzalez](#)
To: [John Daniell](#); [Chuck Horton](#)
Cc: [Deborah Gonzalez](#)
Subject: [EXTERNAL EMAIL] Follow-up from Meeting: DUI
Date: Wednesday, February 9, 2022 7:36:05 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning chairman Daniel and Commissioner Horton:

I reached out to my Oconee ADA and he provided the following regarding how DUI's are processed in Oconee:

“First, the process: DUI cases that don't have a felony attached are first referred by citation to probate court. A county hired attorney manages the case there. The defendant can either enter a plea and accept whatever sentence the county offers, usually the statutory minimum as far as I can tell, or they can contest the ticket. If they contest the ticket, the case is then sent to our office for prosecution in the superior court.

Next, the reality: defendants who have a strong case against them or have multiple DUIs are incentivized to plea in probate court. It resolves the problem quicker and, because the probate court has significantly fewer resources than us, they will know less about the defendant. This results in standardized sentence structures for the most part.

In the end, the only DUI cases we receive aren't the strongest, either because of an implied consent refusal, poor FST results, the list goes on because of how many moving parts are in a DUI investigation. So while the starting point for a first DUI plea rec is significant, we usually aren't in a position of strength to dictate terms. That's just the nature of DUI prosecution though. Every case is one that could reasonably be put in front of a jury because the standard for what a DUI (less safe) consists of is very subjective. I've not personally agreed to a reckless since John left, but we have done a few reductions, all because of major problems with the actual cases. That's something I'd expect with the initial screening phase in probate court.

If the commissioner is concerned what we offer on first DUIs, the statute mandates a minimum of 1-12 months probation, with at least 10 days jail, a fine between \$300-\$1000, alcohol risk reduction, a substance abuse evaluation, and a minimum 40 hours community service. My offer for a defendant with no history and a decently solid DUI is 12 months, \$500-\$750 fine with the option to suspend if indigent or if it would create a hardship, SAE, risk reduction, 40 hours community service, defensive driving and 10 days jail suspended on completion of the SAE and treatment. I would consider early termination at 6 months if the individual circumstances merit it. If we reach three or more DUIs in 5 or 10 years time, I bring actual incarceration onto the table, because they are a menace to the roads at that point.”

~ Deborah

PS – Sheriff Hale and I will be meeting next week for coffee.

Deborah Gonzalez

District Attorney

Western Judicial Circuit

Athens-Clarke & Oconee Counties

www.westerncircuitda.com

Deborah.gonzalez@accgov.com

706-613-3240