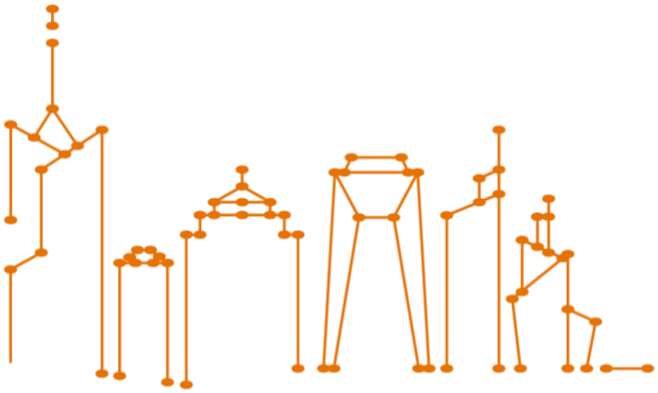

ATX.LEGAL

2023 Travis County DWI Guide

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How to Use This Guide

Not a Substitute for Real Legal Advice

The first thing you need to know is that this guide is for educational purposes only. It is not legal advice. It does not take into account facts that are specific to your situation. Every single case is different, and must be treated differently. This guide is **NOT** a substitute for a lawyer. If you or a loved one has been charged with a DWI, you should seek the opinion of an attorney. ATX Legal offers zero-cost consultations by phone or zoom. If you would like to schedule one, you may call 512-677-5003 or visit atx.legal.

Written for Regular People

In this guide I discuss general principles, but it is not meant for lawyers. It is meant for someone who has been charged with DWI, or their friends/loved ones who are helping them through the situation. So, while it's important for me to understand Daniel vs. State (03-20-00519-CR) - a 2021 case that found that crossing into another lane in a safe manner is not enough probable cause for a traffic stop – it is not going to apply to a lot of people and won't be discussed in this guide. I'll leave that sort of talk for law nerds like myself.

Focuses on Practical Solutions

With this guide, I attempt to focus on real practical issues that come up over and over. Things like: is my license suspended? When will my court date be? How long will this process last? Will it show up on my criminal history when I apply for a job? If you have specific questions like these, check the table of contents - there might be an answer in there. If not, you can always set up a consultation.

For many, a DWI is their first experience with the criminal justice system. Many have no idea what the expectations are. Hopefully, this guide will get rid of the mystery and alleviate some of the stress that is associated with the unknown. It is also intended as an introduction to atx.legal, and the services that we can provide as your criminal defense attorney, should you decide to hire us. We are always a phone call away: 512-677-5003 during business hours. Or text the same number after hours for jail release.

DWI Charge and Arrest

The DWI arrest usually begins the legal process. There are situations where a person is charged, a warrant is issued and the arrest happens later, but this is not common. Typically, the DWI charge and arrest occurs at the same time. It is usually a warrantless arrest, which does have some implications later on in the process.

The first thing to consider is – how did your vehicle catch the attention of the police? Perhaps you were swerving. Perhaps you ran through a stop sign or were speeding. Police only need to observe a class C traffic violation to initiate a traffic stop. Often, police are patrolling an area (like 6th street on a Friday night), where they know people will be drinking. They will then pull over vehicles they see commit a minor infraction, because they know there is a good chance the driver has been drinking. These are called "pretextual stops". The police aren't really trying to catch someone speeding; they're trying to catch a DWI, but courts allow this kind of behavior as long as there is any legitimate reason for the stop.

Another common way to catch the attention of police is to be involved in an accident. Whether it is a single car accident or there is another vehicle involved, police are going to investigate a crash. They will often suspect alcohol immediately and investigate all involved drivers for DWI.

A third way drivers catch the attention of police is by simply falling asleep in their car. This could be in a parking lot, the middle of the road, or even your own driveway. Even though you might not be breaking any laws by sleeping in your car, police still have the right to approach and do a "wellness check" – basically to make sure you're ok. Sometimes these vehicles are reported in 911 calls by concerned neighbors or business owners. For a DWI to be charged, you must be "operating" the vehicle, but Courts have found that even having the car running with the heater on is enough to satisfy this requirement.

Once the police have the right to initiate contact because of one of the reasons above or some other event that gives them probable cause to approach, they can begin a DWI investigation only if they have reason to suspect intoxication. This could be because of any number of reasons – like odor of alcohol in the car or on the breath, empty containers, slurred speech, admission of drinking, etc. Even if you say "I had one beer 3 hours ago", this can be enough to begin a DWI investigation. Usually, it's best not to make statements at this stage.

Stages of a DWI investigation

There are 3 stages of a DWI investigation. Vehicle in Motion, Personal Contact, and Prearrest screening. Each will be discussed below.

Vehicle in Motion

In DWI cases that begin with the police following a vehicle, the first stage of a DWI investigation begins with the officer observing signs of intoxication based on driving. For example, is the car swerving, crossing the yellow line, speeding, following too closely behind another vehicle, or doing anything reckless? The officer has a wide latitude here as almost anything can be viewed as a sign of intoxication. To give an example, driving too fast AND driving too slow are both "signs" of intoxication.

From the attorney's perspective, we usually view this stage with probable cause in mind. That is – did the officer have probable cause to make the stop. This will be handled in more detail in the section on pretrial motions. For the purpose of this section, just keep in mind that the DWI investigation begins even before you have been pulled over.

