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CALIFORNIA D.U.I.

SURVIVAL GUIDE

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of Professional Excellence

2017



**What You Need To
Know NOW**

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Save Your License

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**.18/.19 DUI
Trial
NOT Guilty**





I Am Vincent John Tucci I Am Here to Help You

This is a very difficult time for you and your loved ones. I understand what you are going through and the questions you must have.

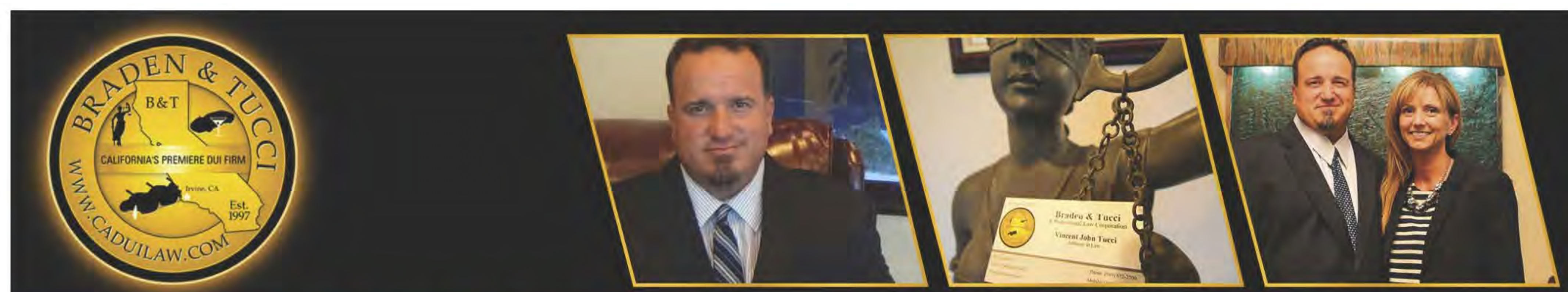
Embarrassment, fear, confusion, and a sense of being lost in the "system" are shared by all people accused of DUI. Whether this is your first offense or another, I am here to help, guide, and DEFEND you throughout this process. You are not alone. I am here to do everything I can to keep you out of jail and on the road.

For me, it's not
business, it's
personal.

I have been arguing and winning DMV and criminal cases in Southern California for close to two decades. My success rate and record are proven.

I approach every case as if it were my own because it is my own. My reputation is at stake in each and every case I handle.

More importantly, your freedom and driving privileges are at stake. When I walk into a courtroom, everyone knows that I am there to fight for you. I take defending you and winning very seriously.



BRADEN & TUCCI - Aggressive DUI & DMV Defense

100% OF OUR PRACTICE IS DEVOTED TO DUI & DMV DEFENSE
CALL US NOW | 949-872-2700 | WWW.CADUILAW.COM

- Combined over 35 years of experience
- Former President of the CA DUI Lawyer's Assn
- Former CA State Co-Chair - DUI Committee of CA Attorneys for Criminal Justice.
- Specialist Member of the CA DUI Lawyer's Assn
- Certified in Field Sobriety Testing - the roadside exercises the cop asked you to do
- Certified in the Intoximeter Alco-Sensor IV preliminary alcohol screening test
- Certified in the Datamaster breath test machine.
- Speaker for the California Attorneys for Criminal Justice at their annual DUI seminar
- Editorial board member for Ed Kuwatch's seminal work CA Drunk Driving Law - the DUI Bible
- Past Lecturer on CA DUI issues in LA, OC & San Diego County for the Loriman Seminar Group.

Punishments for DUI are severe. You maybe facing jail time, loss of your driving privilege, Ignition Interlock device, increased insurance, alcohol cla

We offer a free initial consultation to discuss your case, our strategy and how we can help



