CODOSSIER
November 5, 2026

Bedford DWI Charge Resolution Without Conviction and With License Penalty Cancelled

Prepared by counsel for the client's review

WHERE **New Hampshire**

- Breath test result `0.06`
- Per se limit as stated by client `Under 0.08`
- Speed alleged by officer `70 mph`
- Speed stated by client `50 mph`
- Stop time `Around 12:30-1 am`
- Station departure time `Around 4-4:30 am`
- Blood draw offer time `4:00 AM`
- Vehicle release `Next morning after 12 pm`
- Days from AS OF to court hearing `15`
- Days elapsed from stop to AS OF `64`
- Number of cannabis tokes `2 or 3`
- Cannabis use interval before the party `About 3 to 4 hours before the party; also stated as 'about 4 hours before' with no reference point`
- Prior DWI or criminal record `0`
- Client defense budget `$2K`
- Lawyer's quoted fee `$3K`
- Gap between lawyer fee and budget `$1,000`

THE SHORT ANSWER

Do not handle this alone: the work ahead includes a stop-suppression motion, a breath foundation decision, wiretap-law screening of your recording and a separate administrative license hearing. Public defender appointment is a route you have set aside, and a class B first offense likely falls outside the appointed-counsel advisory anyway, so the practical path is retained counsel on a limited scope or payment plan to bridge your $2,000 and the $3,000 quote. A plea to any misdemeanor is a conviction and brings license revocation by statute, so your no-conviction goal can only come from defeating the charge, mainly by contesting the stop and the State's impairment proof, not by negotiating a reduction. A reported refusal can start a license suspension on its own track that a plea neither triggers nor stops, so protect that clock first. The date not to miss is the November 20 hearing, but the license hearing-request window is separate and may already be running or closed. Blockers: the nature of the charging paperwork and the charge class, any suspension notice and its service date (position: administrative_license_suspension_challenge), the posted limit and speed-measurement basis, whether the lawyer's fee covers the license hearing, and whether your recording can be used lawfully (position: recording_admissibility_and_interception_exposure).

WHERE EACH BUCKET STANDS

BUCKET 1 **Whether self-representation is advisable here** `DON'T GO ALONE — fund limited scope`
Going without a lawyer means handling the breath-test foundation, a written hearing request, your recording and the refusal evidence yourself, and retained counsel on a limited scope is the safer way to fund that.

BUCKET 2 **Contesting stop, impairment, refusal, and officer credibility** `CONTEST THE STOP, ARREST, REFUSAL`
The route to no conviction runs through the stop (the officer's 70 mph against your roughly 50 mph), the arrest-moment facts, the 4:00 AM refusal label, the field tests and the officers' recorded remarks.

BUCKET 3 **License suspension and charge outcome exposure** `TWO TRACKS — conviction and suspension`
A conviction carries license revocation by statute, and a refusal report can start a separate suspension that a plea neither triggers nor stops. Your no-conviction and license goals therefore run on two separate tracks.

WHAT TO DO, IN ORDER

01 **Find any suspension notice and file the hearing request now, and engage a lawyer the same day.** Pull your Division of Motor Vehicles record and check the arrest paperwork for any administrative suspension notice. The window to request a hearing runs from service of that notice under RSA 265-A:31, and a request does not stay the suspension. A request that is late is denied, so this loss hardens with every day and cannot be undone once it hardens, which is why it leads even though the criminal hearing is November 20. If a notice was served, file the written request immediately, stating the service date and your grounds, which are limited to the statutory issues such as whether the advisory was given and whether you refused. If no notice has been served, find out what the Department has on file and calendar a same-day filing on service. The hearing-request clock is separate from November 20 (position: administrative_license_suspension_challenge). Whether the window has already closed is a question only the notice can answer. Begin engaging a lawyer in the same step, since a lawyer can file and argue the request.

02 **Preserve the original iPhone recording and keep it private.** Back up the original file unedited, keep a second copy, and do not post or share it. Have a lawyer check how it was made and whether any forensic copy is needed. The recording may hold the 4:00 AM exchange, the field-test sequence and the officers' remarks about the tefillin. It also carries exposure under the wiretap statute, RSA 570-A:2, and the exclusion rule in RSA 570-A:6 (position: recording_admissibility_and_interception_exposure). A lost or altered original or a public posting cannot be reversed, so this follows immediately after the license filing.

03 **Close the $1,000 fee gap through scope or a payment plan.** Ask the lawyer who quoted $3,000 whether that fee includes the administrative license hearing, and whether a payment plan or a limited-scope arrangement under Rule 1.2(c) and Rule 1.5 can fit your $2,000. Go without a lawyer only as a last resort: you can waive counsel, but that route is the riskiest. Public defender appointment is a route you have already set aside, and a class B first offense likely falls outside the court's appointed-counsel advisory in any case. Limited scope should cover at least the suppression motions and the license hearing.