Personal Contact

This stage of the investigation occurs when the officer approaches the vehicle and speaks to the driver. The officer will observe the behavior of the driver and inspect whatever is in plain sight in the vehicle. They will ask the driver if he/she has been drinking, where they are coming from/going, etc. They will often ask – "Without looking at a clock, what time is it?" The reason for these questions is to look for evidence of intoxication.

If you've had any alcohol, it's usually best to politely decline to answer. The officer will often frame the question as one you *must* answer, but this is not true. You have the right to not speak to police. If you have not had ANY alcohol, it can be ok to answer DWI-related questions, but tread carefully here. Even without alcohol, police can charge you with DWI if they suspect that you have ingested drugs, **including prescription drugs.** More on that in the section on drug DWIs.

Pre-arrest Investigation

The Pre-arrest investigation is where the standard field sobriety tests (SFSTs) come in. Once again, you have the right to refuse a prearrest investigation. Often it is in your interest to do so. If the investigation progresses to this point, officers have often made the decision to arrest already. If you have had **ZERO** alcohol, it can be appropriate here to politely ask to proceed to a breathalyzer test. Otherwise, your best option is often to refuse to participate. This almost certainly guarantees arrest, but this way you do not create additional evidence that could hurt you in court.

The SFSTs include a gaze nystagmus test, the walk-and-turn, and the one-leg-stand, the Romberg Balance test. They can be thought of as "DWI theater". They are not pass/fail so much as an attempt by the officer to gather as much evidence as possible that a person is intoxicated. With each test, the officer is looking for "clues" of intoxication. For most of the tests, a sober person would often demonstrate enough clues to justify a DWI arrest.

Each test will be discussed in turn below, and if you have already gone through with these tests in your case, just think to yourself how would it look when the video of the test is shown to the jury. Consider also that while these tests are designed in sterile conditions, they are administered in the elements – wind, rain, cold, uneven surfaces, irritable cops, and bad shoes can all have an effect on these tests. And police officers are often looking for any excuse to arrest. They usually won't give you the benefit of the doubt.

Gaze Nystagmus Test

The nystagmus test is the one where the officer holds an item like a pen in front of the driver's face and asks them to follow it with their eyes, not their head. The officer isn't trying to see how well you can track the pen. Instead, he is looking for a "jerkiness" of the pupils – an involuntary affect of drinking alcohol. The common form is horizontal nystagmus (side to side). Less common is vertical nystagmus (up and down), which can occur at high levels of intoxication, or with certain drugs.

The important word here is involuntary. If you have nystagmus, there's nothing you can do to make your pupils act smoothly. It's just a biological phenomenon. For this reason, it's best to simply refuse the test if you've been drinking at all. There's also another reason to refuse. The bodycams worn by the officers are not typically good enough to show nystagmus. Therefore, the officer might claim to find nystagmus whether it's present or not.

The Walk and Turn

You would probably "fail" the walk and turn test even if you're sober. The officer asks you to take nine "heel-to-toe steps", do a little pirouette, then take nine "heel-to-toe steps" back. You might think he's asking to see if you can walk a straight line, but the officer will count it against you if you simply don't follow all the instructions by, say, taking 8 steps instead of 9 or not turning correctly. Additionally, for many people a knee or leg condition might make this test difficult even when sober. The officer will ask if you have a condition, but may not believe you when you answer in the affirmative. It almost always best to refuse this test also. Seeing a trend?

The One Leg Stand

For the one-leg stand, the officer asks you to lift your leg in front of you while you hold your hands at your sides for 30 seconds. This is another one that many people will not be able to do when completely sober. Also, it may be your natural inclination to hold your arms out for balance, but this will count against you. Also swaying or putting your foot down will count as a "clue". Because such a high percentage of sober people would fail this test, it is (intentionally) flawed and designed for people to fail. Once again, best to avoid it.

Romberg Balance Test

The last test I will discuss is sometimes used in Travis County but not always. For the Romberg Balance test, the officer asks you to tilt your head back, close your eyes, and estimate 30 seconds. This is in contrast to the other tests where the officer is the one keeping the time. For this reason, a person may continue with the test until the officer says to stop, and this will be counted as a "clue" of intoxication. The Romberg test is simultaneously testing balance and the ability to gauge the passage of time. As with the other tests, you guessed it, it's best to politely refuse.

BAC Test (Breath or Blood)

Usually at the conclusion of the prearrest investigation, you will arrive at the most crucial point for gathering evidence of intoxication. That is the blood or breath test for Blood Alcohol Content (BAC). If your BAC is above .08, this is enough on its own to count as intoxication for the purpose of DWI. Note that an officer can find that you are intoxicated *even if you are below .08*, but have consumed any amount of drugs or alcohol. The officer will typically first offer a preliminary breath test of PBT. Although the PBT is not admissible in court, it can serve to bolster probable cause for the arrest and will be viewed by the prosecutor during plea negotiations.

As mentioned previously, it can be ok to agree to a PBT if you have had no alcohol that day. However, if you have had any amount, it's usually best to refuse. You are probably not a good judge of whether or not you have had "too much".

After the PBT test – if you refuse or fail, the officer may ask for a second specimen of breath. For this specimen, the officer will read you a warning that if you refuse or fail the test, your license could be suspended. This test **is** admissible in court. If you failed the PBT previously, you should definitely refuse the second test.