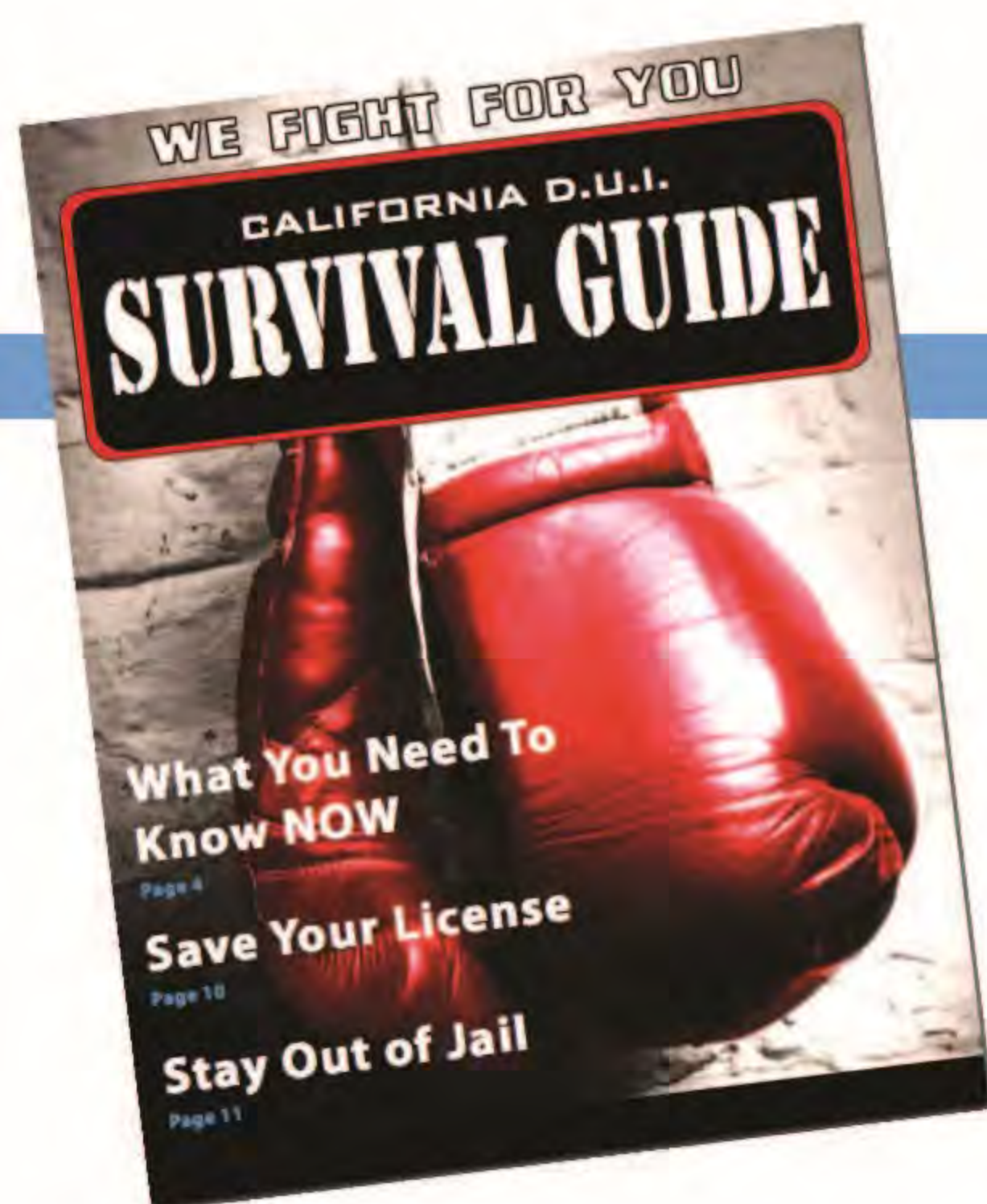
Handling DUI cases is all I do. My practice is one of Southern California's most respected and FEARED law firms in the area of DUI defense.

Our firm is dedicated to defending and protecting people accused of driving under the influence, both in court and at the Department of Motor Vehicles.

I take a great deal of pride in the aggressive representation provided to our clients by our firm.

I WILL help you.

Vincent John Tucci
Attorney at Law



The California DUI Survival Guide is custom created to help and inform you.

Sponsored by:



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Braden & Tucci

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What You Need To Know Now

YOU ONLY HAVE **10 DAYS AFTER YOUR ARREST TO STOP THE AUTOMATIC SUSPENSION OF YOUR DRIVER'S LICENSE. CALL US IMMEDIATELY!**

Your Best Option: Hire a lawyer

- Legal representation is your best option at having DMV & criminal penalties reduced.
- Legal representation ensures the system treats you fairly.
- Legal representation ensures evidence is challenged and/or dismissed completely.
- In the event of a trial, we are experienced and ready to fight for you.
- Legal representation means little or no time away from work and or school.

GET HELP!

Call Braden & Tucci
and request a personal
consultation today.

(949) 872-2700

- ▶ California has some of the harshest DUI penalties in the country.
- ▶ The State of California will seek to impose the maximum penalty possible on you.
- ▶ You have two cases against you; a DMV hearing AND a criminal case, with different penalties imposed by each.
- ▶ Field sobriety tests and your arrest may have been recorded on audio and video.
- ▶ The report filed by the officer, the results of the chemical test, and the circumstances of your DUI are evidence that the prosecution will intend to use to convict you.
- ▶ You are facing experienced State of California Prosecutors, harsh punishments, and an unsympathetic system.
- ▶ Your BAC (blood alcohol content) at the time of your arrest may directly affect the type and level of penalties you will be facing.
- ▶ Your employment and and/or schooling could be jeopardized by absences due to appearances and potential jail time.

