

ALBUQUERQUE CRIMINAL LAWYER BLOG

PUBLISHED BY
COLLINS & COLLINS, P.C.
ATTORNEYS AT LAW

August 23, 2010

Prescription Drug Use and Driving Under the Influence: Why the Ron Bell Case Matters to You and Your Family!

Most in Albuquerque have heard about the recent DWI arrest of well known personal injury attorney Ron Bell. He was arrested and charged with DWI. These charges were dismissed against Bell when the Breath Alcohol score came back at 0.0%. He has now been charged with DUI for the presence of prescription methylphenidate, more commonly known as Ritalin in his blood alcohol results. Methylphenidate is regularly prescribed for attention deficit disorder.

Bell has been charged with DUI despite the fact that his blood levels are within therapeutic ranges on the often abused legal standard of "impaired to the slightest degree." It is not clear why he is being charged. It could be overzealous DUI enforcement, the same zealotry that led to the arrest of drivers sleeping in their cars. It could be related to a need for DUI arrest numbers. It could be related to a fear of a pretty significant personal injury suit against the City of Albuquerque and the Albuquerque Police Department for the wrongful arrest of Ron Bell in the first place.

Why is it important to you? It is important because attention deficit hyperactivity disorder (ADHD) is a major cause of auto accidents in both teenagers and adults. Any trend by Albuquerque police or any other law enforcement agency in New Mexico toward arresting and charging drivers for the use of prescription methylphenidate will place you, your family and all other drivers on New Mexico roads in peril. And for no good reason other than beefing up DUI arrests and conviction statistics.

In fact, an article from the *Journal of Safety*, published by the National Safety Council and written by a panel of writers including Russell A. Barkley, Ph.D. a leading expert in the field of ADHD, clearly illustrates the dangers of a trend toward DUI arrests and conviction for the therapeutic use of methylphenidate.

The article states the well accepted conclusion that ADHD does cause heightened driving risks in both teens and adults. The article further concludes that control of ADHD through medication such as methylphenidate is necessary to reduce these risks. In fact, the authors go so far as to suggest that employers screen and treat drivers for ADHD to reduce driving risks of their employees.

Clearly, DUI arrests and conviction of drivers for prescription use of methylphenidate will deter the use of these medications for the treatment of ADHD. As a result, there will be an increase in untreated ADHD drivers as drivers

Main Office:
400 Gold Ave. SW
Suite 500
Albuquerque, NM 87102
(505) 242-5958

<http://www.albuquerquecriminallawyerblog.com/>

will have to choose between proper medication and jail. So once again, overzealous and misguided DWI/DUI enforcement has placed you, your family, and all other drivers in New Mexico at risk.

As much pleasure as some take in seeing a well recognized attorney arrested, including some in the media, you would be well advised to contact your representatives to express your concern for this trend. It is important well beyond whether or not Ron Bell is convicted. It is dangerous public policy that jeopardizes the safety of all those that drive our streets, including you, your family and loved ones.

**Main Office:
400 Gold Ave. SW
Suite 500
Albuquerque, NM 87102
(505) 242-5958**

<http://www.albuquerquecriminallawyerblog.com/>