



Seufert Law Offices, PA

We'll Get You Through It



From the Captain's Log 85 Candles

Most of you probably have seen past articles regarding my extended family, including my mother who lives alone in FL. As her 85th birthday was approaching this past December, another milestone, the family had been discussing what big event to plan. Ideas floated such as was done at her 80th birthday, family flying in from all around the country for a surprise party, or renting an Air bnb somewhere and all converge, but then COVID-19 concerns really started settling in and scuttled any big gathering, especially in FL. Maybe we could fly her up to one of our homes and hold a smaller gathering there, but again COVID-19. Finally a command decision was made that a very small contingent of myself, my younger son and his wife, and one of her newest great-granddaughters would fly to FL for a quick couple day visit- just to give some presence to this 85th milestone. We flew down on Christmas day to assure we got were there by 12/26, her actual birthday. While there the holiday season was in full bloom so we spent some socially-distant time window shopping in and around Ft. Myers, did a few chores around her house, and then while Captain Chris distracted his mother the evening of 12/26/20 with a "cribbage lesson" in the living room, his younger son and daughter-in-law quietly stacked 85 candles on a birthday cake in the kitchen and lit a match. I'm not sure what her 90th will look like. •



February 2021 News



The Double Jeopardy Clause

The Fifth Amendment of the U.S. Constitution states that no person shall “be subject for the same offense to be twice put in jeopardy of life or limb....” In other words, the government can’t prosecute or punish someone more than once for the same crime. Sounds simple enough, but there are some caveats to be aware of.

Legally speaking, “jeopardy” refers to the risk brought by criminal prosecution. The government must place a person “in jeopardy” for the Fifth Amendment protection to kick in. Generally, this occurs when a jury is sworn in, or after the first witness takes their oath and begins to testify in a trial before a judge.

Double jeopardy applies to criminal cases only. Someone acquitted of a crime can still be subject to a civil suit for monetary damages.

If jeopardy has not been terminated—that is, brought to a conclusion with a definitive verdict—a case may be retried. Two examples of this include a mistrial and a hung jury. A jury verdict of acquittal terminates jeopardy, and the decision cannot be overturned. Every defendant has the right to at least one appeal after a conviction. If the conviction is overturned due to insufficient evidence, it is treated as an acquittal for the defendant, who cannot be prosecuted again. If the reversal is due to a technicality (e.g., unlawful search and seizure), a retrial is permitted.

If a state government tries a case, it does not preclude the federal government from trying the same matter, and vice versa. Double jeopardy does not apply. Double jeopardy sounds straightforward, but there are a lot of nuances. •



Cell Phone Usage and Auto Accidents



Distracted driving has become a serious problem in this country. Driver distractions may be visual, taking your eyes off the road; manual, taking your hands off the wheel; or cognitive, taking your mind off driving. Cell phone usage is a major contributor to distracted driving. Texting has the dubious distinction of involving visual, manual, and cognitive distraction simultaneously.

If you are the victim of another driver’s bad driving, it may be necessary to file a personal injury claim against the at-fault driver to receive rightful compensation. It may seem a daunting task to prove that a driver was distracted by cell phone usage, but an experienced auto crash attorney can gather the following evidence to prove your case:

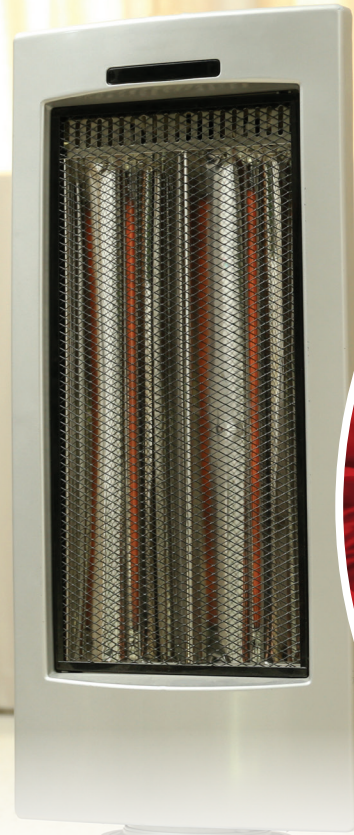
- Witness testimony. Witnesses to the crash may report that the driver was looking down when the crash occurred (due to texting) or that he/she was talking on a phone.
- Video evidence. Cameras are everywhere these days. Many traffic signals, street signs, store fronts, and trucks have them. An attorney can obtain access to potentially valuable evidence.
- Cell phone records. This one is a biggie. Cell phone records are admissible as evidence in the courtroom. If the records show the driver was using their phone at the time of the accident, your case is instantly bolstered.

