

Police Allow McNair To Walk Away From DUI Stop

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NASHVILLE, Tenn. - NewsChannel5 Investigates took a closer look at the Sahel Kazemi DUI arrest and whether McNair received special treatment.

Days before the shooting Metro Police arrested Kazemi for DUI. McNair was a passenger in the car, but he was not arrested.

Tennessee law state you can be arrested for allowing a drunken person to drive your car. If you hand over the keys you can still be charged. Attorney David Raybin said plenty of car owners, who weren't even driving, have been arrested for DUI in Nashville.

"That routinely results in a DUI arrest in Nashville," said Raybin.

When police pulled over Kazemi on Broadway Thursday morning with Steve McNair in the passenger seat, police let him go.

"No I think the officer acted appropriately in that circumstance," said Raybin.

Raybin said the officer acted appropriately because McNair was not the only owner of the vehicle. The 2007 Cadillac Escalade was jointly owned by McNair and Kazemi.

"She was a co-owner. So she had every right to drive the vehicle and give herself permission to drive the car," said Raybin.

Metro police have arrested McNair before. Five years ago he was shown taking a field sobriety test. His blood alcohol level was double what the law allows, but a judge threw out the case ruling the officer did not have probable cause to pull McNair over in the first place.

Officer Shawn Taylor made that stop five years ago and he stopped them last Thursday.

"He acted appropriately in this particular case by not arresting Mr. McNair," said Raybin.

Kazemi was 20-years-old and not old enough to legally to drink. The arrest report stated she admitted to drinking eight hours earlier. Raybin said McNair bears no responsibility for her actions. "She was not under 18. She was an adult, and there is no such crime as contributing to the delinquency of an adult," said Raybin.

If Kazemi had not been part owner of the car, McNair could have faced a DUI charge, but because it was part hers, McNair was not responsible for her driving.