THE VIDEO VAULT



Learn more information and
see the 6 part video series on

www.caduilaw.com

You Need A Lawyer



Your freedom, money, driving privileges, and much more are at stake. This DUI charge could potentially affect every aspect of your life forever.

The State of California's system for handling DUI cases are extremely complex, unsympathetic, and difficult to navigate. It can be overwhelming to face on your own.

Hiring a highly experienced and aggressive lawyer, dramatically increases the chances of a favorable outcome. It ensures that you are fairly represented, your rights are not violated, and you receive fair consideration by the courts.

**Hiring a lawyer
is your best option
for avoiding
trial and getting
charges reduced or
dismissed.**

Unlike some other law firms, you are secure in knowing that you will receive personal representation in all matters from Mr. Tucci himself.

Vincent John Tucci is the Immediate Former President of the CA DUI Lawyer's Association; a statewide organization of attorneys



representing individuals accused of DUI. He is also the Co-Chair for the DUI Committee for the California Attorneys for Criminal Justice and sits as a Board of Governor member.

He is a nationally renowned DUI attorney who frequently lectures on DUI issues throughout the United States.

For over fifteen years, Vincent John Tucci has represented clients in court and at the DMV. This amounts to thousands of DMV hearings and criminal trials throughout all of Southern California.

Braden & Tucci is the only Orange County based law firm practicing 100% DUI & DMV defense.

As a respected legal professional Mr. Tucci has the knowledge and influence to effectively represent you. Relationships and experience matter more than you might think.

He knows each court's procedures, personnel, judges, prosecutors and most importantly, they know him. His abilities, knowledge, professionalism, and experience are respected. This allows for more effective communication inside and outside of the courtroom.

Simply put, Vincent John Tucci and the Law Firm of Braden & Tucci are the best representation available.



Could I Go to Jail?

The most severe penalty you are facing is jail time. You could be facing county jail time, or even state prison time, depending on the nature and severity of the charges in your case.

All penalties imposed by the courts and the DMV have costs associated with them. You may have to pay fines totaling as much as \$3,000.

There are alternatives to jail should you be convicted.

Alternatives To Jail

- Alcohol Use Monitoring
- Electronic Monitoring/
House Arrest
- Work Furlough/Pay to Stay
Private Jail
- Alcohol Rehabilitation
- Weekend Jail

Alcohol Monitor

SCRAM® (Secure Continuous Remote Alcohol Monitor) continuously monitors your blood alcohol content to ensure you do not consume any alcoholic beverages.



The SCRAM ankle bracelet is attached to you with a tamper-proof strap. It is worn 24/7 for the duration of the court-ordered abstinence period. The bracelet captures transdermal alcohol readings by sampling the insensible perspiration collected from the air above the skin. It is reliable and tamper resistant.

House Arrest

The typical penalty of electronic monitoring or house arrest means you are required to wear a tamper resistant electronic device attached to your wrist or ankle. Electronic monitoring is used to supervise defendants who are required to abide by curfew or remain in their homes as a condition of probation.

The device transmits an electronic signal, usually through a telephone, indicating whether you have had any unauthorized absences or have tampered with the device.

In a programmed contact (or passive) system, a computer is programmed to call you at random or at specific times, and then reports on the results of the calls.



Some programmed contact systems use voice verification technology. Some require the use of a device strapped to the wrist that is inserted into a verifier box connected to the telephone.

Work Furlough

The Work Furlough Program allows you to work or attend school while serving your sentence at night and on weekends.

“If you are facing jail time, I will secure you an alternative to jail that will allow you to go to work.”

-Vincent John Tucci



Check out times and return times are based on the individual sentence. This allows a low risk offender the ability to satisfy a jail sentence while at the same time maintaining their employment and/or schooling.

Pay to Stay Private Jail

With the approval of the sentencing court, your time can be served in the safe, clean, and secure environment of a local police department jail.

The Pay to Stay Program allows you to work or attend school in the community while serving your sentence at night and on the weekends. You are housed separate from all other inmates and you will be required to assist with minor chores.

Weekend Jail

Persons who are to serve a jail sentence can do so on a consecutive weekend basis. Normally, a person would start serving their sentence on a Friday evening, usually reporting in around 7:00 p.m., and stay in custody until released on Sunday. This also allows a person to maintain their employment dur-

ing the week and still satisfy a jail sentence.