If you refuse to offer a breath specimen, officers will often seek a blood draw warrant. For a long time, there was ALWAYS a magistrate on hand in Travis County ready to sign a blood draw warrant. This evolved from "no refusal weekends" to basically 7 days a week. Recently, this trend has reversed somewhat. Although there is usually a magistrate to sign a blood draw warrant, it is not always the case. If there is no judge to sign a warrant, the police will not have the right to draw blood. In that case, they may still arrest for DWI, but the prosecutors would need to move forward without a test showing BAC. This can be extremely helpful for defense in plea negotiations and trial.

Another factor to keep in mind is that officers must show intoxication when a person is operating a motor vehicle. Blood alcohol content is continually going up and down. Just because BAC was over .08 the time of the test, does not mean it was that high when the driver was operating the vehicle.

As discussed previously, a .08 BAC is enough for intoxication. A BAC of .15 can bump it from a class B to class A misdemeanor with higher maximum penalties, and other hassles such as a required ignition interlock device while on bond. While an extremely high BAC (above .20 or even .30) does not technically increase penalties in the eyes of the law, the prosecutor can and will factor in an especially high BAC when negotiating a plea or deciding whether to take a case to trial.

Bond and Jail Release

Booking

The first step after any DWI arrest is getting out of custody. After an arrest in Travis County, a person is taken downtown to the Travis County Jail at 500 West 10th Street. After being booked in, he or she will wait to be "magistrated" by a judge. This is the process whereby a judge reads the charges and rights to the arrestee and sets bond. Magistration happens a few times per day in Travis County.

Waiving Magistration

One advantage to hiring an attorney at this stage of the process is that an attorney can explain these rights to the defendant and waive the magistration process. This would allow a person to be released sooner since he or she is not waiting for the judge to complete the magistration process. Waiving magistration can sometimes save 8 hours or more time in custody.

PR Bonds

A Personal Recognizance (PR) Bond is usually the preferred way to be released because you can avoid paying money to a bondsman. Except for a small fee, it is a "free" bond. You would only owe the amount of the bond if you miss court and the bond is revoked. Judges will often grant a PR bond for a misdemeanor DWI even without an attorney. Sometimes, the Magistrate will not grant a PR bond, but an attorney can advocate for his client and bring mitigating factors to the attention of the judge. So, even if a PR bond is denied initially, a lawyer can sometimes change that decision.

There are some cases with "bad facts" that will cause a judge to deny a PR bond. For example, if there was a collision with injuries to a third party, a judge may be less likely to grant a PR bond. Likewise if there is a breath test that is extremely high, it can cause the judge to deny the PR bond request. In these situations, the options may be to pay a bondsman or hire an attorney to change the judge's mind.

Cash and Surety Bonds

In cases where a PR bond is denied, one option is to go through a bondsman for a surety bond. A bondsman requires a fee, usually 10% of the amount of the bond. You do not receive this money back even if you attend all your court dates. Sometimes, bondsmen require a cosigner – someone who promises to pay the full amount of the bond if it is revoked by the Court and has the resources to do so. ATX Legal does not endorse any specific bondsmen. There are a number of them located around the courthouse that are available 24/7. We recommend calling several to find the best offer.

If you have the means to post the full amount of the bond, you may do so in cash. In this case, you will receive the money back after your court obligations are done. To post a cash bond, you would go to the booking desk at the Travis County Courthouse next to the jail. They accept exact cash, cashier's check or money order. No personal checks. If it has been several days since the arrest, the person may have been transported to the Travis County Correction Center in Del Valle. If that's the case, the cash bond needs to be posted there. Call 512-854-4180 to find out where he or she is housed.

Bond Conditions

The judge can impose any condition on your bond to keep the community safe or to limit risk of flight. Not all misdemeanor DWIs will have these conditions. It is up to the discretion of the judge. If the judge imposes a condition and you break it, your bond could be revoked, and you can end up back in custody.

For DWIs, the most common condition is a device to prevent drinking and driving. There are 3 types of devices used in Travis County. The Ignition Interlock Device (IID), the Portable Alcohol Monitor (PAM) and the Secure Continuous Alcohol Monitor (SCRAM). In some cases, these conditions may be removed early if they are no violations for a period of three months or so. Additionally, time with the IID or other device where there are no violations can aid in plea negotiations and even be counted toward a condition of probation.

Ignition Interlock Device (IID)

This is the most common. It is a device that attaches to your vehicle. You must blow into it and get a reading of no alcohol, or the vehicle won't start. Sometimes, you will also need to blow again while driving. It is installed by a vendor (see the resources section for a list) and you must take the vehicle in periodically to get it "calibrated", which means they take a reading to see if there were any violations. The cost of the IID varies among vendors, but is approximately $75 per month, plus an installation fee.

Something to watch out for: occasionally the installation is bad and the IID will drain the car battery. This is an unfortunate reality and the burden of the cost falls on the defendant. Also note - the condition is placed on the defendant, not the vehicle, meaning that the person is not allowed to drive any vehicle not equipped with an IID. This can sometimes be an issue if a person drives a vehicle for work.

By law, the IID is required as a condition of bond for people charged with their second or later DWI, as well as first time offenders with a BAC over .15 (class A misdemeanor) and anyone under 21. Note, that BAC blood test results can take months. If the test later comes back over .15, the prosecutor will typically petition the court to add IID as a condition of bond even if it wasn't previously a condition.

