

THOUGHTS THAT STICK

LAW, LIFE & EVERYTHING IN BETWEEN

THIS MONTH

NEWSLETTER

Insights from the courtroom to the coastline

When the Stop is the Problem

Earlier this year, we got an 18-month driver's license suspension thrown out at a DHSMV formal review hearing. The case started with an anonymous tip. Someone told a deputy that a man at a bar was drunk. No name, no callback number, no way to verify the tip.

The deputy watched our client pull out of the parking lot in his Ford F-150. What did he observe? A wide turn, completely normal for a full-size truck crossing a center turn lane, and acceleration "at a high-rate of speed" onto the roadway. But accelerating is not speeding. There was no weaving, no failure to maintain a lane, and no traffic violation of any kind.

Under the Fourth Amendment, an anonymous tip by itself generally cannot justify a traffic stop. The officer has to independently observe something that actually corroborates the tip, suggests impairment, or a traffic violation. That never happened here.

Our client needed his license to get to work every day. Losing it for 18 months without the possibility of a hardship license would have cost him his job and his ability to support his family. At the hearing, we walked the hearing officer through the law on anonymous tips, the lack of corroboration, and the Fourth Amendment requirements that apply to every traffic stop. The hearing officer agreed. The suspension was invalidated and our client kept his license.

Most people assume that once the DHSMV suspends your license after a DUI arrest, the suspension is final. You have the right to challenge it, and when the stop itself was unlawful, the entire suspension can be set aside. But the window to request that hearing is short, ten days from the date of arrest. If you miss it, the opportunity is gone.

AS SEEN ON CBS?

I recently appeared on CBS News New York to discuss the guilty plea in the Gilgo Beach serial killer case. Rex Heuermann pleaded guilty to killing seven women and admitted to an eighth, ending what had been a decade-long mystery for the victims' families. I broke down why a guilty plea on the eve of trial is often a strategic decision by the defense, how new forensic evidence including DNA from a discarded pizza box and a deleted document recovered from his hard drive made the case nearly impossible to fight, and what the plea agreement leaves open for potential future charges. You can find the segment on our social media pages!



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Earth Day (April 22) - Earth Day is a good reminder to slow down and spend some time outside. However you mark it, even just a long walk or an afternoon away from a screen, the point is the same. Pay attention to the world around you. It tends to look better when you do.

When Tax Season Becomes a Criminal Case

Most people think of tax season as a paperwork problem. A deadline, a refund, maybe a headache if your records are messy... The worst case scenario in most people's minds is owing more than expected or getting a letter from the IRS asking for documentation. Unpleasant, sure, but manageable.

What most people do not realize is how quickly a tax issue can cross the line from civil to criminal. The IRS does not always just send a bill. In certain cases, they refer matters to their Criminal Investigation division, and once that happens, the conversation changes entirely. You are no longer dealing with an audit. You are dealing with a potential federal prosecution.

The triggers are more common than people think. Unreported income, inflated deductions, failure to file for multiple years, or cash-heavy businesses where the numbers do not add up. Sometimes it starts with something as simple as a 1099 that does not match what was reported. Other times it comes from a separate investigation altogether, where financial records get pulled and someone notices a discrepancy that was never on anyone's radar before.

That last part is worth sitting with. Criminal tax cases frequently begin as something else. A fraud investigation, a drug case, a business dispute where subpoenaed records reveal income that was never claimed.



The IRS gets involved because the money trail tells a story that contradicts the one on the tax return. By the time someone realizes their tax situation has become a criminal matter, it has usually been building for longer than they knew.

The distinction between a civil tax problem and a criminal one often comes down to intent. The IRS has to show that the person willfully tried to evade taxes, and "willfully" is doing a lot of heavy lifting in that sentence. It means the government has to prove you knew what you were supposed to do and deliberately chose to do something different. That is a high bar, but it is one the government clears more often than people expect, especially when there is a paper trail that makes the pattern hard to explain away.

Here is the part that matters most. People in this situation tend to make it worse before they make it better. They talk to the IRS without representation. They try to amend returns after an investigation has already started.

They assume that because they did not mean to break the law, they are safe. Intent is a fact question, and the government builds its case using your own records, your own statements, and your own patterns. Everything you say and do after the issue surfaces becomes part of the evidence.



If you get a letter from the IRS that feels different from the usual correspondence, or if an agent shows up asking questions, the single most important thing you can do is talk to a lawyer before you talk to them. That is true whether you think you did something wrong or not. The line between a tax mistake and a tax crime is thinner than most people realize, and once you are on the wrong side of it, the consequences go well beyond owing money.

The Maybe Box

Anyone who has ever done a real Spring cleanout knows the drill. You go through your stuff and sort it into three piles: keep, toss, and *maybe*. The keep pile is easy. The toss pile is satisfying. The maybe pile is where everything stalls.

