CODOSSIER
November 5, 2026
REF LT-20261105-91020E

Bedford DWI Charge Resolution Without Conviction and With License Penalty Cancelled

Prepared for counsel

FORUM **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` ← *AS OF 2026-11-05; court hearing November 20, 2026. Client said '2.5 weeks from today', and the assistant earlier estimated 'around December 2'; these do not match the arithmetic.*
- Days elapsed from stop to AS OF `64` ← *stop date September 2, 2026; AS OF 2026-11-05*
- 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` ← *$3K lawyer's quoted fee; $2K client budget*
- Traffic stop (pull over) in Bedford `2026-09-02 · PAST`
- Hearing as restated `2026-11-20 · OPEN · 15 days`
- Court hearing `2026-11-20 · OPEN · 15 days`
- Court hearing as first stated `2026-12-02 · OPEN · 27 days`
- Client target: resolution at the hearing `2026-12-02 · OPEN · 27 days`

> *This matter resolves the client's first-offense DWI charge brought by the State of New Hampshire in Bedford at the November 20 hearing, with no felony or misdemeanor conviction and with the license penalty cancelled.*

THE BOTTOM LINE

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).

WHAT WAS ASKED — WHAT THIS PLAN ANSWERS

Should I take a public defender or not?
You told the adviser to forget the public defender route, so it is not a live path here. If your charge is a first-offense class B misdemeanor, it carries no jail and falls outside the court's appointed-counsel advisory, which names only felonies and class A misdemeanors. The charge class is unconfirmed, so the practical answer is to fund retained counsel through a payment plan or limited scope.

Can I handle this on my own?
You can represent yourself only if you validly waive counsel, but it is the riskiest option here. You would have to run a stop-suppression motion, decide whether to attack the breath-test foundation, clear a wiretap question about your recording, and separately handle the license hearing. The tree supports at least limited-scope counsel for the motions and the license hearing.

not sure what they would do with license.
Two things can happen to your license. A DWI conviction carries revocation by statute, which is why a misdemeanor plea would not protect it. Separately, a reported refusal can start an administrative suspension on the officer's sworn report, and your plea neither triggers nor stops that. You say no suspension has issued, but a request for a hearing is made in writing within a statutory window running from service of any notice, and it does not stay the suspension. The suspension length and your deadline are not in the record, so check your Division of Motor Vehicles file now.

I'm not sure I'm eligible for a defender.
Eligibility turns first on the charge class and then on your finances, and the record has neither. A first-offense class B DWI falls outside the appointed-counsel advisory in RSA 604-A:2, I, so eligibility is doubtful, but confirm the charge from your paperwork. You set this route aside, so it should not delay engaging a lawyer.

PRESCRIPTIONS — 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 & POSITIONS

None of these periods rests on a signed rule in this knowledge base — confirm each before relying on it.

POSITION	LAST DAY	ACT BY	BASIS
Suppression unlawful stop	—	—	
Derivative evidence exclusion	—	—	
No probable cause for arrest	—	—	
Contest refusal characterization	—	—	
Administrative license suspension challenge	—	—	
Breath result foundation	—	—	
Recording admissibility and interception exposure	—	—	
Refusal standalone offense exposure	—	—	

BUCKET 1 OF 3

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.

Related — Bucket 3 (License suspension and charge outcome exposure): the stop, impairment, refusal and recording issues a self-represented client would face
Related — Bucket 4: budget, the $3,000 quote, public defender eligibility, and payment-plan or limited-scope options
Related — Bucket 2 (Contesting stop, impairment, refusal, and officer credibility): unclear charge paperwork and the license hearing question

PROPOSITION 1.1 Appointed counsel eligibility in misdemeanor DWI

COUNSEL RIGHTS — class B falls outside

A first-offense class B DWI falls outside the court's appointed-counsel advisory, and you may represent yourself only on a knowing waiver, so funding a lawyer is the practical question.

HOW TO WIN

+ A class B misdemeanor carries no incarceration, so the constitutional right to appointed counsel is not triggered, and the statutory advisory in RSA 604-A:2, I names only felonies and class A misdemeanors. This holds only if the charge is class B; confirm from your paperwork. ‡
+ Payment plans, limited-scope representation and flat fees are governed by the New Hampshire Rules of Professional Conduct, including Rule 1.2(c) on limiting scope with informed consent and Rule 1.5 on fees. Use them to bridge the $1,000 between your $2,000 and the $3,000 quote. ‡

BLIND SPOTS

– You may represent yourself, but only on a knowing, intelligent and voluntary waiver of counsel (Faretta v. California, 422 U.S. 806 (1975)). The right exists, but that does not make it advisable for suppression motions and a separate license hearing. ‡
– The court's advisory about appointed counsel triggers only for a felony or class A misdemeanor charge against an unrepresented defendant. A class B first-offense DWI falls outside it (RSA 604-A:2, I). ‡

BUCKET 2 OF 3

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.