Portable Alcohol Monitor (PAM)

If a person does not own a car or the car is not in a driveable condition, a PAM device can replace the IID. A PAM is a handheld device that you can carry with you. You must blow into the PAM on a schedule or else you get a violation.

For many reasons, I do not recommend the PAM device. First, people inevitably forget to blow. It's human nature. With the IID, you must blow when you start the car. There's no schedule to keep. On the other hand, you have to be vigilant to keep a schedule with the PAM. You might have to try to inconspicuously take a break at work, or even set an alarm to wake up and blow into the device. It's a huge inconvenience. It also costs more than the IID. For these reasons, it is not recommended.

Secure Continuous Alcohol Monitor (SCRAM)

The SCRAM device will sometimes be ordered if a person has numerous violations with the IID or in other severe cases. I've even seen a felony DWI where a judge ordered IID and SCRAM together, but that is exceedingly rare. The SCRAM device fits around the ankle and continuously monitors for alcohol on the skin. It can't get wet, so you have to be careful in the shower. It can generate false positives for any body or cleaning product that contains a little bit of alcohol. It can sometimes cause a rash on the skin. It's also very expensive, coming in at around $400 per month.

Doesn't sound great, right? There's only one situation where I would recommend it. If you've lost your job, or otherwise are having financial trouble, the court can order that the County cover the costs of the SCRAM. This County-pay option is not typically available for the other devices. Other than that very specific situation, I will fight to keep the SCRAM off of my client's ankles. In severe cases (felony or misdemeanor with multiple IID violations), it's sometimes the only option to avoid custody. In these cases, I will usually petition the Court to remove the SCRAM if my client goes several months with no violations. Keep in mind that the SCRAM is always monitoring, so a person cannot drink any alcohol at any time – not just while driving.

Conclusion

When you're in jail, getting out is going to be the first priority. For misdemeanors, hiring an attorney at this point in the process can speed things up and sometimes lessen the burden of conditions once released. For felonies, it can mean the difference between getting released quickly, or waiting weeks or months in custody while the case is resolved. If you or a loved one has been arrested for DWI and is currently in custody, you can call 512-677-5003 or visit atx.legal.

Driver's License

A DWI messes with your life in a lot of ways, and one big way is with your Driver's License. This section discusses the consequences of a DWI on your driving privileges.

License Confiscation

If you refused or failed the breath test, it's likely that the police confiscated your driver's license. **Many people think this means that their license is already suspended, but this is NOT the case**. However, it will be suspended automatically if you don't take action. In the meantime, you are ok to drive and even go to the DMV for a replacement license if needed.

ALR Hearing

You have 15 days from your arrest to request an Administrative License Revocation Hearing (ALR hearing). This hearing determines whether your license will be suspended. This is a strict deadline and if you miss it, your license will be AUTOMATICALLY suspended after 40 days. Your lawyer can request this hearing for you. If you do not have a lawyer, you can request your hearing here:

ALR Request

Make sure to save the email confirmation you receive in case DPS loses your request. This can and does happen!

The ALR hearing is a civil matter that is separate from the criminal case. The police only need to show probable cause for the stop and the DWI investigation. Sometimes my clients will ask why the case against their Driver's License is suspended even after the DWI is dismissed. But, they are in different courts and the result in one case does not affect the other. Depending on the exact circumstances of your DWI, the ALR suspension can last from 90 days (for a failure) to 2 years (for a second refusal).

Even after requesting an ALR hearing, there is still a good chance your license will be suspended. But, it is still best practice to request the hearing anyway, because it accomplishes three things.

1) You force the state to show probable cause for your DWI arrest. They also must prove that they read the statutory warning to you correctly, and that you actually did refuse or fail the breath test. If they cannot show both of these things, your license will not be suspended. In reality, these are usually easy for the state to show, but the ALR hearing is still worthwhile, for the reasons below.
2) You can subpoena and question the law enforcement officer who arrested you and conducted the DWI investigation. If the officer that conducted the initial stop is

different from the officer conducting the DWI investigation, you can subpoena both. Questioning the officers is a form of discovery. You can pin down the officer to certain testimony and find out more of what happened from the officer's perspective. You can see how the officer performs under cross-examination. The ALR hearing is on the record and you can request a transcript of the proceeding. The information you gather can sometimes help with pretrial motions or the trial phase of the criminal case.

3) You can buy yourself some time to sort out your driver's license. Most of us rely on our ability to drive in our daily life. If that right is going to be taken away, we need to plan for it. You can either make arrangements for other modes of transportation or acquire an Occupational License (discussed next). By requesting an ALR hearing, you buy yourself at least a month or two. Additionally, you are statutorily entitled to one continuance to set the hearing off for another month or so. This will give you the time you need to make other arrangements and prepare for an ODL if necessary.

The Occupational License (ODL)

If, after the ALR hearing, your license is suspended, you can apply for an Occupational License, which looks and functions almost exactly like a regular drivers license, with a few exceptions. You can only drive in the counties you request, and you can only drive for a 12-hours per day (usually something like 8:00 AM to 8:00 PM, but this can be flexible.) You can only drive for certain purposes, such as work, household duties, church, etc. These reasons can be flexible as well, but unless you're working in the bar district, you're not going to be able to drive down 6th street late on a Friday night.