An auto crash attorney can also glean important information from medical records, police reports, and crash reconstruction reports.

Driving is a major endeavor unto itself and deserves our full attention. Lives can be changed dramatically in an instant.

If you’ve been injured by a distracted driver, contact an auto crash attorney to protect your rights. •

Space Heater Benefits ... and Potential Hazards



February 2021 Notable Dates

Feb. 3

Feed the Birds Day

Feb. 5

Weatherperson's Day

Feb. 6

Lame Duck Day

Feb. 9

Pizza Day

Feb. 12

Lost Penny Day

Feb. 22

Walking the Dog Day

Feb. 28

National Chili Day

Indoor space heaters are a common household appliance used to combat New Hampshire winter's chill. Electric space heaters can supplement your home's main heating unit and pump up the cozy factor in that room that's always cooler than the rest of the house. Fuel-powered indoor heaters (e.g., propane, kerosene) do the same — more cheaply — and can also provide short-term backup during a power outage.

However, the National Fire Protection Association and the U.S. Consumer Product Safety Commission state that space heaters play a role in approximately 25,000 home fires, 6,000 burn injuries, and over 300 fatalities in the United States each year. They're also the centerpiece in property damage that exceeds half a billion dollars annually.

These safety guidelines can help reduce injuries and property damage:

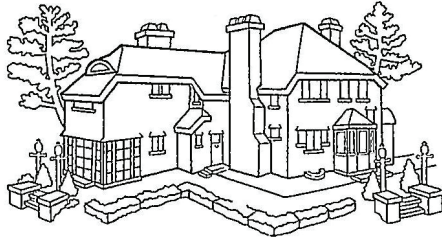
- Have your space heater inspected annually.
- Keep combustible materials at least three feet away from space heaters (e.g., paper, draperies, bedding, clothing, furniture, etc.).
- Never use extension cords or leave heaters unattended.
- Keep the heater clear of foot traffic.
- Look for the Underwriter's Laboratory (UL) label, which indicates the heater has passed specific safety tests.
- Buy a unit that automatically shuts off when tipped over.
- Use only approved fuel for fuel-powered heaters.

Unfortunately, incorrect usage isn't always the issue. Design defects, substandard parts, and missing, sketchy, or confusing instructions sometimes lead to significant physical harm and property damage.

Victims of serious burn injuries frequently grapple with constant pain and suffering, nerve damage, disfigurement, permanent disability, and the prospect of skin grafts and plastic surgery — and the accompanying financial and emotional burdens. On top of that, many insurance companies deny valid damage claims.

If you or a family member is harmed by a defective product, contact our office for help in attaining the compensation you deserve. ●

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Protect Your Family, Protect Your Rights



85 Candles

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This publication is intended to educate the general public about personal injury, medical malpractice, and other issues. It is for information purposes only and is not intended to be legal advice. Prior to acting on any information contained here, you should seek and retain competent counsel. The information in this newsletter may be freely copied and distributed as long as the newsletter is copied in its entirety.

Always See Your Physician Following an Auto Accident

Following an auto crash, some people feel only slight soreness. They believe they're fine and see no point in scheduling a physician visit. However, some injuries — especially those involving the neck and back — might not display notable symptoms for days, even weeks.

Whiplash is a prime example. Whiplash is a soft-tissue injury caused by the head suddenly being forcefully jerked back and forth, stretching muscles, ligaments, and tendons in the neck. Those who feel none the worse for wear immediately following a crash may experience an onslaught of symptoms later, and possibly long-term debilitation if the whiplash is not tended to promptly.

That's why seeing your physician as soon as possible is always advisable. It serves your own health interests, and if you have been injured and suffer worsening conditions, a negligent driver can more easily be held accountable.

Insurance adjusters are quite familiar with delayed-onset injury symptoms. That's why they are quick to extend lowball settlement offers to unsuspecting injury victims. If an injury victim accepts a settlement offer prior to knowing the full extent of their injuries, they're up the creek without a paddle.

In addition, if the victim did not seek immediate medical attention, an insurance adjuster will attempt to exploit that. Also, the longer the time span between the crash and the victim's first doctor visit, the more challenging it may be to prove their injuries originated with the auto crash.

If you find yourself the victim of another driver's negligence, contact our office. We'll handle the insurance adjusters and ensure that you receive fair compensation for your injuries. ●

