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What Happens at an Arizona Motor Vehicle Division Hearing? by [Ashley Carron](#)

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If you have requested a hearing after you have been giving an Arizona Admin Per SE form, a good Tempe DUI attorney or Gilbert DUI attorney will know that an Administrative Hearing will be held where you and your lawyer can appear and the officers involved in your case will appear before an Administrative law judge to determine if the allegations contained in the Admin Per SE form are correct and that your license should be suspended.

At Arizona MVD Administrative Hearings the burden of proof that is required to uphold a suspension of your license is by the preponderance of the evidence and it should be noted that the constitutionality of the stop or arrest is beyond the scope of the hearing. So what does this mean in plain English? It means that the judge will listen to the evidence and decide the fate of your Arizona driving privileges based on the preponderance of the evidence. This is a much lower burden of proof that is required to convict you in court for DUI. In court, the State must prove all the elements of the crime beyond a reasonable doubt. This is the same standard that people would face in a murder trial. So you can see, the judge at the MVD Hearing can find that your license should be suspended with very little evidence. Also, the "scope" of the hearing is very limited in nature. This means that the judge will focus the testimony at the hearing on issues of the following:

1. Did the officer have reasonable grounds to believe the person was in violation of Arizona DUI law.
2. Was the person arrested for violation of Arizona law.
3. Was a chemical test taken that indicates an amount of alcohol in the defendant's body (for commercial driver's licenses).
4. Was the testing method reliable.
5. Where the tests properly evaluated.

Also at the hearing, sometimes the judge will let the officers just read the police reports aloud and that would be good enough whereas in court that would typically never occur unless used for cross examination. The tricky part at the beginning of a DUI case is to decide what may be the outcome of the criminal charge so that you have an idea of whether or not it would be best to risk a court suspension over an MVD suspension to avoid the SR22 requirements that would be needed if your license is suspended by court action.

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[Ashley Carron](#) - About Author:

Mike, For more information on a [Tempe DUI Attorney](#), Gilbert DUI Attorney, Tempe DUI Lawyer, Gilbert DUI Lawyer. Please:- <http://morrisonaskupin.com>

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