Alcohol Rehabilitation

As a condition of your sentence, you may be ordered to enroll in an inpatient or outpatient substance abuse treatment program.

Substance abuse treatment programs differ, but most follow similar procedures meant to help. Each program has its own unique policies and rules. Some programs are medical in nature and involve a detox process.



Most offer support, guidance, and therapy over a long term rehabilitation period.

Failure to comply with any court or DMV ruling could mean jail or more severe penalties.

Price of a DUI

Alcohol Use Monitoring:

Setup fee: \$90

Daily fee: \$15

Electronic Monitoring House Arrest:

Setup fee: \$90

Daily fee: \$15 - \$20

Work Furlough with Pay-to-Stay Private Jail:

Daily fee: \$70 +

Alcohol Rehabilitation:

Cost: Varies from free to thousands of dollars.

Weekend Jail:

Daily fee: \$70+

SR-22 & Insurance Premiums:

Cost: Varies by policy

Interlock Ignition Device:

Installation: \$200 +

Monthly fee: \$65 +

Vincent John Tucci is your best chance for avoiding or lowering the costs and duration of these penalties.

*All fees are approximate. Fees can and do change. There are several other penalties and fees not included in the list above.



The Evidence Against You

Evidence to convict you is being collected from the moment the police officer encounters you and your vehicle.

Evidence may have **WEAKNESSES** only a very experienced lawyer will know.

Defending you against this evidence **REQUIRES** experience and a vast knowledge of the proper collection procedures the state is required to follow. For example, the improper administration of breath and blood tests could result in an immediate dismissal of your case.

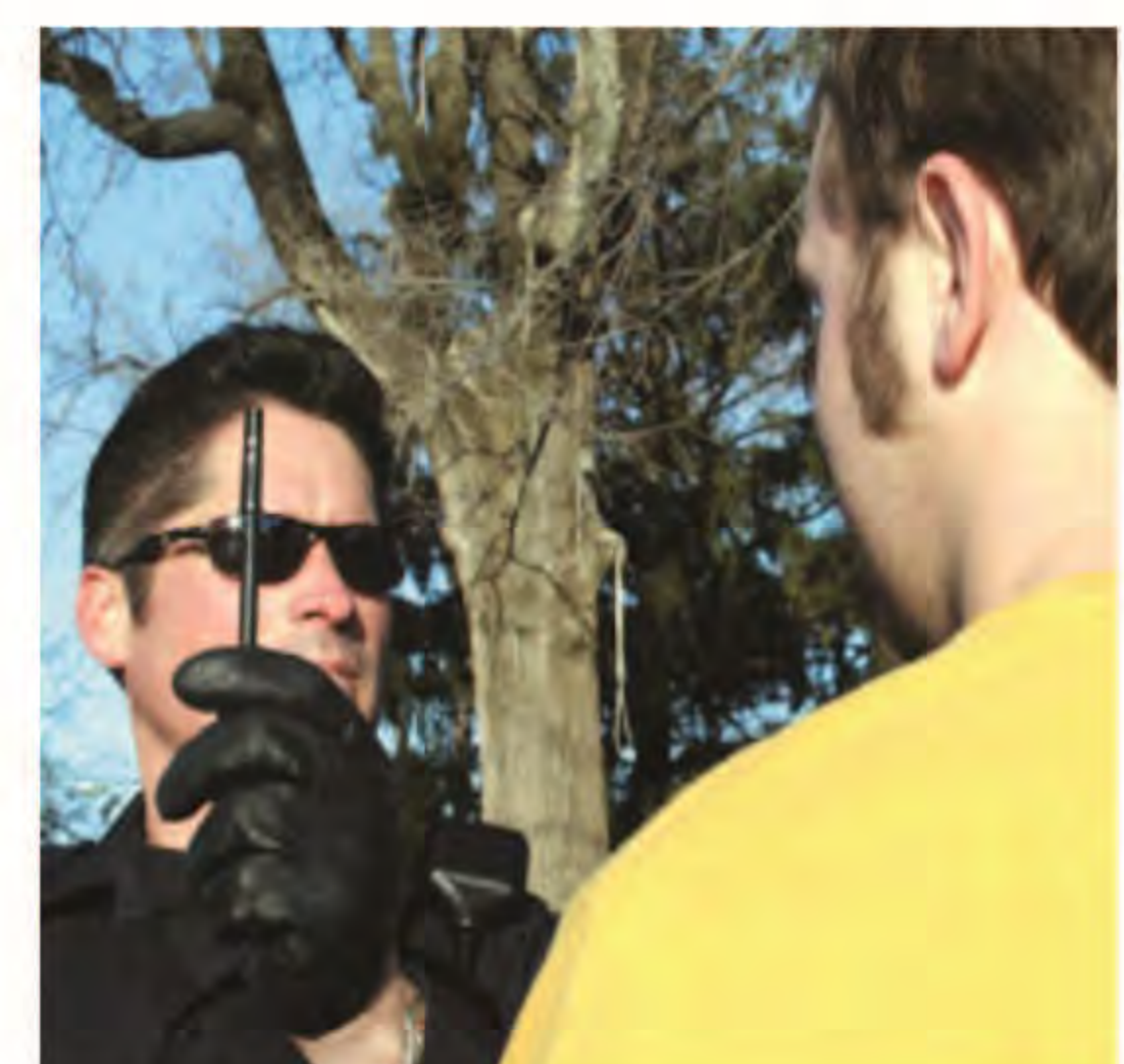
It should be your absolute **REQUIREMENT** that your lawyer have training in the use of the equipment used to collect evidence. He or she must have knowledge of the effectiveness of the tests administered to you and insight into the science related to the effects of alcohol