04 **Get the charging paperwork and confirm the hearing.** Obtain the complaint or docket and the summons to learn what the document you called a first-offense sentencing order actually is, the charge and its class, and whether the hearing is November 20 or the around-December-2 date you first gave. Check whether the charge is aggravated by speed. Ask whether Miranda warnings were given and when. Do not plead to a misdemeanor on November 20: a plea is a conviction and carries license revocation under RSA 265-A:18, I(a), which defeats both your stated goals.

05 **Send preservation and discovery requests for the stop, tests and recordings.** Request, now and in writing, dash and body camera video, dispatch and CAD logs, the speed-measurement method, device and calibration record, the posted-limit records for the stop location, field-test scoring sheets and notes, the breath-instrument certification, operator records, observation log and flow printout, and any refusal form or advisory record. Retention periods and auto-deletion make these records decay with time. This step feeds the motions, which cannot be written well without the speed basis, observation log and field-test notes.

06 **File written motions before November 20, led by the stop.** Lead with suppression of the stop under N.H. Const. pt. I, art. 19, pleading exclusion of the odor, admission, field tests, breath result, refusal and statements as derivative (positions: suppression_unlawful_stop, derivative_evidence_exclusion). Add arrest-moment probable cause (no_probable_cause_for_arrest) and the refusal and advisory challenge (contest_refusal_characterization). Decide with counsel whether to hold the 0.06 to its foundation or embrace it, since it is below 0.08 (breath_result_foundation). Support each motion with specific facts, such as your roughly 50 mph and the exact 4:00 AM words. Filing the motions is required; whether to ask the court to move the hearing if discovery has not arrived is an elective choice for counsel. The motion deadline is not in the record, so ask the court.

07 **Prepare cross-examination of the officers once the recording is cleared.** After counsel has assessed the recording under RSA 570-A:2 and :6, prepare cross-examination of both officers on the speed basis, which facts existed at arrest, the field-test scoring and the recorded remarks about your kippah and tefillin. These go to credibility on the 70 mph claim and the arrest. The record has no authority yet on bias cross-examination.

DATES THAT MATTER

DATE	TIME LEFT	WHAT
Nov 20, 2026	15 days	Hearing as restated
Nov 20, 2026	15 days	Court hearing
Dec 2, 2026	27 days	Court hearing as first stated
Dec 2, 2026	27 days	Client target: resolution at the hearing

WHAT WE STILL NEED

- Charge, offense class, and nature of the paperwork the client describes as 'DWI FIRST OFFENCE sentencing order' (complaint, citation, or entered sentence) — Copy of the arrest or charging paperwork from the client, and the court complaint or docket. Client has not confirmed the document type.
- The lawyer's $3,000 fee covers the administrative license hearing, and whether a payment plan or limited-scope arrangement is available — The lawyer quoting the fee
- Clock time of last cannabis use relative to driving (client's account gives 'about 4 hours before' with no reference point) — Client's recollection; no record yet
- Hospital events, whether the client went to the hospital, and any written refusal form or implied-consent advisement — Hospital records and police report
- Any accident or passenger under 18 was involved (asked; client answered 'No injuries' and did not address the passenger or accident directly) — Client
- Complete unedited iPhone recording: total length, continuity, and whether a forensic copy exists — Client's original device file and a forensic copy
- Court hearing type and confirmed date (client states November 20, 2026; earlier estimate was around December 2) — Summons or court docket
- Breath test instrument certification, calibration, and operator records for the 0.06 result — Police agency and state laboratory records
- The officers' remarks about religion and national origin are audible on the recording — Audio review of the client's recording
- Speed measurement method, device, and calibration record behind the 70 mph claim — Police report and prosecution discovery
- Posted speed limit at the stop location — Traffic authority posting records or the police report

QUESTIONS FOR THE CLIENT

? Did you receive written notice of a license suspension hearing or request deadline, and was there any accident, injury or minor passenger?
? What reason did the officer give for the initial stop, and what date did you get the paperwork naming the hearing?
? What specifically happened during each field sobriety test, and what did the officer say about how you performed?
? Have you backed the recording up to a second location, and does it cover the stop, field tests and station?
? Is there a separate license hearing and date, do you have the citation copy, and were you read your rights?
? Does the document actually say sentencing order, do you have a copy, and were you read your rights?
? What exact charge are you facing, and has any administrative license action or notice been issued?
? What is your income, and have you applied to the New Hampshire public defender program?
? Were you read your rights, and do you have a copy of the DWI first offense paperwork?
? What did the friend observe?

Citations and dates in this brief are confirmed by counsel before you rely on them.