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Devi affrontare un problema di guida in stato di ebbrezza o vuoi prevenirlo Difenditi dall'alcoltest un manuale pratico che aiuta a capire come affrontare i casi di guida in stato di ebbrezza previsti dagli art 186 e 186 bis del codice della strada ed rivolto a chi vuole capire come prevenire o affrontare un problema di guida in stato di ebbrezza Nella prima parte del libro si spiega cosa succede e che sanzioni si rischiano nei casi in cui venga contestato il reato di guida sotto l'influenza dell'alcol La seconda parte invece dedicata alle soluzioni a questo problema e vengono individuate 10 strategie per prevenire e affrontare i casi di guida in stato di ebbrezza Strategia n 1 la prevenzione Avere un comportamento responsabile alla guida il modo più efficace per evitare di mettere a repentaglio la propria vita e quella degli altri nonché di evitare sanzioni previste in caso di guida in stato di ebbrezza Strategia n 2 recupera la patente con il ricorso al giudice di pace civile Il rimedio principale per riavere la patente sospesa dal prefetto quello di proporre ricorso al giudice di pace civile avverso l'ordinanza di sospensione della patente emessa dal prefetto entro 30 giorni dalla notifica Strategia n 3 verifica l'affidabilità dell'etilometro possibile contestare il risultato dell'etilometro se dalle investigazioni difensive che emergono degli elementi che ne consentono di affermare l'inaffidabilità Strategia n 4 accerta l'attendibilità dell'esame del sangue In caso di accertamento della guida sotto l'influenza dell'alcol tramite esami del sangue può essere opportuno verificare se nel caso di specie siano state rispettate le linee guida elaborate dal Gruppo di Tossicologi Forensi Italiani Strategia n 5 verifica se sei stato avvisato della facoltà di essere assistito dal tuo avvocato di fiducia prima dell'accertamento Prima di essere sottoposto ad esame con etilometro o con prelievo ematico al di fuori di un protocollo di pronto soccorso verifica se sei stato avvisato della facoltà di essere assistito dal difensore di fiducia Strategia n 6 opponi al decreto penale di condanna Con l'opposizione puoi scegliere la tua strategia difensiva allineata con i propri obiettivi difensivi senza dover subire le decisioni del pubblico ministero e del giudice Strategia n 7 svolgi i lavori di pubblica utilità in sostituzione della pena Questa strategia utile quando non si può essere assolti dalle accuse per guida in stato di ebbrezza e consiste nel chiedere nel caso di eventuale condanna la sostituzione della pena con i lavori di pubblica utilità Strategia n 8 domanda la sospensione del procedimento penale con messa alla prova In tal caso si evita una condanna penale per guida in stato di ebbrezza e pertanto questa strategia utile nell'ipotesi di giovani ragazzi che devono inserirsi nel mondo del lavoro Strategia n 9 chiedi di essere assolto per particolare tenuità del fatto Grazie al decreto legislativo n 28 del 2015 si può ottenere dal giudice penale un provvedimento che dichiara la non punibilità per particolare tenuità del fatto Strategia n 10 fai valere la prescrizione del reato Il reato di guida in stato di ebbrezza si prescrive in 4 o 5 anni salvo eccezioni ad esempio per i recidivi a seconda del fatto che ci siano o meno degli atti interruttivi previsti dalla legge Qualora sia trascorso il tempo previsto dalla legge il reato viene dichiarato estinto per intervenuta prescrizione

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