Some of the Evidence Against You:

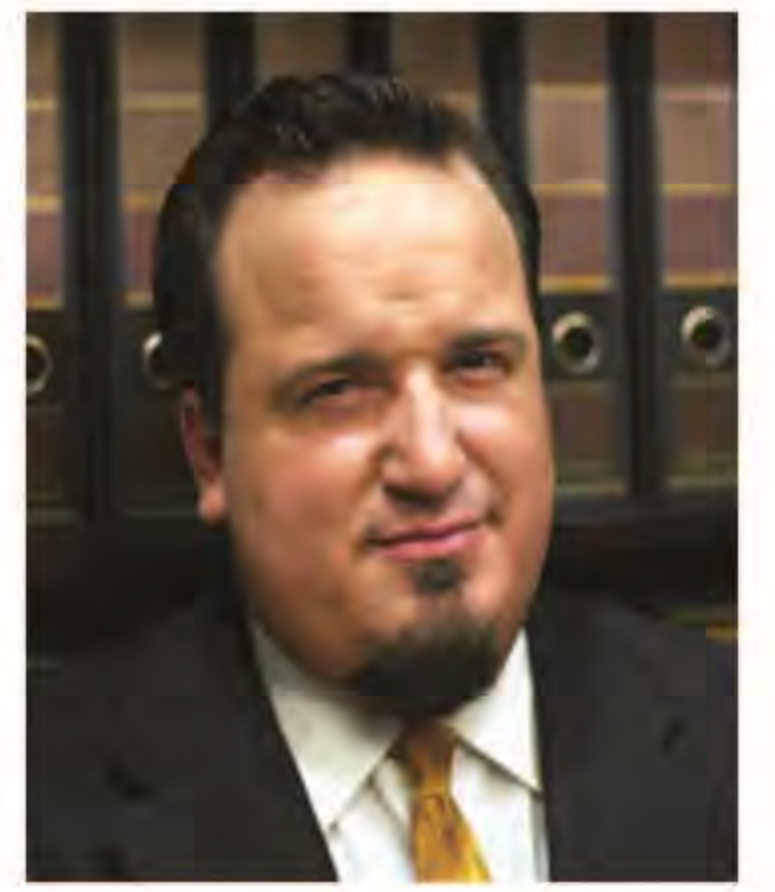
- The field sobriety tests administered by the arresting officer to validate the suspicion of your intoxication
- The results of the Breathalyzer test the officer may have administered
- AUDIO and/or VIDEO of the arrest was more than likely taken and cataloged
- Any discussions you had with the officer are documented and more than likely recorded
- The detailed report the officer filed
- The BAC level of the blood, breath, or urine tests administered by a State certified professional in the evidence collected

in your system. Your requirements should also include extensive understanding of the procedures and rules police officers and other personnel related to your case must abide by.



“My strategy is to eliminate tainted evidence whenever possible.”

-Vincent John Tucci



Here are some questions your lawyer should be able to answer to adequately defend you:

1. What is the average burn-off rate of alcohol per hour, per person?



Possible Weaknesses of The Evidence:

- The evidence may not have been collected according to exact and correct legal procedure
- Your rights may have been violated during this process
- Evidence collection equipment may not have been used correctly, or was calibrated incorrectly
- Pertinent information may be absent, or incorrect paperwork was filed
- The circumstances of your arrest and/or the operation of the vehicle
- Scientific factors and the effects of alcohol on your system need to be considered

2. What is the percentage amount of preservative that should be in a blood sample?

3. What are the top three field sobriety tests recommended by the National Highway Traffic Safety Administration?

4. When does a person reach their peak absorption level?

5. What are three major defenses in a breath test case?

Vincent John Tucci has the ability to counter much of the evidence against you with proven facts. He is student certified in Standardized Field Sobriety Tests in accordance with the standards of the National Highway Traffic Safety Administration. He has also been certified in the administration, calibration, and maintenance of the Intoximeter Alco-Sensor IV Preliminary Alcohol Screening Device - this is the breath test device more than likely used by the officer at the scene of your arrest.