Related — Bucket 4: the instruction to have a lawyer review how the recording was made
Related — Bucket 2 (Contesting stop, impairment, refusal, and officer credibility): the conviction exposure if the contest to the charge fails
Related — Bucket 1 (Whether self-representation is advisable here): the same issues if the client self-represents

PROPOSITION 2.1 Stop justified only by facts known at inception

THE STOP — 70 vs 50, limit unknown

The stop is lawful only if the officer had a specific, reasonable basis when it began, so the 70 mph claim against your roughly 50 mph, with the posted limit unknown, is the lead issue and everything that followed depends on it.

HOW TO WIN

+ The odor, admission, field tests, breath result, refusal and statements all came after the stop; plead their exclusion, and under Wong Sun and Brown the State must prove by a preponderance that any attenuation applies. ‡
+ Under N.H. Const. pt. I, art. 19 a stop needs reasonable, articulable suspicion at its inception, judged separately from probable cause for the later arrest, which is assessed at the moment of arrest. ‡
+ Dispute the claimed 70 mph, put your speed at about 50 mph, state the stop had no other cause, and move to suppress under N.H. Const. pt. I, art. 19. ‡
+ The 70-versus-50 dispute turns on the speed and posted limit the officer actually knew when the stop began, not on a pre-lights starting point.
+ Ask the judge to settle one reason for the stop as it began, keep that ruling apart from the cannabis admission, car odor and field tests, and aim objections and offers of proof at the reason the judge actually gives.
+ After the ruling, obtain the written order and transcript entry showing what was granted, and seek a clear on-the-record finding on whether the State proved the stop and arrest were lawful.
+ New Hampshire recognizes no good-faith exception under Part I, Article 19, so a ruling on the state constitutional claim cannot rest on good faith.

BLIND SPOTS

– The wiretap statute protects an oral communication only where the speaker's expectation of non-interception is justified by the circumstances. ‡
– The State will rest reasonable suspicion on the claimed 70 mph, while you report about 50 mph on a former regional highway whose current posted limit may differ. ‡
– An observed traffic violation validates a stop regardless of the officer's motive (Delaware v. Prouse; Whren v. United States). ‡
– Open question: how may counsel cross-examine the officers about their recorded remarks on the kippah and tefillin as bias bearing on the 70 mph claim? ‡
– Evidence survives suppression where the State proves, by a preponderance, an independent source free of the illegality or that it would inevitably have been discovered by lawful means. ‡
– The causal link can be broken by an intervening circumstance, such as a valid arrest warrant discovered after an unlawful stop (Utah v. Strieff). ‡
– Oral communications are protected only where the speaker exhibits an expectation of non-interception that the circumstances justify, and interception is prohibited only without the consent of all parties, a party's consent being an exception (RSA 570-A:2, I(a), (b)). ‡

PROPOSITION 2.2 Whether the blood-draw exchange was a refusal

REFUSAL AND ARREST — test every claimed fact

The refusal, arrest and field-test evidence rests on what was said at 4:00 AM, which facts existed at the moment of arrest, and how each test was run, and each can be checked against your recording and the officer's report.

HOW TO WIN

+ Contest whether the 4:00 AM reply was a refusal: put your exact words ('trick question' and the request for clarification) on the record, compare the officer's refusal report with your recording to test whether a clear request and advisory came first, and deny refusing. Refusal evidence is admissible and does not violate the privilege against self-incrimination, so the contest is the reply's meaning.
+ Compare the officer's words against each RSA 265-A:8 element (right to refuse, license consequences, and the advisory); the advisory must be both timely and complete, and a defect in the 4:00 AM statement bears on whether a refusal can be found and used. ‡
+ Probable cause counts only facts known at the moment of arrest; under Beck v. Ohio and N.H. Const. pt. I, art. 19, ask the court to find which facts the officer knew (odor, admission, field tests), and plead the state ground alongside the Fourth Amendment.
+ Under RSA 265-A:4 deemed consent to chemical testing arises upon arrest for DWI, not upon driving; establish whether you were under arrest when the draw was offered. ‡
+ HGN is scientific evidence requiring proof of proper administration by a qualified officer (State v. Dahood); walk-and-turn and one-leg-stand flaws in instruction, surface, footwear, timing and screening go to weight. Obtain the report and recordings, and raise the missing ground and footwear details in writing before the hearing for a clear ruling. ‡

