# How Does a Drunk Driver's Criminal Case Affect Your Georgia Injury Claim?

## The DUI Prosecution and the Injury Claim Run on Separate Tracks, but One Can Strengthen the Other

A drunk driver's criminal case and your Georgia injury claim are two separate cases. The state prosecutes the DUI to punish a crime. Your drunk driving accident claim seeks money for your injuries, and you control it. The outcome of one doesn't decide the other, but the criminal case can affect your deadline, your evidence, and what a jury hears.

Gary Martin Hays explained the split in a short video. "District attorneys, the solicitors, they pursue the criminal charges, but we pursue on the civil side what are called punitive damages," he said.

The Georgia drunk driving accident attorneys at Gary Martin Hays, LLC follow the criminal case closely while building the injury claim. A guilty plea, a blood test result, or testimony at a hearing can all become part of the civil case.

**Quick Facts**

- **Two Cases, Two Burdens of Proof** – Prosecutors must prove guilt beyond a reasonable doubt, while an injury claim only has to be proven by a preponderance of the evidence.
- **The Deadline Can Be Paused** – For crime victims, Georgia tolls the injury lawsuit deadline while the prosecution is pending, for up to six years.
- **A Guilty Plea Can Be Used** – A DUI guilty plea can generally come in as evidence in the civil case, but a nolo contendere plea generally can't.
- **No Cap on Punitive Damages for Impaired Drivers** – Georgia's usual $250,000 punitive damages cap doesn't apply when the driver was under the influence of alcohol.
- **An Acquittal Doesn't End the Claim** – A not-guilty verdict or dropped charge doesn't stop the injured person from proving fault in civil court.

### Why the Criminal Case and the Injury Claim Are Separate

The criminal case belongs to the State of Georgia. The injured person is a witness and a victim, but not a party, and the prosecutor decides whether to offer a plea deal or go to trial. Any fine or jail time goes to the state, not to the person who was hurt.

The civil claim belongs to the injured person. It's usually made against the drunk driver's liability insurance and, in some cases, against others who share responsibility. Gary described the two goals the firm pursues on that side. "If a client of ours has been injured, we seek two things. One, compensation, and two, punishment," he said.

By compensation, he explained, he means damages “for their medical expenses, for their lost wages, and we also look for money for their pain and suffering.” Punishment comes through punitive damages, which only the civil case can award.

### Does the Criminal Case Pause the Deadline to Sue?

It can, and that’s one of the least-known rules in Georgia injury law. Under O.C.G.A. § 9-3-99, the deadline for a crime victim’s tort claim is tolled from the date of the crime until the prosecution becomes final or otherwise ends. The pause can’t exceed six years.

The Supreme Court of Georgia confirmed in *Beneke v. Parker* that traffic offenses count as crimes for this purpose. That means a pending DUI or reckless driving charge can extend the usual two-year deadline for an injured victim.

The rule has limits. In *Sachy v. Allen*, the Court of Appeals held that family members bringing a wrongful death claim aren’t “victims” under the statute, so the tolling rule didn’t extend their deadline. Families pursuing a wrongful death claim after a drunk driving crash shouldn’t count on extra time. Even injured victims are safer filing within two years rather than relying on tolling.

### How Each Criminal Outcome Can Affect the Civil Claim

Many DUI cases end in a plea, and the type of plea matters in civil court. Georgia law treats a nolo contendere plea differently from a guilty plea. Here’s how common outcomes may play out in an injury claim.

| Criminal Case Outcome | How It Can Affect the Injury Claim |
|---|---|
| Guilty Plea to DUI | Can generally be admitted as evidence and can support a punitive damages claim |
| Conviction at Trial | Testimony, test results, and exhibits from the trial can help prove fault |
| Nolo Contendere Plea | Can’t be used as an admission of guilt, so fault has to be proven with other evidence |
| Plea to a Lesser Charge | The facts of impairment can still be proven with test results and witnesses |
| Acquittal or Dismissal | Doesn’t bar the civil claim, which uses a lower burden of proof |
| Case Still Pending | Can extend the filing deadline for the injured victim, but evidence gathering shouldn’t wait |

Under O.C.G.A. § 17-7-95(c), a nolo plea "shall not be used against the defendant in any other court or proceedings as an admission of guilt or otherwise or for any purpose." In *Holt v. Grinnell*, the Georgia Court of Appeals applied that rule to keep a drunk driver's earlier nolo pleas out of the punitive damages phase of an injury trial. A guilty plea doesn't carry the same protection, which is why the plea a driver chooses can matter to the victim.

## Punitive Damages When the Driver Was Impaired

Punitive damages aren't meant to pay for an injury. They're meant to punish and deter. Gary put it this way: "These are damages the law allows us to not only punish the drunk driver, but to deter them from getting behind the wheel after they've been drinking down the road."

In most Georgia cases, punitive damages are capped at $250,000. Under O.C.G.A. § 51-12-5.1(f), that cap doesn't apply when the defendant acted while under the influence of alcohol or drugs to the point that judgment was substantially impaired. Punitive damages after a drunk driving accident still require clear and convincing evidence, so test results and officer observations matter.

"Juries do not like it when people get behind the wheel and drive while they are under the influence of alcohol, and their verdicts reflect this," Gary said.

## Evidence the Criminal Case Can Produce

Police and prosecutors gather evidence that an injury victim couldn't easily collect alone. That evidence can be requested and used in the civil claim, often after the criminal case moves forward.

- **Breath or Blood Test Results** – Chemical tests show the driver's alcohol concentration and can support both fault and punitive damages.
- **Field Sobriety and Dashcam Video** – Patrol car and body camera video can show the driver's speech, balance, and behavior at the scene.
- **Officer Testimony** – The arresting officer can describe the odor of alcohol, admissions the driver made, and open containers.
- **Bar or Restaurant Receipts** – Records of where the driver was drinking can point to a dram shop claim against the business in limited situations.

Some evidence also comes from the civil side alone. Medical records, wage records, and testimony about how the injuries changed daily life prove the damages, which the criminal case never addresses.

## A Hypothetical DUI Case on Two Tracks

Picture a nurse driving home from a night shift in Fayetteville when a pickup crosses the center line and hits her car. The pickup driver blows a 0.14 on a breath test and is charged with DUI. She suffers a broken pelvis and misses four months of work.

Her injury lawyers can build her claim while the DUI case moves through state court. If the driver pleads guilty, that plea can support her punitive damages claim. If he pleads nolo contendere instead, her lawyers can still use the breath test, the arrest video, and the officer's testimony to prove the same facts.

## Drunk Drivers Should Answer for the Harm They Cause

"Drunk drivers anger me because they get behind the wheel voluntarily after drinking," Gary said, "and they endanger not only themselves, but everyone else on the highway, the innocent motorist. This has to stop." A criminal sentence is one consequence. A civil verdict that covers every loss is another, and it's the one that helps the person who was hurt.

Hurt by a drunk driver in Georgia? Schedule a free consultation to learn how the criminal case may shape your claim. With our No Fee Guarantee, you won't pay anything unless we win, and we can start gathering evidence while the DUI case is still pending.