

Grossly aggravating factors are: (1) A prior conviction of DWI within 7 years of the date of your offense, (2) Your offense occurred while your license was revoked for DWI, (3) Serious Injury to another DWI, and (4) Driving with a person under 18 years of age in car, or a person with a mental development of under 18 years of age, or a person with a physical ability. If the court finds this aggravating factor, you are sentenced under Level 1.

Aggravating factors include: (1) Blood alcohol level of .15 or more, (2) Reckless or dangerous driving, (3) Negligent driving causing an accident, (4) Driving while license revoked, (5) 2 or more prior convictions of motor vehicle offenses not involving DWI that carry 3 or more points within 5 years of the date of the offense, (6) DWI convictions that occurred more than 7 years before the date of the offense, no matter how many, only count as 1 aggravating factor, (7) Speeding to elude apprehension, (8) Speeding of 30 miles per hour or more over the limited, (9) Passing a stopped school bus, (10) And any other factor that aggravates the seriousness of the offense.

Mitigating factors include: (1) Slight impairment of faculties resulting solely from alcohol, and a blood alcohol level that did not exceed .09, (2) Slight impairment of faculties resulting solely from alcohol with no chemical analysis available, (3) Driving at the time of offense was otherwise safe and lawful, (4) A safe driving record with no convictions for any motor vehicle offense that carries at least 4 points, (5) Impairment of faculties caused by prescribed dosage of prescribed drug, (6) Voluntary submission to mental health facility for assessment, (7) Any other factor that mitigates the seriousness of the offense.

North Carolina has recently created a new DWI classification, Aggravated Level 1. An Aggravated Level 1 DWI occurs when the court finds at least 3 grossly aggravating factors present. The maximum active sentence is 36 months, the minimum active sentence is 12 months, the minimum suspended sentence still requires at least 120 days of imprisonment.

New Sentencing on Level 1 & 2 with CAM:

The minimum active sentence has been redirected for Level 1 to 10 days if the defendant agrees to CAM (Controlled Alcohol Monitoring) bracelet for 120 days, and up to 60 days of CAM can be prior to the date of conviction.

The minimum active sentence for Level 2 is now 0 days with CAM for 90 days. Up to 60 days can be prior to the date of conviction.

I have a good relationship with the alcohol monitoring systems provider, the sole licensed provider of CAM in North Carolina, and often recommend clients wear the monitor prior to trial. Costs are approximately \$75 install fee and approximately \$12/day.