



**YONAS & PHILLABAUM**  
**LLC**  
*Attorneys At Law*



Jason Phillabaum is a Former Assistant Prosecutor



Jason Phillabaum is Dedicated and Experienced



Jason Phillabaum is a Media Legal Consultant

**JASON PHILLABAUM**

Managing Member Attorney

Practice Areas Include: OVI, Criminal Law, Family Law, Personal Injury Law, Employment Law, & Civil Litigation. Licensed in Ohio and Federal Court.



Jason Phillabaum graduated from the University of Kentucky with degrees in Math and Music. He went on to graduate from Thomas M. Cooley Law School with Juris Doctorate in only 2 ½ years. He started practicing law in 2000. After law school Jason worked as an assistant prosecutor for over 11 years, involved in some of the most complicated cases in the County. Jason litigated hundreds of jury trials and bench trials, and he handled over 15,000 cases in the past two decades.

In addition to criminal and civil cases, Jason assists many families in complicated and highly contested divorce and child custody matters. He is dedicated to every case, and he fights for his clients' rights. Jason is very active in the community, and he is a Kentucky Colonel. He served as campaign manager for local political races, served on various local boards, assisted numerous non-profits, and served as a volunteer for local events. Jason also provides legal analysis for radio and local news reporters. He enjoys watching his children play sports (baseball and volleyball).

**KNOW Your Rights!**

Consultations are Free and Retainers are Reasonable

### **1. Should I take a field sobriety test in Ohio?**

No. Field Sobriety Tests are designed to determine if a person can complete natural activities (i.e. driving) by doing unnatural activities (i.e. walking heel to toe, standing on one foot, or standing with one foot behind the other). Most people do not realize, but they have an absolute right not to incriminate themselves or participate in Field Sobriety Tests. Furthermore, if an officer does not administer the test in compliance with national standards (NHTSA), the results (findings) may be unreliable but still used against you in court.

### **2. Will I be arrested if I ask to speak with an attorney?**

No, people cannot be charged simply because they asked to speak to an attorney. People have a constitutional right to consult with an attorney prior to any police interrogation.

### **3. What are the penalties for an OVI (DUI) in Ohio?**

OVI's in Ohio are "escalating offenses." This means that a second offense OVI will be treated more harshly, etc. All OVI convictions carry mandatory jail sentences, fines, and driver's license suspensions.

### **4. Other than court penalties, what affect will an OVI (DUI) have on me?**

Convictions for OVI's can also have devastating effects on people's careers or professional licenses. OVI's are non-expugnable offenses, meaning that once convicted of an OVI, that conviction will always be on a person's *criminal* record. OVI is the same level of offense as Theft, Assault, and Domestic Violence.

### **5. What do officers look for in traffic stop during a potential OVI (DUI)?**

Officers initially look for a smell of alcohol or slow motor skills. They will then look to see if a person can "multi-task" or perform multiple tasks together. This is often why officers ask people to retrieve their license and insurance card. An intoxicated person usually only retrieves one item on the list. Officers also look for the following: Blood shot eyes, Slurred Speech, Smell of Alcohol, Fine motor skills (getting DL from wallet), Bad Driving (weaving), Slow Responses, etc.

### **6. What is a BAC (blood alcohol test)?**

A blood alcohol test (BAC) measures how much alcohol is in your blood. There are three common ways in which an officer will obtain a BAC. (1) a Breath Test – the Breathalyzer, (2) a Blood Draw, or (3) a Urine Sample.

### **7. What happens if I refuse a breath test (or BAC test) in Ohio?**

Your driver's license will automatically be suspended. In second offense OVI situations, a person can also be charged with an additional offense for refusing a BAC test when having a previous conviction for OVI.

### **8. What is a rising blood alcohol defense?**

A person's blood-alcohol level fluctuates. After a person consumes an alcoholic beverage, that person's blood-alcohol will rise for a period of time before the blood-alcohol level begins to decrease. If a person were to drink an intoxicating beverage at 10:00 p.m., be pulled over at 10:15 p.m., and be tested at 11:30 p.m.; that person's test will not accurately reflect his actual blood-alcohol level when operating a motor vehicle. Depending on the facts, the BAC test may not be dispositive.

### **9. When can I get occupational driving privileges?**

The granting of occupational driving privileges will depend on the person's history, the seriousness of the offense, and the judge hearing the case. However, a person charged with their first offense may be eligible for privileges 15-30 days after the date of the arrest.

### **10. Why should I hire an attorney?**

An attorney has substantial knowledge of law and procedures. When a person hires an attorney, the retainer shows the court and prosecutor that he or she is taking the case seriously. Most importantly, an attorney will guide a person through the legal system and ensure his or her rights are protected.