The maybe box is where things go when you are not ready to commit. Old cables that might fit something. A jacket that almost fits again. Documents you are pretty sure you handled but do not want to throw away just in case. The box sits in a closet or a garage, and you tell yourself you will get back to it. Most of the time, you do not. It just becomes part of the background until you move or run out of space and have to deal with it all over again, except now there is more of it.

The thing about the maybe box is that it feels responsible. You are not throwing anything away recklessly. You are being thoughtful. You are giving yourself time. But at some point, the box stops being a system and starts being an avoidance strategy. You are not preserving options. You are just delaying the discomfort of making a choice, and the longer it sits there the harder it becomes to open because now you have to deal with the original decision plus the guilt of having ignored it for so long.

I see a version of this in my work all the time. People sit on legal decisions the same way they sit on that box.

A case is pending and they know they need to make a call, whether to accept a plea offer, whether to push for trial, whether to hire an attorney or keep hoping the situation resolves on its own. The longer they wait, the more the options narrow. Witnesses become harder to locate. Evidence gets stale. Deadlines pass quietly. What felt like keeping your options open slowly turns into having fewer of them.

Plea offers are a good example. A prosecutor extends an offer early in a case, and the client is not sure whether to take it. That is fair. It is a big decision and it deserves careful thought and we can likely improve it with a counteroffer. But there is usually a window. The offer might change after a certain court date, or after the State obtains new discovery, or the prosecutor's caseload shifts and they become less willing to negotiate, or sometimes a brand new prosecutor takes over the case. The client who waited because they were not ready to decide or negotiate sometimes ends up with a worse outcome than what they were agonizing over in the first place. The maybe box did not protect them. It just ran out the clock.

I also see this with people who have not been charged yet but know something is coming. *Maybe* they were involved in an incident and the investigation is ongoing. *Maybe* they received a call from a detective and have been avoiding calling an attorney.

Maybe they have a warrant they have been sitting on for months, hoping it goes away but, of course, knowing that it will not. In every one of those situations, the instinct to wait feels reasonable and easy, but it almost always makes things worse. Judges may be harsher if they notice someone who has been avoiding the system. Prosecutors sometimes are less flexible when they feel like a defendant has been running out the clock. There's also the anxiety of carrying it around which bleeds into everything else.

Many folks who call our firm have been thinking about it for days or weeks before they actually pick up the phone, turning it over in their heads, waiting for clarity that never quite arrives on its own. That is the maybe box. It feels like patience, but it is really just postponement dressed up as a strategy.

The organizers say the same thing. Put a date on the box. If you have not opened it by then, let it go. Legal problems work the same way. There is almost always a point where waiting stops being cautious and starts being costly. The people who come out of their cases in the best position are the ones who made the call early, got the information they needed, and made a decision while they still had room to maneuver.

If something legal has been sitting in your maybe box, this is a good time to open it. Spring is for that.



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**A MONTHLY NEWSLETTER TO
INFORM AND ENTERTAIN**

What Tiger Woods Can Teach You About DUIs

Most people assume that if a doctor prescribed it, they are legally clear to drive on it. That is one of the most common and dangerous misunderstandings in DUI law. In Florida (and likely most states), you can be arrested and charged with DUI for driving under the influence of a legally prescribed medication, even if you took the correct dose and had no idea it was affecting your driving.

The statute does not care whether the substance was legal. It cares whether your normal faculties were impaired. Muscle relaxers, sleep aids, anti-anxiety medications, and pain medications can all qualify. An officer who observes slow reactions, confusion, or difficulty with field sobriety exercises can and will make a DUI arrest based on those observations alone.

Tiger Woods' recent arrest is a good example. He blew 0.00 on the breathalyzer. Zero alcohol. But officers found hydrocodone in his pocket (which he admitted he was prescribed) and the body cam showed signs of impairment. I appeared on ABC recently (check my social media) to discuss the case, and the takeaway is the same one I give every client: a DUI charge has never required a single drop of alcohol.

If your medication says do not operate heavy machinery, that includes your car. Talk to your doctor about how it interacts with driving, and if you are ever pulled over, remember that you are not required to answer questions about what medications you have taken.

A prescription is permission to take a medication. It is not permission to drive on one.

EVENT HIGHLIGHTS

Cinco de Mayo on the St. Pete Pier (May 9 - due to weekend)

The City of St. Petersburg is partnering with RELPro Events for a Cinco de Mayo celebration at the St. Pete Pier, running noon to 10pm, with food vendors, live music, and entertainment. If you plan on celebrating, have a ride home lined up. DUI enforcement ramps up around holidays like this, and a fun evening can turn into a long night very quickly.