1) Do I qualify for an ODL?

To qualify, you cannot have had more than 2 ODLs over the past 10 years. Your license also cannot be suspended due to a medical reason that prevents you from driving. Most people charged with a DWI will qualify for an ODL. You can check whether you are eligible at the following website:

Texas Driver eligibility

2) What do I need to do for my ODL?

You don't need an attorney to handle your ODL petition. However, if you have hired atx.legal to handle your DWI, we include the ODL petition with attorney fees. You will still need to cover court costs (about $500 - see fees section below.)

You will need to prepare the following when applying for your ODL

Petition and Proposed Order.

This is a petition that you file with the court. If you are charged with a DWI, it must be filed in the court where your DWI is pending (even though it is a civil matter it is filed in criminal court.)

Driving record (Type AR - $20 fee).

You must order a certified abstract of your driving record. You can request this online. The link to order your license is:

Texas Driver's License Manager

SR-22.

The SR-22 is a document provided by your insurance company. It is simply a document that confirms that you have valid liability insurance, but courts will not accept the standard proof of insurance. It has to be an SR-22. Not all insurance companies provide an SR-22. Also, it can sometimes be beneficial to use an additional insurance company just for the SR-22 so that your current carrier does not raise your rates.

Fees

You must pay a number of fees for your ODL.

1) filing fee with the court (about $350)
2) DPS Reinstatement fee (usually $125, but can be more in some circumstances)
3) Certified Copies of the petition and order (approximately $35)
4) ODL fee ($20 for 2 years)

Commercial Driver's License (CDL)

The effects of a DWI on a CDL can be severe. When your license is suspended following an ALR hearing, you can get an Occupational License for day-to-day driving, but there is nothing comparable for a CDL. Your CDL is going to be suspended, and if you rely on it for work, it's going to be a big problem.

Also, if convicted, the DWI is a disqualifying event, and a second DWI can prevent you from getting a CDL for life. Additionally, even if you are still eligible for a CDL, a DWI is going to make it challenging to get any job that requires driving a truck.

DIY Option

ATX.legal no longer handles ODLs on their own, but it is included in attorney fees for the DWI. Want to do it yourself? This site can help:

Texas Law Library

Discovery and Motions to Suppress Evidence

"Discovery" means all the evidence that the prosecutor turns over to the Defense. In Texas, they do not have to only turn over exculpatory material. They have to turn over almost everything they have (with a few exceptions). In DWI cases, the discovery usually consists of three main components. The Offense Report, video - dashcam and bodycam, and blood or breath analysis. The combination of these elements will have a lot to say about whether a case is strong or weak for the prosecution.

The Offense Report

This report prepared by the arresting officer will have a narrative of what occurred from the officer's prospective. This will typically include the initial stop, personal contact with the DWI suspect, and the DWI investigation and any other pertinent details.

The Offense Report is usually written in such a way as to support the prosecution. It is important to cross-check the report with the other evidence in the case, such as the dashcam video.

Bodycam and Dashcam video

This video, along with the BAC test if it exists, is the most important piece of evidence in most DWI cases. The video will usually begin a few seconds to minutes before the stop and will continue through the DWI investigation and arrest.

It will be shown to the jury in all trials, so when watching the videos, it's important to keep in mind what the average person would think when watching. Does the person seem drunk? Are they rude? Do they have trouble keeping balance? Are they slurring their speech? How was their driving? Did they swerve between lanes? Did they lead the police on a little chase before pulling over?

And this can work in the driver's favor as well. Does the dashcam actually show the initial violation that caused the stop to be initiated? If not, then why not? Was the officer rude in conducting the investigation? Did the investigation follow procedure? Does the officer's report exaggerate the clues from the Field Sobriety Tests? The answers to these questions, in totality, will help shape your case and help you determine whether it is a strong or weak case for the prosecutor.

Blood Alcohol Concentration (BAC) Test

Police can test your BAC with either a breathalyzer of a blood draw. A BAC over .08 means you are legally intoxicated. (Keep in mind, a reading below .08 does not absolve you

automatically – police can still prove intoxication in other ways.) A BAC over .15 bumps the severity of the DWI from a class B to class A misdemeanor, with bigger potential fines and penalties.

The officer on scene conducting the DWI investigation will request that you blow into a breathalyzer. If you have had any alcohol that day, you should not blow, even if you feel you are not drunk. Most people don't realize that .08 is a very low bar. Additionally, the test might not be accurate. For example, if you just finished a drink the test could show a BAC above .08 because of the alcohol in your mouth, rather than the amount in your blood stream (despite claims that this sort of false positive does not happen).

If you refuse, you might still be arrested. However, it is usually better not to give this type of evidence to the prosecutor. The officer might decide to approach a judge for a blood draw warrant. If they do this, a phlebotomist will draw your blood – usually in a room at the jail. A sample of the blood will be sent to the lab and tested. This process takes months, during which time your case will usually remain pending.

Sometimes, either due to lack of resources or laziness, the officers will not request a warrant, and will not get a blood sample even when a breathalyzer was refused. In these cases, prosecutors must go forward on the video and officer's testimony alone. These cases are typically weaker, and prosecutors are more likely to offer a good plea or dismiss.

