

## **The Most Expensive Drink You'll Ever Have**

Summertime is traditionally an exercise of hedonistic pleasure. Friends congregate at bars and nightclubs throughout the nation to celebrate good times, milestones and special occasions. While most people will quench their thirst with a draught beer or Cosmopolitan, the most affluent socialites can engage in unabashed Bacchanalian decadence. In New York, the Algonquin Hotel's Blue Bar serves a \$10,000 diamond martini. Lest this seem a tad pricey, it should be noted that the customary rack of cocktail olives is replaced by a diamond from the hotel jeweler. (Two have been sold since 2004.) The Mezz Ultra Lounge in Connecticut's Foxwoods Resort Casino features a Sapphire martini made with Blue Curacao, Bombay Sapphire Gin, and a splash of dry vermouth. The glass rim is coated with blue sugar. The drink comes with a pair of custom-made blue sapphire and diamond earrings set in Sterling silver. That round will only set a patron back \$3,000. Not enough value? Those who need to slum on the Las Vegas Strip can sip 50-year old aged Chivas Royal Scotch at the Bellagio Hotel's Prime Steakhouse. The cost? A paltry \$1,050 per ounce. Sorry, accessories are sold separately.

While those cocktails would put a dent in even the fattest wallet, the bill pales in comparison to the cost of conviction for an alcohol-related motor vehicle offense.

According to the U.S. Department of Transportation, an estimated 170,000 people have been killed in alcohol-related automobile accidents over the past 10 years. Some five million others have been injured in related cases. Congresswoman Shelley Berkley (D-NV) has spoken out about the dangers of drunk driving. "The fact is, every minute another person is injured and every 30 minutes another is killed in DUI crashes in our country." If that trend were to continue, one out of every three Americans could expect to be involved in an alcohol-related incident in their lifetime.

Throughout the past 25 years, the federal government, in cooperation with their state counterparts, has enacted a series of initiatives to deter motorists from operating a vehicle while under the influence of alcohol or controlled substances. Beginning in the 1980s, federal highway funding was conditioned on the raising of the minimum drinking age. Today, all 50 states prohibit sales of alcohol to persons under 21 years old. While that effort has produced a significant reduction in fatal injuries, the statistics are still alarmingly high.

The National Commission Against Drunk Driving (NCADD) reports that 60% of all alcohol-related crashes are caused by individuals between the ages of 21 – 34. More than one-third of motorists arrested for impaired driving are repeat offenders.

Law enforcement officials rely upon several resources to determine if a motorist is impaired. The first measure is visual observation. Upon requesting a driver's license, vehicle registration and insurance, a police officer will note the odor of alcohol. He will also observe the motorist's verbal response to a series of questions. Most commonly,

such inquiries will include, “How are you? Where are you coming from? Where are you going?” “Have you been drinking?” “How much have you had to drink?” If the officer senses hesitation in the replies or hears slurred speech, he will direct the driver to exit the vehicle. The officer may then conduct a “divided-attention” a/k/a “field” test. Most basically, the officer may require the driver to walk heel-to-toe, or extend one arm and then touch his / her own nose, or stand on one leg to demonstrate balance. The “Gaze Test,” a procedure that tracks involuntary eye movement, is also a common indicator of sobriety. If the officer remains dissatisfied with the motorist’s performance, he may then place the individual under arrest and subsequently attempt to administer a blood alcohol content (BAC) test.

In most instances where there are no fatalities or bodily injuries, the driver is asked to submit to the BAC test. The decision to comply becomes the driver/ arrestee’s first major strategic decision. Every state has enacted an “implied consent” law. As a condition of the driving privilege, a motorist suspected of driving under the influence (DUI) or driving while intoxicated (DWI) must submit to some form of chemical testing. Failure to comply results in an automatic administrative suspension of driving privileges. Penalties commonly include a significant fine, mandatory license suspension ranging from six month sot one year, and the subsequent imposition of insurance premium surcharges. Yet that scenario may be preferable to providing law enforcement with evidence of intoxication or impairment.

The equipment used to perform the BAC test is generically called a “breathalyzer.” Leading manufacturers include Intoxilyzer, Intoximeter, Alcotest, Alcosensor and Datamaster. These machines estimate the amount of alcohol in a subject’s blood by measuring the level present on the individual’s breath.

**Elena V. Moldovan, Esq., a former Romanian judge, is Counsel to White & Associates, P.C., a New York law firm. Ms. Moldovan can be reached via e-mail ([evm@dmwlawfirm.com](mailto:evm@dmwlawfirm.com)) or telephone (212-233-0060).**