He has learned first-hand, the science of collecting and establishing evidence of your levels of intoxication. He has many years of experience cross-examining state certified evidence collection personnel. He can find flaws that may eliminate evidence whenever possible.



How Does The DMV Process Work?

YOU ONLY HAVE **10 DAYS AFTER YOUR ARREST TO STOP THE AUTOMATIC SUSPENSION OF YOUR DRIVER'S LICENSE. CALL US IMMEDIATELY!**

Unless a hearing is requested within 10 calendar days of your arrest, the DMV will automatically suspend your license for 4 months, or longer, after 30 days.

CALL US IMMEDIATELY

We will contact the DMV to set up an Admin Per Se hearing to challenge their suspension of your State of California driving privilege.

Our goal is a dismissal of your case and / or a reduction of DMV imposed penalties.

The DMV Hearing

Assuming a hearing has been requested, it will be conducted much like a criminal case. The DMV will examine the evidence and sometimes hear testimony. All of which can be challenged or refuted by Mr. Tucci.

Usually, there is only one DMV hearing, but sometimes we may have several, depending on the requirements of your case.



Our Defense Tactics

Prior to the hearing, copies of all evidence; including arrest reports, audio, video, and test results will be delivered to our offices for rigorous examination. We authorize assess the validity of this evidence. We look for weaknesses in the case against you and strategize the best defense possible.

Vincent John Tucci will represent you at the hearing. More than likely, your presence is not required. Wherever possible, Mr. Tucci will aggressively challenge all testimony and State evidence against you.

The arresting officer(s) are almost always subpoenaed. They are questioned by Mr. Tucci as to the circumstances of your arrest and the specific procedures or lack thereof that were conducted in your individual case.

Their background, training, and experience in DUI cases is questioned as well.

Mr. Tucci may question all State witnesses and call his own in an effort to rebut testimony and challenge the evidence presented.

The DMV representative will typically reserve a ruling pending his or her review of the evidence and the facts presented at the hearing. Notice of the ruling and or penalties will be delivered to you, as well as our office.

Possible DMV Imposed Penalties:

- Your driving privileges may be suspended for 4 months to a lifetime, depending on your circumstances.
- Your insurance premiums could double or triple.
- You will be required to maintain an SR-22 for 3 years.
- The installation of an ignition interlock device onto your vehicle may be required.

How Does The Criminal Process Work?



This is an extremely complicated process that can be very overwhelming if faced on your own. Trials can be long, expensive, and the outcome is uncertain. Throughout this process we take every opportunity to compel the prosecution for a favorable resolution to avoid a trial.

Our goal is to avoid trial.

Arraignment

An arraignment is a judicial review of the State of California's charges against you.

Depending on the court, we may continue your arraignment to allow more time for our investigation and analysis of the facts in your case. If we enter a plea as opposed to continuing the arraignment, we will enter a "not guilty" plea on your behalf.

The judge, in concluding the arraignment, will set a date for a pre-trial conference. The Judge will also decide whether any conditions, including a bail amount, should be imposed while your case is pending. Mr. Tucci will often discuss lessening any penalties with the judge.

Usually in California, first time offenders with no enhancements, accidents and non-lethal blood alcohol levels will not have any conditions imposed at the arraignment.

For more serious cases such as multiple offenders, accident cases, or injury cases, the Judge could set a higher bail amount. The Judge can also impose other conditions such as entering a treatment program, installing an ignition interlock device installed on your car, and/or electronic alcohol monitoring.



"I will personally represent you at the DMV hearing and in court."

-Vincent John Tucci

Pre-trial Conference

Post-arraignment, we will schedule a future court appearance known as a pre-trial conference with the Prosecutor assigned in your case. A pre-trial conference is conducted prior to trial to discuss a variety of options for resolving your case. Like us, the State of California prefers to keep this case out of the courtroom. Offers of compromise are made and discussed in these conferences. There may be as few as a couple, or as many as a dozen pre-trial conferences, depending on a variety of factors.

