CODOSSIER
5 NOVEMBER 2026
REF **LS-20261105-91020E**

DUI-DWI Defense Intake: First Offense, Marijuana, Blood-Draw Refusal and Officer Remark

DUI-DWI Defense Law · counsel-led intake · 33 turns · 136 nodes analysed · your edited tree

As of 2026-11-04, the case timeline's date (when the conversation happened, as the record establishes it). A soft clock is running: Court hearing on the DWI charge.

MERIT	CONFIDENCE	URGENCY	ROUTE
Low · 22	Moderate · 42 %	Now	Decline or refer
value-weighted likelihood of the claims	0 of 17 key facts documented	16 day(s) to the nearest running clock	with one urgent step (Next Moves A1)

1 · REALITY CHECK — WHAT WAS ASKED, WHAT IS LIKELY

QUESTION · WHAT THE PARTY EXPECTED	LIKELY ANSWER	SEE
Can I handle this on my own?	**Qualified:** Permitted on a valid waiver, but unworkable with motions, the refusal fight and a separate license track	→ **I5** T19 …
Should I take a public defender or not?	**Qualified:** Likely unavailable: a class B first offense carries no incarceration	→ **I5** T19 …
Am I eligible for a defender? *Expected: Unsure of eligibility*	**Qualified:** Likely ineligible whatever his income, unless the charge carries jail exposure	→ **I5** T21 …
Do the officers' tefillin remarks make a difference?	**Qualified:** Yes for officer credibility; no for the stop's validity; use depends on RSA 570-A	→ **I4** T23 …
What would they do with my license?	Revocation follows by law on conviction; a refusal suspension runs separately, regardless of plea	→ **I1** T29 …

The conversation to avoid: Do not discuss the bias remarks as a route to dismissal. They post-date the stop, and the recording may expose the client to RSA 570-A liability.

2 · THE ISSUES THAT DECIDE IT

I1 Whether a refusal suspension issued and the request window remains **VERIFY** RSA 265-A:30; RSA 265-A:31 → **A1**
At stake: The license, which is half the client's goals. A missed request window forfeits the only forum for contesting the refusal administratively.
Likely: Undetermined. If notice was served at the station, the window has likely run (x3). 'Not suspended yet' (T27) cuts against a processed refusal report. *Resolves it:* The DMV record and any suspension notice with its service date. T17 · T24 · T26 · T27 · T28 …

I2 What the charging document is and what 2026-11-20 is **VERIFY** RSA 265-A:18, I(a); RSA 265-A:3 → **A2** · **D2**
At stake: The forum, the charge class and whether the case is still open. 'Sentencing order' would mean judgment has already entered.
Likely: A first-offense class B misdemeanor; the felony premise is the client's own (T17). The 2026-12-02 date is assistant-computed (T6) and carried into TL:k05/k06. Hearing type unknown. *Resolves it:* The complaint and the docket entry for 2026-11-20. T1 · T6 · T17 · T27 · T29 …

I3 Whether the State can prove impairment and refusal **VERIFY** RSA 265-A:2, I; RSA 265-A:8; RSA 265-A:10 → **A4** · **A6** · **D3**
At stake: Conviction against reduction or dismissal. The client's rule rejects any misdemeanor, so only a non-criminal outcome satisfies him.
Likely: At 0.06 the State needs the admission, odor and field tests. Refusal turns on the 4:00 AM wording under RSA 265-A:8. A violation-level reduction is the realistic middle. *Resolves it:* The police report, field test sheets, video and hospital refusal form. T3 · T7 · T13 · T15 · T17 …

I4 Whether the iPhone recording is usable without exposing the client **CONTESTED** RSA 570-A:2; RSA 570-A:6; Davis v. Alaska, 415 U.S. 308 (1974) → **A3** · **D1**
At stake: The only evidence on the refusal wording and the bias remarks. Capturing remarks while the client was outside risks interception liability.
Likely: The remarks came during the search, after the stop. They impeach credibility but do not void the stop. Officers speaking while the client stood outside raises the interception question. *Resolves it:* The original file, timestamped against where the client stood. T9 · T11 · T12 · T23 · F:f09 …

I5 Who represents the client on both tracks **SETTLED** Scott v. Illinois, 440 U.S. 367 (1979) → **A5**
At stake: Whether motions and any license request are filed before 2026-11-20. The fee gap is x1.
Likely: No appointment right without incarceration exposure. Retained counsel on a payment plan or limited scope is the only workable route. *Resolves it:* Engagement terms and whether they cover the license track. T19 · T20 · T21 · T23 · F:f16 …

Every other finding of the review is folded into these issues.

3 · NEXT MOVES

DO NOW, IN THIS ORDER

A1 Pull the DMV driving record and any suspension notice; fix its service date *Counsel · this week.* The request window may already be closed. I1

A2 Pull the Bedford docket and the complaint; confirm hearing type, charge class and status *Counsel · this week.* 'Sentencing order' and the hearing date are unverified. I2

A3 Take the original iPhone file; image it forensically with metadata intact *Both · this week.* It is the only evidence on the refusal wording and bias. I4

A4 Send a preservation demand for cruiser, body and booking video, breath records and hospital records *Counsel · this week.* Retention schedules may overwrite video from 2026-09-02. I3

A5 Fix engagement terms, payment plan or limited scope, covering the court and license tracks *Both · this week.* Nothing gets filed until counsel is retained. I5

A6 Serve discovery; move to continue 2026-11-20 if motions cannot be filed in time *Counsel · within 14 days.* Suppression and refusal challenges need discovery first. I3

DO NOT

D1 Do not disclose, play or produce the recording before completing the RSA 570-A analysis. Disclosure could hand the State an interception case against the client. I4

