

Brent:

An individual who is texting and driving, talking on their cell phone and driving, definitely faces the possibility of criminal charges. Law enforcement will try to take what are negligent acts or acts that are not in and of themselves illegal and try to make them illegal. It's not illegal to talk on a cell phone and drive. It's not illegal to text and drive, but if there is any suspicion that that might have taken place, that individual can find themselves not charged with just any kind of criminal offense but with a felony offense, where they face anywhere from up to 10 or 20 years in prison.

I know firsthand from my experience that investigating those types of acts, such as texting or talking on the cell phone, are not easily determined from the very outset, but law enforcement knows that cell-phone records can be obtained, witnesses can be located, data can be downloaded that may subsequently link to an accusation that a person was texting while they were driving or talking on the cell phone while they were driving.

Again, having a lawyer who knows what steps are being taken by law enforcement, I can help clients take steps to protect themselves and to protect that evidence that may potentially be used against them. I basically can put myself in the mind of the prosecutor and the officer who's investigating this accident and figure out what are they going to be doing to try to put criminal charges on someone who may have just been negligent in causing an accident.