Discovery

We request copies of all evidence and documentation the Prosecutors in your case have. This includes all State evidence from law enforcement, forensic labs, etc. We provide you with copies of some, if not all, evidence and findings soon after our receipt. Your review of these materials can be critical to assessing the validity of the State's case against you.

There may be several appearances and it may take months before we secure all significant evidence.

Examination of all evidence is crucial for us to have an informed opinion regarding the strength of your case. This directly affects our defense strategy.

Pre-trial Motions in Court

Before a trial, our firm may file



There is always someone who can do it cheaper.

pre-trial motions to challenge the admissibility of the Prosecutor's evidence. Successful motions can result in the dismissal of evidence and possibly the dismissal of your case. With motions, we can challenge why you were stopped, move to strike any prior DUI cases, verify whether or not an officer has any negative history in his/her past, etc.

Some of the evidence that could be excluded as a result can include; blood or breath test, the results of some or all of the field sobriety tests, and/or adverse statements you may have made.

Successful pre-trial motions may compel the prosecutor to make an advantageous plea-bargain offer, possibly resolving your case without a trial.

Jury Trial

Should your case go to trial, Vincent John Tucci will represent you every step of the way with a carefully crafted, strategized, factually-based, and aggressive defense. We have all of the evidence and a clear idea of the tactics the Prosecutor will use in an attempt to convict you. There will be rigorous cross-examination of State witnesses. We may subpoena several witnesses to support your case and we will make every attempt to challenge all evidence. Our goal in the jury trial is to create reasonable doubt as to the validity of the charges in the minds of the jurors. This reasonable doubt will result in a courtroom victory.

The jury trial process can be a lengthy one, typically lasting 4 to 10 days. Our first tactic at the commencement of your trial is to issue *motions in limine* to exclude/preclude or limit evidence. These are heard and the judge makes a decision based on merit.

“Rigorous cross-examination is the engine for truth.”

-Vincent John Tucci



The jury selection or *voir dire* process begins. In California, we have twelve person juries and usually one or two alternate jurors as backup. All twelve must agree on a verdict to convict you. It takes only one dissenting juror to hang the jury rendering your case as a mistrial. Questions are posed to prospective jurors regarding their bias, prejudices, and fitness to stand as a juror in your DUI case.

As the trial begins, the Prosecutor and Mr. Tucci have the option of delivering opening statements. After the opening statement, the Prosecution will begin presenting evidence and calling their witnesses. Usually, the first witness is the police officer or officers that arrested you.

The next witness is often the technician who administered the breath or blood test. He/she is there to assert the validity of the evidence and the collection procedure. After that testimony, the State's Forensic Toxicologist will be called and questioned regarding the effects of alcohol on the body, field sobriety tests, objective symptoms, the tests, and the state rules for chemical testing.

Vincent John Tucci will have an opportunity to cross-examine each witness. Like a skilled surgeon operating on a patient to

to expose a problem, his cross-examination will expose false information, refute evidence, and create reasonable doubt. The People (Prosecutor) will rest after his/her last witness.

Mr. Tucci may or may not put on a case depending on many factors, including the defense strategy, effectiveness of his earlier cross-examination of witnesses, and the strength of the State's case. Should he call and question a witness, the prosecution can also question the witness or call another witness to rebut the testimony.

Closing and arguments from the prosecution and Mr. Tucci will then commence. After closing arguments, the jury will be sent to a private room to deliberate and attempt to reach a verdict. Jurors may pose questions for clarification, answers which may be argued in court.

The deliberation process will yield one of three outcomes; a guilty verdict, not guilty verdict, or an inability to reach a decision resulting in a mistrial.

Should it be a guilty verdict, the Judge will then render a sentence.

What We Are Doing For You:

- Mr. Tucci will make all DMV hearing & court appearances on your behalf.
- Copies of State evidence will be requested, reviewed, and the validity is assessed.
- Negotiations with the prosecution are conducted to avoid trial and discuss a favorable outcome for you.
- Subpoenas of witnesses are issued.
- Motions and requests are filed with the courts.
- Multiple defense strategies that take into account your case and specific needs are developed.
- Scheduling of all proceedings are handled.



Braden & Tucci Are Here To Help You

You will NOT have to go to court.

When a person is arrested and charged with a crime, California Law requires that the accused attend all court appearances. Your failure to do so will result in a warrant being issued for your arrest. However, if your case is a misdemeanor, as is the case with most DUIs, the law permits an attorney to attend all of the court appearances on your behalf. You won't have to miss time from work and you don't have to suffer the stress and anxiety of appearing in court alone.

It is quite possible that Mr. Tucci will be able to resolve your case to your satisfaction without you ever having to set foot in the courtroom.



Your choice of legal counsel is not a decision to take lightly.

