



Seufert Law Offices, PA

We'll Get You Through It

From the Captain's Log Love this weather – NOT



Sitting at my laptop typing this article, when it was -13° when I awoke this morning, a snow storm coming this weekend (long since old news as this gets to press) and still 2 more solid months of winter coming – why am I sitting here? I spent some brief time in FL over the holidays, went to some of my favorite places, one of which has a row of small cottages, each with private docks with boats tied along, looking out onto Pine Island Sound. In Matlacha the manatees and tarpon



play in the canal, blue sky abounds most every day, and you could whistle “sitting on the dock of the bay” all day long there and it would never get old.

But then again, my Mom sent me an article late last year that a few blocks away from this favorite place a man built a nice new house, not extravagant by any means, and just as he was moving his furniture in an investor pulled into the driveway and made an unsolicited cash offer for \$3.2 million if he'd put his stuff back into the moving van and drive away – he didn't. So this little piece of paradise probably has a price.

So back on the plane and three hours back to NH. Getting off the plane it was 2° and blowing like a snot, so why would you come back? But then a few weeks later I had a hearing in North Haverhill, NH, a 3-4 hour round trip from my office, and when you get there it is the total opposite of Matlacha, but the snow-capped mountains of our north country also has its own mystique. ●

February 2022 News



Double Jeopardy



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 cannot prosecute or punish someone more than once for the same crime. The problem is that it’s not always as simple as it sounds to determine if that provision of the Fifth Amendment applies.

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. Remember the O.J. Simpson case.

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 violation of the defendant’s constitutional rights (for example an 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. If you have been charged with a crime, contact us to protect your rights. ●

Better Late Than Never



On February 15, 1564, one of the finest scientific minds in history entered the world in Pisa, Italy: Galileo Galilei.

A true Renaissance man, Galileo was a tour de force in astronomy and mathematics, and an accomplished inventor, philosopher, writer, musician, and artist. Albert Einstein lauded him as the “father of modern science.”

Although Galileo did not invent the telescope, he got his mitts on one early on and dramatically improved its function and design. Then he turned it toward the heavens, transforming a toy into a powerful scientific tool.

Fascinating discoveries abounded, convincing Galileo that Nicolaus Copernicus’s thoughts on heliocentrism — a hypothesis published in 1543 — were correct and could be proved. Heliocentrism maintained that the earth orbited the sun and rotated on its axis.

The Catholic Church believed the earth did not move and was the center of our solar system — actually, the entire universe. Everything revolved around *it*, per their interpretation of several scriptural passages. The Church banned “Copernicanism” in 1616.

The Church was quite familiar with Galileo, having welcomed his astronomical input in working out the dates for Easter and other holidays. They granted him permission to study Copernicus’s ideas ... if he didn’t defend them. After keeping a lid on things for 16+ years, Galileo published a book backing Copernicus. All Hades broke loose.

Galileo was tried by the Church in 1633, found to be “vehemently suspect of heresy,” forced to publicly disavow heliocentrism, and placed under house arrest for the rest of his life. He died in 1642.

Pope John Paul II issued a formal apology on behalf of the Church and dropped Galileo’s heresy charge in 1992 — following a 13-year investigation. Justice wasn’t swift, but Galileo’s name had finally been cleared. ●



What a Personal Injury Attorney Will Do for You

February 2022 Notable Dates

Feb. 2
Groundhog Day

Feb. 7
Periodic Table Day

Feb. 13
Super Bowl Sunday

Feb. 14
Valentine's Day

Feb. 20
Cherry Pie Day

Feb. 21
Presidents' Day

Feb. 22
Be Humble Day

If you are seriously injured due to someone's negligence, hiring a personal injury attorney to represent you is always a wise decision.

Some people decide to manage small claims on their own. Although doable, keep in mind that seemingly minor injuries sometimes are more serious ones in disguise, intensifying weeks, even many months, after the initial incident. An already settled claim precludes reopening the claim or going to court — you're basically hung out to dry. It never hurts to schedule a free initial consultation with an attorney.

A personal injury attorney will ...

- conduct a thorough investigation of your injury circumstances and gather evidence.
- document your injuries in coordination with your doctors to determine the extent of your damages.
- identify all parties liable for your harm. For instance, in a crash with a tractor-trailer, liability may fall on the truck driver, the driver's employer, the company that loaded the trailer, or the company that did mechanical work on the truck.
- get the ball rolling on your claim while you're recuperating to expedite a favorable outcome.
- file all insurance claims and handle all communications and negotiations with the insurance company and/or the defendant's attorney so you can focus on healing.
- retain expert witnesses, accident reconstruction specialists, and investigators as necessary.
- calculate the value of your case, vigorously pursue a fair settlement, and be prepared for trial if the other side stonewalls.

If you find yourself the victim of someone's negligence, contact our office. No case is too small that we won't talk with you. If it is a simple and small case we are glad to give you some free advice on how to resolve. If it is more complicated we will discuss how we can assist and fight to achieve the compensation you deserve for past and future medical expenses, lost wages and lost earning capacity, property damage, and pain and suffering. •

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Protect Your Family, Protect Your Rights



Love this
weather – NOT

SEE PAGE ONE

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.

Three Rights Make a Left

According to NTSA data, crossing or turning at an intersection precipitates 1/3 of vehicular crashes. Of those crashes, roughly 60% involve left turns.

Left-turn mishaps frequently result in T-bone crashes, when the front end of one vehicle plows into the middle section of another. These crashes are among the most dangerous, often leading to devastating injuries and fatalities — side-impact airbags notwithstanding.

When motorcyclists, bicyclists, and pedestrians get caught up in the chaos, it's even more disastrous. Whether at fault or not, their increased vulnerability to serious injury (or worse) is obvious.

Fault for left-turn accidents typically lies with the left-turning driver. The left-turning driver must always yield to oncoming traffic that has the right of way (or proceed only when oncoming traffic is far enough away). Drivers need to use the proper turning lane, click on their turn signal, and allow for pedestrians and bicyclists to clear crosswalks.

But left-turning drivers aren't *always* at fault. If an oncoming driver was speeding, they may be liable for a crash. However, without witnesses or video evidence, the left-turning driver may be left holding the bag.

Other exceptions include oncoming drivers who run stop signs or stoplights, or who drive while intoxicated or distracted. Unforeseen circumstances such as a pedestrian or animal that darts into the road and delays the completion of the left turn might shift liability to the oncoming driver.

Some commercial delivery companies (e.g., UPS) instruct their drivers to avoid left turns whenever feasible. Although improved economics sparked the policy, heightened safety is an added bonus.

If you are injured due to another driver's negligence, contact our office to protect your rights. ●