BLIND SPOTS

– Your reply to the 4:00 AM offer may be on your iPhone file; keep the original unedited and have a lawyer check how it was made before anyone relies on it.
– A reply is judged as a refusal on your words and conduct against the required advisory, not on your thoughts; an advisory defect is not mere weight, because RSA 265-A:8 ties the refusal sanction to the advisory.
– Do not let the officer's refusal box stand as proof on its own; separate your exact 4:00 AM words from the refusal block and examine them alone before the refusal is recast as agreement.
– If the 4:00 AM reply is classed as a refusal, RSA 265-A:10 lets the State offer it as impairment evidence alongside the cannabis evidence. ‡
– The report lumps the odor, admission, balance results and later refusal into one arrest basis; cross-examination must separate them, and check whether a finding rests only on arrest-moment facts or relies on later events.
– Without a foundation objection, HGN clues reach the factfinder without the proper-administration showing State v. Dahood requires; object to the officer's direct foundation on qualification and administration and prepare cross-examination. ‡
– Before November 20 obtain the bodycam and your iPhone recording to show when footwear, weight and injury were noted; if the notes are silent on the ground, footwear or heel allowance, the balance results may lack proof, so raise the gap.
– No settled label yet describes what a defective 4:00 AM request does to the refusal; put the remedy you want for the refusal in writing, separate from the other requests.

PROPOSITION 2.3 Refusal usable as evidence; suspension separate

REFUSAL — evidence plus separate suspension

Refusing a blood draw is not a separate crime here and no warrant is shown, but the State may offer the refusal as evidence and the license consequence runs on its own track.

HOW TO WIN

+ A State may not impose criminal penalties for refusing a warrantless blood test, though civil and evidentiary consequences may follow (U.S. Const. amend. IV; Birchfield v. North Dakota, 579 U.S. 438 (2016)). No warrant appears in your record, and no standalone refusal charge is shown. ‡
+ A refusal is permissive evidence: the statute says it may be admissible, not that it must be. Admission is not automatic, so challenge what the State offers as your refusal. ‡

BLIND SPOTS

– The administrative suspension for a reported refusal under RSA 265-A:30 is a civil Department of Safety action separate from the criminal case. Requesting a hearing under RSA 265-A:31 does not stay it, and a late request is denied, so this clock closes first. ‡
– The New Hampshire Supreme Court has cited RSA 265-A:10 for the point that refusal evidence is admissible in a DWI prosecution (State v. Gibby, No. 2022-0421 (N.H. Aug. 18, 2023)). Expect the State to offer it, and see that it is not proof of impairment on its own. ‡

BUCKET 3 OF 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.

Related — Bucket 4: whether the lawyer's fee covers the license hearing, and the inconsistent hearing timing
Related — Bucket 3 (License suspension and charge outcome exposure): the contest to the stop and impairment that bears on the conviction goal

PROPOSITION 3.1 Plea consequences for first-offense DWI conviction

NO PLEA PATH — conviction means revocation

A first-offense DWI in New Hampshire is a misdemeanor, not a felony, and a guilty plea is a conviction that carries license revocation, so no plea can deliver your no-conviction goal.

HOW TO WIN

+ Under RSA 265-A:18, I(a) a first-offense DWI is a class B misdemeanor with a minimum fine and license revocation on conviction. A plea is a conviction, not a step down from a felony, and the revocation attaches by statute. Confirm the actual charge from your paperwork. ‡
+ At the plea hearing, the judge will ask you questions and confirm the facts.

BLIND SPOTS

– RSA 265-A:3 makes DWI an aggravated, higher-graded offense where the driver is far over the prima facie speed limit. The officer's 70 mph against your roughly 50 mph on a converted former regional highway matters only if the posted limit is established. Is the charge in your paperwork aggravated, and what was the posted limit? ‡

PROPOSITION 3.2 Suspension triggered by officer's refusal notice

TWO TRACKS — license clock runs separately

Your license has its own administrative track that starts from the officer's sworn refusal report, not from the 0.06 or your plea, and it can run whatever happens at the November 20 hearing.

HOW TO WIN

+ The hearing-request period is fixed by statute and runs from service of the suspension notice; file promptly once notice is served and state the service date on the request's face.
+ Obtain the DMV record and any suspension notice now; a reported refusal starts the suspension track, so establish whether a notice issued, when it was served, and what it says. ‡
+ Contest the suspension by a written request for administrative review or a hearing, stating grounds for rescission; a review may include a statement or evidence, while a hearing is recorded and can proceed on the officer's report if no one requests it. ‡
+ The hearing itself decides whether the advisory was given and whether you refused, so the refusal label is tested there and not simply accepted.

