

**STATEN ISLAND PRE-K TEACHER
GETS ONLY A TRAFFIC INFRACTION
AFTER A REAR-END COLLISION THAT
LED TO HIS ARREST FOR DWI AFTER
HE REFUSED TO TAKE THE
BREATHALYZER**

(Name Redacted to Protect the Privacy of the Client)

On December 23, 2014, a 43-year-old NYC Pre-K teacher by the name of S.W. was arrested on Clove Road in Staten Island after rear-ending another driver who was stopped at a red light. The driver of the other car was taken to the hospital for injuries to her neck and back.

According to the police who responded to the scene, the 43-year-old NYC Pre-K teacher remained at the scene but appeared to be intoxicated. The police claimed the teacher was unsteady on his feet, had an odor of alcohol on his breath, and had blood-shot and watery eyes. The Pre-K Teacher also refused to take a breathalyzer.

The District Attorney's took the position that the Pre-K teacher had to plead guilty to a misdemeanor because of the rear-end collision that sent the other driver to the hospital as well as S.W.'s refusal to take the breathalyzer. Such a plea would give S.W. a criminal record and would have likely cost him his job with the NYC Department of Education.

Mr. Tormey, after consultation with the client, refused the offer and presented a vigorous defense to the charges. Mr. Tormey attacked the claims of the other driver, vigorously cross-examined the investigating officers and battled the prosecution's claims of intoxication.

After conducting an aggressive cross-examination of the police officers at the hearing to suppress the evidence, the prosecution eventually agreed to reduce the charges and allowed the defendant to plead guilty to a traffic infraction, which is a non-criminal offense. As a result of the reduction in the charges, the defendant was allowed to continue his work as a teacher for Pre-K students.