



## Seufert Law Offices, PA

*We'll Get You Through It*



### From the Captain's Log Solomon's Castle

Back to FL for a brief "February vacation" with the kids we were looking for something to do in the new COVID-19 world. Fortunately in FL they live in a parallel universe and don't have any "COVID-19 problems" so everything is just about open and business as usual. My father-in-law suggested we go to Solomon's Castle in Ona FL, "nice drive on the back roads and a really interesting spot, went there some years back and the owner actually spoke to me and gave a personal tour". With this recommendation off we went, at the crack of noon when the teenagers rolled out of bed, and headed north from Ft. Myers. My father-in-law was correct, there were some back roads, and then some more back roads, and then an 8-mile road that terminated at Solomon's Castle.

There were two hand painted signs advertising this place, one 8-miles out when you turned off the "back roads" onto the entrance road and another at the termination point. I told the kids that if they saw a banjo player to roll the windows up quick, but then we drove parking lot to parking lot trying to find an open space. Seemed EVERYONE decided to drive to banjo county this day to see Solomon's Castle.

It was the brainchild of a very eccentric gentleman who was an artist/inventor/collector who lived on the east coast of FL for a spell, then in the Bahamas, then looking for some seclusion found Ona FL and bought 90 acres in the middle of nowhere and decided to construct a castle of discarded printing press aluminum plates. He then built a lighthouse and then a pirate ship replica to house an on-site restaurant. We bought the tour tickets, cash only, we had lunch at the little restaurant, cash only, and wondered how much money this little road side attraction raked in on a weekend, probably never know. We ended up staying over 4-hours and got a glimpse of this gentleman's creative genius. He had died in 2016 but his family still runs the attraction, are fond of cash, and are quite friendly.

So if you are looking for something to do on the backroads of FL, head up to Ona- and bring some cash. •



### March 2021 News



# DWI Breath Testing and the Intoxilyzer

The legislature has decided that police officers no longer need to supply an individual with a captured sample of their breath when that individual takes a breath test subsequent to a DWI arrest. Captured samples, which were caught in clear tubes, could be sent by individuals to an independent lab for testing. This acted as a check on the accuracy of the Intoxilyzer machine. The law now provides that an individual must obtain a blood test on their own to check the accuracy of the breath test. The person taking the test either waives his/her right for an additional test or agrees to an independent blood draw. In other words, the second sample is now a blood sample obtained by the individual, not a sample of breath taken from the machine.



The new rule sets out how this happens. Specifically, each arresting department now has blood collection kits that, when used, will be sent to the State Forensic Lab who, in turn, can release the samples for independent testing. This new Rule probably makes no practical difference as those second samples when tested were very rarely out of tolerance, in other words different from the reading that the machine provided. When there was a reported difference, that difference was almost always higher. In other words, the Intoxilyzer usually provided a result that was lower than the actual blood alcohol content of that individual, not higher.

Police officers are now merely required tell individuals that in order to get an independent test, they can go to the nearest hospital or ConvenientMD Urgent Care facility and have their blood drawn. Those facilities are not likely to provide such a blood test without a police officer first contacting them, explaining the new law, and obtaining their willingness to do the blood draw. Hospitals or other such facilities are almost certainly not going to be responsive to an individual walking in unannounced and asking for an independent blood alcohol test. The lack of a second sample provided by the Intoxilyzer itself significantly reduces the possibility that one will ever be obtained. •

## Why No Snakes Call Ireland Home



According to legend, Saint Patrick, a Christian missionary and the patron saint of Ireland, drove all of Ireland's snakes into the sea during the 5th century A.D. Ireland is devoid of native snakes, giving it membership in an exclusive club that includes New Zealand, Iceland, Greenland, and Antarctica.

Truth is, Saint Patrick would humbly decline credit for a snake-free Ireland. For starters, there are zero fossil records of snakes ever having existed in Ireland — there was nothing to drive out! In addition, and allegorically speaking, snakes ("serpents") represent evil in the Judeo-Christian tradition. Hence, the legend likely spoke to Saint Patrick's Christianizing influence in Ireland.

Today's Ireland is an island, but so is modern-day Great Britain. Great Britain has snakes; why not Ireland? The Ice Age and timing play critical roles.

The most recent Ice Age began 110,000 years ago and ended nearly 12,000 years ago, give or take a few millennia. Glaciers covered a large part of northern Europe during that time, including what is now Ireland and Great Britain. Deep freezes and cold-blooded reptiles clash.