BLIND SPOTS

– Filing a request does not stay the suspension, and the Department of Safety denies as untimely any request received after the statutory window. ‡
– The hearing decides only limited statutory issues, such as whether the advisory was given and whether you refused; breath-test validity is not among them.
– Open question: what is the statutory period to request an administrative license hearing, and how is it counted? Until the notice and the statute are read, the request deadline cannot be computed, and it may already have passed. ‡
– Under RSA 265-A:30 a refusal leads the Department of Safety to suspend on the officer's sworn report and notice, apart from the criminal case. How you plead neither starts nor stops that track. ‡
– Correct dates can still miss the window if the wrong counting method is used, such as the wrong kind of day count or weekend adjustment. Confirm the method against the rule, starting from the notice service date.
– The prosecutor may not check whether the arrest report already started a suspension. If no one pulls the license file, any deal's protection against suspension is assumed, not confirmed.

‡ rests on law no one has signed in this knowledge base — confirm the authority before relying on it.

OPEN QUESTIONS — WHAT DECIDES THIS MATTER AND WHO CAN ANSWER IT

WHAT DECIDES THIS MATTER

? Did you receive written notice of a license suspension hearing or request deadline, and was there any accident, injury or minor passenger? · *blocks part of this analysis*
? What reason did the officer give for the initial stop, and what date did you get the paperwork naming the hearing? · *blocks part of this analysis*
? What specifically happened during each field sobriety test, and what did the officer say about how you performed? · *blocks part of this analysis*
? Have you backed the recording up to a second location, and does it cover the stop, field tests and station? · *blocks part of this analysis*
? Is there a separate license hearing and date, do you have the citation copy, and were you read your rights? · *blocks part of this analysis*
? Does the document actually say sentencing order, do you have a copy, and were you read your rights? · *blocks part of this analysis*
? What exact charge are you facing, and has any administrative license action or notice been issued? · *blocks part of this analysis*
? What is your income, and have you applied to the New Hampshire public defender program? · *blocks part of this analysis*
? Were you read your rights, and do you have a copy of the DWI first offense paperwork? · *blocks part of this analysis*
? Does the client hold a CDL or have immigration status at risk? · *blocks part of this analysis*
? Does an administrative license track exist for this arrest? · *blocks part of this analysis*
? Did the State invoke consent or exigency at the hearing? · *blocks part of this analysis*
? Can the State show attenuation or an independent source? · *blocks part of this analysis*
? Which vehicle was actually chosen for each defect? · *blocks part of this analysis*
? Does a separate administrative track exist here? · *blocks part of this analysis*
? On what ground did the judge actually rule? · *blocks part of this analysis*
? Which offense is actually charged?
? What did the friend observe?

QUESTIONS ONLY YOU CAN ANSWER

? Whether the lawyer's $3,000 fee covers the administrative license hearing, and whether a payment plan or limited-scope arrangement is available? The record does not supply it; likely source: The lawyer quoting the fee. · *blocks part of this analysis*
? What is Clock time of last cannabis use relative to driving (client's account gives 'about 4 hours before' with no reference point)? The record does not supply it; likely source: Client's recollection; no record yet. · *blocks part of this analysis*
? What is Hospital events, whether the client went to the hospital, and any written refusal form or implied-consent advisement? The record does not supply it; likely source: Hospital records and police report. · *blocks part of this analysis*
? Whether any accident or passenger under 18 was involved (asked; client answered 'No injuries' and did not address the passenger or accident directly)? The record does not supply it; likely source: Client. · *blocks part of this analysis*
? What is Complete unedited iPhone recording: total length, continuity, and whether a forensic copy exists? The record does not supply it; likely source: Client's original device file and a forensic copy. · *blocks part of this analysis*
? What is Breath test instrument certification, calibration, and operator records for the 0.06 result? The record does not supply it; likely source: Police agency and state laboratory records. · *blocks part of this analysis*
? Whether the officers' remarks about religion and national origin are audible on the recording? The record does not supply it; likely source: Audio review of the client's recording. · *blocks part of this analysis*
? What is Speed measurement method, device, and calibration record behind the 70 mph claim? The record does not supply it; likely source: Police report and prosecution discovery. · *blocks part of this analysis*

FACTS THE RECORD STILL NEEDS

? What is Charge, offense class, and nature of the paperwork the client describes as 'DWI FIRST OFFENCE sentencing order' (complaint, citation, or entered sentence)? The record does not supply it; likely source: Copy of the arrest or charging paperwork from the client, and the court complaint or docket. Client has not confirmed the document type.. · *blocks part of this analysis*
? What is Court hearing type and confirmed date (client states November 20, 2026; earlier estimate was around December 2)? The record does not supply it; likely source: Summons or court docket. · *blocks part of this analysis*
? What is Posted speed limit at the stop location? The record does not supply it; likely source: Traffic authority posting records or the police report. · *blocks part of this analysis*