The attorney you choose can mean the difference between excellent results or real complications. To be fully informed about your legal rights, call us. We are attorneys who will fight for your rights and not a DUI broker/dump truck who is just going to take your money and plead you out.

We will answer all questions, provide guidance, and aggressively represent you in both your court trial and at the Department of Motor Vehicles hearing.

Braden & Tucci will give your case the personal attention it needs. Your problem is our problem and we will handle your case as if it were our own. That is what we would expect and you shouldn't settle for anything less.

Evening and weekend appointments are available. We offer a free consultation and there is never a charge to talk to us.

You may reach us 24 hours a day, 7 days a week at:

(949) 872-2700

Testimonials From Our Clients



Just wanted to thank you in writing for your flawless work in court today for my DUI case. I've heard it before but today I got to witness first hand that district attorneys and prosecutors don't necessarily care about the truth or sometimes even evidence. What they care about the most is winning, regardless of the evidence or shady testimony of their key witnesses.

I can honestly say that if I did not have you as my attorney and advocate, the prosecutor would have minced me up and ground me to little bits of pieces. Your knowledge of the law and to effectively use that knowledge for the benefit of your client is in my opinion an art form and you have mastered it. I'm so happy that I trusted my instincts to retain your services. You did not let me down. Thanks again Vincent!

- Peter A.

Tucci obviously has a good working relationship with the Court and DMV, and is respected by their employees. With Vince Tucci's knowledge, tactics, rapport, and unyielding attitude, my livelihood was saved.

- A.C., Orange County CA Firefighter

Never in my life did I ever consider myself so lucky and I count my blessings for the opportunity to meet and know Tucci. Tucci is extremely professional and on point. He is also very comfortable to be around, as if I've known him my whole life. I trust and respect him very much.

- J.K., Los Angeles, California

I would recommend Braden & Tucci to anyone that I knew. Mr. Tucci fought for my case above the call of duty.

- M.G., Long Beach, California

I WANTED THE BEST AND THAT IS EXACTLY WHAT I GOT!!! When I heard the judge say CASE DISMISSED I knew that choosing you was the best decision I have ever made. You were up front and honest with me, you fought for me like I would have fought for myself, making sure to exhaust every possibility to help me with my case. I had a .17 breath alcohol result and I thought there was no way I was going to keep my license, let alone get all of my charges dropped. I don't know how you did it, but I do know that you are AMAZING. Before I hired you, I called a few other attorneys and they told me there was no way I could keep my license, and they are right if I would have hired them...

THANK YOU SO MUCH!!!!

- Jessica G. - Huntington Beach, CA

I had a .28% blood alcohol level, traffic accident and a hit and run. Not only was my case settled quickly and professionally by Mr. Tucci; the sentence was greatly reduced and two of the three charges were dismissed. I am forever grateful to Mr. Tucci! I have my life back, I can finally focus on my job and my kids.

- M.H. Anaheim, California

You knew how scared, worried and upset I was and when you told me to not worry about it and focus on my job & classes, I knew I was in good hands... I know I was looking at jail time and a huge fine & possibly losing my license for a year. I didn't want to get my hopes up because I was preparing myself for the outcome which I thought would be at best, house arrest, a big fine and an interlock device on my car. I honestly couldn't be happier with how it worked out. When you told me that you were able to work out the deal you did with community service & a small fine, I was speechless. You are truly amazing and I am so thankful that I hired you to represent me.

- Sincerely, D.L., Lake Forest, California

On behalf of my daughter and our family, we are sending our sincerest appreciation to you and your legal team for taking a difficult case against a young minor and obtaining a dismissal of the DUI charge.

Thank you for giving 110% in fully representing the interests of my daughter throughout this heart-wrenching legal process. You and your legal team did magnificent work in representing her.

- Glenn H.

Mr. Tucci is without question the best DUI attorney in Southern California, but what impressed me the most was how well respected he is by the judges and the DAs in LA county.

- D.M., Riverside County, California

Braden &Tucci, A Professional Law Corporation
82 Discovery
Irvine, CA 92618



C.D., Huntington Beach, August 2018.
“For a year now I have been working my case with Mr. Tucci and today was finally the end of my trial with the ending result that we wanted and got the justice I deserved. What an all around great man. He's a fighter, passionate about his career and caring for his client. Going to trial is tiring, emotionally draining and worrisome but he made this experience for me much less than that. I will forever recommend him to others. Thank you again Mr. Tucci for believing in me, my case and for fighting nonstop for justice.”

Serving All Of Southern California

10 DAY DMV DEADLINE
OPEN IMMEDIATELY
IS HERE!
THE HELP YOU NEED