When temperatures began to warm, glaciers receded, exposing land bridges from Great Britain to mainland Europe, and from Great Britain to Ireland. Animals living in southern Europe began venturing northward, including snakes.

But melting glaciers raised sea levels dramatically, eventually submerging the land bridge between Ireland and Great Britain. Centuries later, the same thing happened between Great Britain and Europe. Three snake species managed to slither to Great Britain before the land route was deep-sixed: venomous adder, grass snake, and smooth snake. However, none arrived in time to hop the land bridge to Ireland. •





# Spring Rouses Pedestrians from Hibernation

With spring's longer days and warmer temperatures, it's only natural that more people will be on the move outdoors. That also means more interaction between traffic and pedestrians, which sometimes gets dicey.

According to the National Highway Traffic Safety Administration, in 2018 over 6,200 pedestrians lost their lives in motor vehicle-related accidents in the United States; many more were injured. Interestingly, approximately 70 percent of fatalities were males, a percentage that has been remarkably consistent over the past 40+ years.

Drivers and pedestrians owe a "duty of reasonable care" to each other. Drivers typically should cede the right of way to pedestrians and always be on high alert in high-traffic pedestrian areas. Drivers need to follow speed limits and other traffic regulations, and should never get behind the wheel when impaired by alcohol or drugs.

- Pedestrians can aid everyone's cause:
- Always walk on the sidewalk when one is available.
- If there is no sidewalk, walk on the far-left side of the road, facing oncoming traffic.
- Cross busy streets only at intersections or marked crosswalks.
- Follow all traffic signals (e.g., "Walk/Don't Walk").
- Look both ways when crossing the street (an oldie but goodie).
- Detach yourself from headphones, earbuds, and cell phones while walking near traffic.
- Don't walk while impaired. Call a rideshare service, taxi, or family member instead.

In 2018, 50 percent of all pedestrian fatalities occurred between 6:00 p.m. and midnight. Wear reflective gear at night (a flashlight doesn't hurt, either), and don bright colors by day if you'll be walking in high-traffic or no-sidewalk areas.

If you suffer injury due to another person's negligence, contact our office to protect your rights. •

**March 6**  
Dentist's Day

**March 7**  
Cereal Day

**March 10**  
Middle Name  
Pride Day

**March 14**  
Daylight Saving  
Time begins

**March 19**  
Poultry Day

**March 23**  
Chip and Dip Day

**March 26**  
Live Long and  
Prosper Day

Seufert Law Offices, PA  
Attorneys At Law



59 Central Street, Franklin, NH 03235  
(603) 934-9837

[www.seufertlaw.com](http://www.seufertlaw.com)

*Protect Your Family, Protect Your Rights*



Solomon's  
Castle

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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.

## Basics of the Personal Injury Case Process

If you suffer an injury due to someone else's negligence, your avenue to fair compensation is to file a personal injury claim.

But first, **seek medical attention**, even for seemingly minor injuries. Some injuries don't fully reveal themselves for days, weeks, or even longer. A prompt checkup will aid your health and your personal injury case.

Then **consult an experienced personal injury attorney**, who can give you expert guidance and gather critical information.

If you decide to move forward, a **thorough investigation** will ensue. Your attorney will want to know everything you can tell them about the accident. (Trade secret: Attorneys don't like to be surprised.) They will also delve into all medical, financial, and accident-scene details, and talk to witnesses and experts.

A **demand letter** may be sent to the defendant's attorney or insurance company. It outlines your case, demonstrates the injury's impact on your life, and lists the compensation you're seeking. The defendant may accept the demand, reject it, or offer a counterproposal.

If your attorney's demand letter is rejected, a **personal injury lawsuit** will be filed.

The **discovery phase** involves a formal exchange of evidence between both parties, including interrogatories, document requests, and depositions (sworn statements) of all relevant parties and witnesses.

Following discovery, settlement talks often heat up again — sometimes assisted by a **mediator**, frequently a former judge. *If a fair settlement can be reached*, it's preferable to the more difficult trial scenario, which is always a bit of a gamble.

If **the case goes to trial**, testimony and evidence will be presented before a judge or jury. If the defendant is found liable, the judge/jury will determine the amount of compensation.

Most personal injury cases are settled prior to trial, but our law firm will always be prepared to fight in court to protect our clients' rights. ●