D2 Do not discuss or enter any plea before reading the complaint and the DMV record. A misdemeanor plea violates the client's rule and triggers revocation by law. I2

D3 Do not let the client testify at a license hearing without coordinating with the criminal case. Sworn testimony on the cannabis use and the refusal is usable at trial. I3

4 · CLOCKS — COUNTED BY CODE FROM THE RECORD'S DATES

CLOCK	STARTS	PERIOD	STATUS · LAST DAY	RULE	
Request for DMV suspension review or hearing *(added)*	Issuance of the administrative suspension notice (date not in record)	30 days	**May have passed**	RSA 265-A:31	**VERIFY**

Soft clocks (another party can move at any time): Court hearing on the DWI charge; Pretrial motions (suppression, refusal, recording) (unknown); Prosecution may amend to aggravated DWI or add charges; Evidence preservation: video and breath records (unknown).

Dormant until their trigger: DMV examiner recommendation after review, 15 days from Review request or hearing date.

5 · VALUE — WHAT IS AT STAKE, AND AGAINST WHOM

ASSET OR CLAIM	AT STAKE	THE CLAIM	OUTLOOK	EXPECTED	AGAINST
Retention cost of defense counsel *exposure*	$1,000	Fee gap between budget and quote	**Better than even**	$500–$900	Defense lawyer (fee quote)

Not sized on this record: Driver's license (personal license only), exposed to administrative refusal suspension (against New Hampshire Department of Safety, Division of Motor Vehicles), the swing, exposure, better than even; Criminal record: first-offense DWI conviction (class B misdemeanor) (against State of New Hampshire (Bedford prosecution)), the swing, exposure, even; Suppression of stop-derived evidence and the refusal; dismissal or acquittal (against State of New Hampshire), unlikely. Missing pieces (7) says what sizes them.

Exposure: $500–$900 expected against the client.

Highest posted limit at which the alleged 70 mph meets the 30 mph aggravation margin: `alleged_speed - aggravation_margin` = **$40**

6 · WHO ELSE IS ON THE OTHER SIDE

State of New Hampshire (Bedford prosecution). Holds the cannabis admission, odor, mixed field tests and the alleged refusal, with a 0.06 result it may offer as corroboration. *Next:* Likely to offer a misdemeanor plea at or before the November 20 hearing, which the client rejects. T7 · T13 · F:f04 …

New Hampshire Department of Safety, Division of Motor Vehicles. Can suspend the license on the officer's sworn refusal report independent of the criminal plea; no notice is shown. *Next:* Notice may already have issued; the request window runs from service, so timing is unknown. T17 · T27 · N:a91f36a5 …

Officers A and B. Account of the speed, field tests and refusal is the State's core proof, and the recorded remarks are the client's impeachment material. *Next:* Testify at the hearing; their reports and any video are obtainable in discovery. T23 · F:f20 · N:d2523702

Friend who collected the client. Possible witness to the client's condition after release and to the officer's offer of a friend pickup. *Next:* Not yet contacted; nothing is known of what the friend observed. T33 · F:f27

7 · MISSING PIECES — RANKED BY WHAT THEY MOVE

#	WHAT TO GET	MOVES	STATE
1	Arrest basis.	`sizes the swing`: Driver's license (personal license only), exposed to administrative refusal suspension; Criminal record: first-offense DWI conviction (class B misdemeanor)	Claimed
2	Blood draw wording; Refusal disputed.	`sizes the swing`: Driver's license (personal license only), exposed to administrative refusal suspension; Suppression of stop-derived evidence and the refusal; dismissal or acquittal	Claimed
3	License status; Suspension notice and request deadline.	`sizes the swing`: Driver's license (personal license only), exposed to administrative refusal suspension	Claimed · Not asked
4	Cannabis admission; Breath test 0.06; Field test sheets and video; Charge class and paperwork.	`sizes the swing`: Criminal record: first-offense DWI conviction (class B misdemeanor)	Claimed · Not asked
5	Budget and fee.	$400	Claimed
6	IPhone recording.	`an unsized claim`: Suppression of stop-derived evidence and the refusal; dismissal or acquittal	Claimed
7	Court hearing date; Charge paperwork; Administrative suspension notice.	`gates all`	Claimed · Not asked

5 further undocumented fact(s) move no claim's value and gate nothing.

8 · THE RECORD AND THE AUTHORITIES

The file rests on 17 key facts: 14 claimed, 3 not asked.

Read from the governing text in this run: RSA 265-A:3 **VERIFY** (law.justia.com) The text defines the aggravated offense, including the 0.16 alcohol concentration and passenger under 16 aggravators. It says nothing on amendment timing; the soft-clock point is not in the statute. The text is the 2023 version; **RSA 265-A:2, I(a)-(b)** **SETTLED** (law.justia.com) Paragraph (a) is the impairment theory, paragraph (b) the 0.08 per se level, so 0.06 can be charged only under (a). The class B misdemeanor grading is in 265-A:18, which I did not read; **RSA 265-A:30; RSA 265-A:31, I(a)** **SETTLED** (gc.nh.gov) Section 265-A:30 requires the officer's sworn report on a refusal. The request must reach the department within 30 days of the notice date, and filing does not stay the suspension.

Also relied on, from memory: N.H. Const. pt. I, art. 19; Wong Sun v. United States, 371 U.S. 471 (1963); RSA 604-A:2; N.H. R. Prof. Conduct 1.2(c), 1.5.

Scores and dates are code's arithmetic on the record and the ranges above, not calibrated against outcomes. Only authorities marked read were read from their text in this run; confirm every other citation before reliance.