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Judge's ruling hampers DUI law

Prior convictions would only reach back 10 years

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An Isabella County judge has issued a decision that could complicate efforts by Michigan prosecutors to slap felony charges and longer jail sentences on chronic drunken drivers under Heidi's Law, which took effect in January.

In a decision Tuesday, Isabella

County Circuit Judge Paul Chamberlain said prosecutors in his county could only go back 10 years to find prior impaired and drunken driving convictions to charge repeat offenders as felons, exposing them to stiffer penalties. Under Heidi's Law, prosecutors could go back indefinitely.

Defense attorneys cheered the decision, saying it could embolden other judges to impose similar restrictions

in other counties.

"I couldn't be more pleased," Bloomfield Hills lawyer Robert Larin said Wednesday.

Larin, who specializes in drunken-driving cases and consulted with Mt. Pleasant attorney Daniel O'Neil on the Isabella County case, said judges in Wayne County have issued similar rulings. The rulings, so far, only apply to the two counties.

"I respect the judge's decision, but I think he's wrong," Isabella County Prosecutor Larry Burdick said Wednesday of Chamberlain's ruling. He said he probably would appeal it to the Michigan Court of Appeals.

Before Heidi's Law took effect Jan. 3, prosecutors looking to charge repeat drunken and impaired drivers with a felony, as opposed to a misdemeanor offense, could only go back 10 years. Heidi's Law allowed them to go

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back indefinitely to subject them to stiffer penalties.

Felony drunken driving — which involves three convictions — carries a maximum penalty of 5 years in prison and a \$5,000 fine. A single charge of impaired or drunken driving is a misdemeanor, punishable by a maximum 93 days in jail and

fines ranging from \$300 to \$500. Under the old law, only three convictions in a 10-year period exposed a driver to the felony charge.

Drunken driving involves blood-alcohol levels of 0.08% or higher. Impaired driving involves lower levels.

Heidi's Law was championed by the parents of Heidi Steiner, a northern Michigan high

school senior killed by a drunken driver in the early 1990s.

Chamberlain's ruling prohibits prosecutors in Isabella County from going back further than Jan. 3, 1997 to pick up previous drunken and impaired driving convictions.

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