Other Evidence

Sometimes there will also be 911 calls from people reporting bad driving. These can be damaging because they come from people with "no dog in the fight". Maybe there is damage on the car that seems fresh. Perhaps there are receipts showing the purchase of alcohol earlier in the night. Every case is different, so there may be additional evidence that doesn't fit into the above categories, but still does have a bearing on your DWI. The discovery material determines the strength of the case, which in turn has a direct effect on plea negotiations.

Motions to Suppress Evidence

If the police did not follow the law, the way to challenge it is to file a motion to suppress. This does not get the case thrown out, but it can exclude key evidence which will sometimes have the same effect of ending the case with dismissal.

Once you file a motion to suppress, you can set the motion for a hearing. In the case of a warrantless arrest (which is the case with most DWIs), the prosecutor has the burden of proving that the stop was legal. This means it is their job to subpoena the officer, or anyone else who they need to prove that the stop was legal. If they cannot locate the officer or to bring them to court, the motion to suppress evidence will typically succeed.

The possible issues at a motion to suppress hearing are numerous. Maybe the officer says you were speeding when you were not. Maybe there was evidence for the stop, but not enough evidence to begin a DWI investigation. In one case, I discovered that the Kyle Police Department included no procedures for inventory of a vehicle. Therefore, when they discovered contraband as part of an inventory search, they did not follow their own procedure and therefore the evidence had to be thrown out.

A motion to Suppress can end the case in a dismissal. It can also play a part in plea negotiations. Sometimes, if you agree to give up your suppression hearing, you can get favorable terms for your plea. Every case is different, but a Motion to Suppress Evidence will play a key role in many DWIs.

Plea Negotiations and Possible Outcomes

Since most DWI cases do not go to trial, plea negotiations are especially important. Depending on the exact facts or severity of the charges, plea negotiations will have different starting points. Sometimes the offers from the Defense and Prosecutor will "meet in the middle", while other times, negotiations will break down and we will set the case for trial. DWI Diversion Court, discussed below, is also a good option for many.

Starting Point for any case: Can we get a dismissal?

In every case, I look at the dismissal first. We can arrive at a dismissal in various ways. Is there a problem with the probable cause for the traffic stop or some other issue with the state's evidence? If so, I attack this element and push for a dismissal. A second way to push for a dismissal is if we have relatively mild facts. Perhaps the BAC level is barely over .08 or maybe there is no BAC reading at all. Maybe this is a first time arrest and there was no unsafe driving observed.

With these factors, I might ask my client to complete court-ordered classes before asking for a dismissal. In some cases, I might offer 6 months of IID. For many clients, it is worth the hassle of having an IID for 6 months if it means a clear criminal history. In other cases, we can offer a "class C refile", meaning you plea guilty to a traffic ticket, but the DWI is dismissed.

DWI Diversion Court – Dismissal with extra steps

Last year, the new County Attorney Delia Garza revamped DWI Court. In the past, it was an overly-burdensome, expensive process which I rarely recommended. Now that has changed, and I do recommend it to many clients. The end result is a dismissal, which is a great reward, but does come with some conditions.

DWI Court requires an application, and not everyone is accepted. Class A and B misdemeanors can be eligible, though second-time DWIs are not eligible. The BAC for class A misdemeanors must be under .20. Also, even minor collisions can keep you out of the program.

Once accepted, you will be required to install an IID (or PAM/SCRAM if no vehicle). These devices are discussed in more detail in the section on bond conditions. There may be community service requirements, though these were waived during the pandemic. You cannot receive a new criminal charge while on the program, or you risk being kicked out. The devices are burdensome, but in this case, the reward is usually worth it – a dismissal after 6-12 months with no violations.

Second Best – A dismissal (but not exactly)

If the facts are a little bit worse, but still mild, I might ask for a compromise. In these cases, we can ask the prosecutor to refile as "Obstructing a Roadway". It's milder than a DWI, but still a class B misdemeanor. Often, there is still probation involved. The upside is that the DWI is off your record. Note – a new interpretation of Texas law DOES allow you to expunge the DWI arrest even when convicted for Obstructing a Roadway.

The downside is that many people will look at the criminal history and guess exactly what led to the Obstructing charge. Still, an obstructing is not a DWI, and a number of consequences that go with a DWI conviction do not carry over to the Obstructing charge.

Next Option - Deferred Adjudication and Probation

With both probation and deferred adjudication, you will have to report to a Probation Officer (PO), pay probation fees (about $60 per month), perform CSR, take classes, and obey various other conditions depending on your charge. Additionally, you might need to spend time in jail as a condition of probation (ACOP). Importantly, days spent ACOP are not softened with the 2-for-1 rule. Instead, these are served "day-for-day". If you receive 10 days ACOP, you will serve all 10 days, but you do get credit for time already served. Another wrinkle that is specific to DWI probation is that it cannot be terminated early.

The biggest difference with a deferred adjudication as opposed to probation is that you do not receive a conviction. However, the benefit of deferred adjudication is somewhat limited because an expunction is not available. You can seal the record with an order of non-disclosure, but the arrest remains on your record for certain parties to see.

Conviction with Jail Time

Although many clients shy away from a jail sentence, it can sometimes be a good option to escape a lengthy probation with it's fees and conditions. Sometimes the jail sentence can be as short as one night in jail, which is basically a check-in and check-out. Although everything is on a case by case basis, for some clients, a short jail stay makes sense.

