

VERIFIED PETITION FOR PROMPT JUDICIAL REVIEW OF LICENSE SUSPENSION
(BAC less than .08)

The Petitioner, by counsel, respectfully request this Court, pursuant to I.C. 9-30-6-10, to schedule a prompt judicial review hearing to determine whether the Petitioner's license was properly suspended under I.C. 9-30-6-9(b). In support of the Petition, the Petitioner states the following:

1. The Petitioner is charged with Operating While Intoxicated as a Class C misdemeanor.
2. On [insert date], Petitioner's vehicle was stopped by [insert officer and department] for a traffic violation at an intersection.
3. The officer eventually requested that the Petitioner submit to a chemical test, being a certified breath test. The Petitioner agreed and tested a .06 Breath Alcohol Content on the certified breath test.
4. The Petitioner's Breath Alcohol Content does not constitute prima facie evidence of intoxication as defined by I.C. 9-13-2-131 and as required for administrative license suspension under I.C. 9-30-6-9.
5. On [insert date], this Court ordered the Petitioner's license suspended under I.C. 9-30-6-8(c). However, there was neither probable cause nor prima facie evidence that Petitioner had committed a violation under I.C. 9-30-5.
6. Because the Petitioner's blood alcohol content did not constitute prima facie evidence of intoxication, the Petitioner's driver's license was not properly suspended under I.C. 9-30-6-9(b).

WHEREFORE, the Petitioner, by counsel, respectfully requests this Court, pursuant to I.C. 9-30-6-10, to schedule a prompt judicial review hearing to determine whether Petitioner's license was properly suspended under I.C. 9-30-6-9(b), and for all other relief just and proper in the premises.

(Attorney's Signature)

I, [insert client's name], Petitioner, under the penalties of perjury, affirm that the foregoing statements are true, to the best of my knowledge and belief.

Petitioner