DWI "Superfine"

Anyone considering probation or a conviction with jail time should be aware of the DWI "superfine", which is $3000-6,000, and is mandatory for any "final conviction". Some judges will waive this fine for indigency, but you should discuss this with your attorney before accepting this plea. Whether this fine can be waived, and in what circumstances is very dependent on which court the charges are pending.

The Timeline and the Process

One of the first questions I often get from potential clients is – how long will the process take? For many people, a DWI is their first contact with the criminal justice system. The unfortunate truth is – justice is slow. The total process could take a year or more. In rare cases, I can wrap up the charge in a month or two. The average DWI can take between 9-12 months to resolve. If accepted into DWI Court, the process can take 4-5 months. Of course, there are a number of factors that go into it, and every case is a little different. First, let's go into the process. Why is it taking so long?

Lab Tests

One of the biggest holdups is lab tests. If there is a breath sample, we will get the result right away. If there is a blood sample, we might be waiting months. If drugs are suspected instead of - or in addition to - alcohol, the blood needs to be sent to a different lab and can delay things further. Typically, the prosecutor will not want to proceed before getting the lab results, as it will affect their plea offer.

Court Dates

In Travis County post-Covid, courts are far more lenient about in-person hearings. Although it is impossible to say whether this trend will continue, it has relieved a burden on many who are facing pending criminal charges. For many of my clients, they may be required to appear in court only for a plea – or they may not be required to come to court at all if we are able to get the case dismissed.

Keep in mind, if you have not hired an attorney, you will need to attend court in-person to speak to the judge about your plans to hire or get a court-appointed attorney if you qualify.

Always rely on your attorney to let you know if you need to appear. Travis County Court Administration will sometimes send text messages reminding my clients of court dates. This is a well-meaning attempt to keep people from missing court, but often leads to confusion. Many times my clients have received a text message about a court date that they do not need to attend, causing much stress and confusion. However, if you cannot reach your attorney and receive a text from the Court, you should heed it.

You can also check your case here:

Travis County Docket

If your next Court Date says "Appear", then you will need to be present. One caveat here - the information on the docket is not always up to date, so if there is any confusion, it is best to contact your attorney or the court a few days ahead of time.

Mitigation and Classes

You might be wondering – while we're waiting for the case to proceed, is there anything I can do to help my case? The answer is yes, most definitely! For almost every DWI plea – including dismissals – the prosecutor will ask you to complete DWI classes. This typically includes an "assessment" (2.5 hours), a MADD Victim Impact Panel (2.5 hours) and Education (typically 12 hours but can be more for class A and felony DWIs). These classes are typically part of you bond conditions as well, though many people overlook that. If you get started and complete these classes early, it can help a great deal with plea negotiations.

I recommend all my clients get started right away, because there is occasionally a waiting list to get started. The Assessment and MADD Panel are now virtual. As of this writing, the DWI classes can still be virtual or in-person, though I'm concerned that the virtual option may be taken away soon. A program like AA is not usually required, but if you are attending AA, be sure to get proof of attendance when you go.

Another way to help with plea negotiations is to maintain a clean IID – if you have one. IID violations can really hurt your case, but a stretch of clean IID reports can help very much. I don't typically recommend voluntarily adding an IID, but sometimes this can help you get to a dismissal and is worth it. However, if the IID is a condition, make the best of it, by being extra-careful to keep from having a violation. One way I have seen many get in trouble is if they drink the night before and still have a positive reading in the morning. Remember, ANY amount of alcohol is a violation – not just over .08.

Why do Plea Negotiations Take so Long?

It is usually not in your interest to take a quick plea. Occasionally, there is a pressing need to plea quickly because of employment, travel or some other reason. In these cases, I can press the plea process forward, but it can sometimes result in a less-favorable plea.

By waiting, we can often make the case that the DWI was a one-time mistake that won't be happening again. If the prosecutor sees that you are not a danger to society, we are more likely to get the deal we want. The passage of time itself helps to show that. However, I do listen to my clients and make the decision together to push forward quickly if needed.

Trial

Trial in DWI cases is unlikely. There are many reasons for this, but essentially it comes down to game theory. In negotiations, avoiding trial is often in the interest of all parties, so we can work together to make that happen. Prosecutors and judges want to clear their docket. Defense attorneys and their clients want to avoid the risk of a conviction. All parties want to avoid a lengthy trial that clogs their schedules. The result is that offers get made which are palatable to both sides. However, this is not always the case, and if the two sides reach an impasse, the case is set for trial.

Parties can agree on a bench trial where the judge decides the facts. This can sometimes get the trial set sooner since it does not have the complications of jury selection. However, it is usually advantageous for the defendant to opt for a jury trial.

The Jury Call

When a case is initially set on the trial docket, it is placed on a day with a number of other cases (usually 8-10 cases, but can be more or less). The judge calls all the cases and asks if they "announce ready". This means they are ready to proceed along with all witnesses they plan to call. Unless excused for a legitimate reason, the defendant must be present for every jury call, even if their case is not chosen.

If the State or Defense does not "announce ready", they must ask for a continuance. The judge does not have to grant the continuance. If the State has asked for 2 or more previous continuances, the judge will often force them to either announce ready or dismiss the case. Typically, the judge will choose to proceed on the oldest case on the jury docket that is ready. If the oldest case is not ready for any reason, or if the parties work out a plea, the judge will go down the line. Although unusual for DWI cases, if the Defendant is in custody, that case might be given precedence as well.

Stages of Trial

Voir Dire is the stage where a jury is chosen. Both the State and Defense can ask questions of the jury and seek to disqualify jurors for bias or other reasons. It is a very important stage in the process, not only for selecting the best jurors from the pool, but also because it is a chance to make a first impression and talk about the important issues of the case.

After opening statements, the prosecution puts on their case. This usually consists of police testimony, dashcam and bodycam videos, and an expert to testify about the BAC test. Sometimes there will be 911 calls or other witness testimony. The defense attorney can poke holes in the caser through cross-examination of any of the State's witnesses.

Following the State's case, the Defense can call witnesses. The Defendant can testify or exercise his/her right to remain silent, and not take the stand. If she does take the stand, she is subject to cross-examination by the prosecution. The decision is case-specific, and one that we would discuss pre-trial. Ultimately, the decision to testify or not is left in the hands of the client, not the attorney.

After both sides finish with witness testimony, there are closing arguments, and the jury deliberates. Misdemeanor DWI trials usually last 2-3 days. You will need to be available for all three days.

Why go to Trial?

There are several reasons to go to trial. The first is if the State is unwilling to make an offer that does not involve a conviction, you might have nothing to lose by going to trial. In other words – if you lose at trial, the outcome will be no worse than what the State is offering.

Another reason is if your back is against the wall. Let's say that the State is only offering probation with a conviction. However, because of your immigration status or because you would lose your job, a conviction will be very detrimental to your way of life. Trial is the only option here. In that case, you shouldn't go down without a fight.

Another reason could be that the state's case is weaker than they think. Most of the time, if the prosecution's case is weak, we can get to a good result (like a dismissal) without the need for trial. However, sometimes when dealing with an overzealous prosecutor, we just can't get there. In these cases, the best thing to do is to just set for trial. Often placing a case on a trial docket is enough to get the prosecutor to take a hard look at the facts and improve their offer.

Felony DWIs

For obvious reasons, felony DWIs are more serious than misdemeanors. For starters, jail time is far more likely with DWIs. Additionally, bond conditions are going to be more severe, costs will be higher, and overall the process is going to be more burdensome. This section discusses how felony DWIs differ from misdemeanors, but with these cases, it is especially important that you reach out to an attorney ASAP. As a reminder – as with the other sections in this guide, it is NOT a substitute for legal advice.

What makes a DWI a felony?

The most common reason a DWI is charged as a felony is when there are two previous DWI convictions. Note that I use the word "conviction". This means that if you were charged with 2 DWIs in the past, but one or both of them did NOT result in a conviction, the new charge is not enhanced to a felony. The flip side of this is that the DWI is "automatically" enhanced to a felony with 2 convictions, even if the facts of the new case are not very severe.

Another way a DWI is enhanced to a felony is if there is a child in the car during the commission of the DWI. Again, the "severity" of the DWI makes no difference here. Even if the driver is not over .08 BAC – if there is a child in the car when he/she is charged with DWI, it is at the felony level.

Intoxication Assault and Intoxication Manslaughter

If your DWI was a collision where someone was seriously injured or died, the charges are obviously even more serious. Intoxication Assault is a 3rd degree felony and intoxication manslaughter is a 2nd degree felony. If you or a loved one are in this situation, it is beyond the scope of this guide, and you should seek a consultation with an attorney immediately. Each case of this nature is very fact-specific, so a general guide for these cases is not possible.

Bond and Conditions

Bond is more difficult for felony DWIs. While I have been able to secure PR bonds in felony DWI cases, it is not a given that a judge will grant one. Often a cash or surety bond will be set. I have seen surety bonds as low as $5,000 for felony DWIs, but they can go much higher. Bond conditions always include an IID, and can also include SCRAM, therapy, or even inpatient care in some cases. Violations of bond conditions (like IID violations), can quickly result in a bond revocation, meaning you would be arrested and could be forced to wait in custody until the case is resolved.

SAFP

Although not exclusively limited to felony cases, SAFP (pronounced "Safe-P"), we usually see it in the context of felony DWIs. SAFP is an in-jail inpatient program that lasts 6-12 months. In addition to that term, the judge can order the defendant to remain in custody while awaiting an open spot in SAFP, which can add months to the time spent in custody. By most accounts, SAFP time is worse than regular time. It is something to be avoided if possible. Unfortunately, when it comes to felony DWIs, it is not always possible to avoid this outcome.

Plea Negotiations for Felony DWIs

Often the plea negotiations in felonies involve avoiding a felony conviction. Sometimes this means accepting a misdemeanor conviction with onerous probation terms. A felony will remain on a person's criminal history forever. It is not something to be taken lightly. Therefore, making certain concessions in probation to avoid a felony conviction is often the best choice.

As discussed above, another point of contention in felony DWIs involves SAFP. If we can keep a felony off the client's record and avoid SAFP, often a plea agreement makes sense. Sometimes, to avoid SAFP we may offer the alternative of Intensive Outpatient Care, or a private inpatient facility for 30 days. Taking these steps assures the prosecutor that you are taking the case seriously.

A Note on Mental Health

While almost anyone can make an error in judgment that leads to a misdemeanor DWI, a second and third arrest for DWI is an indication that the drinking may be beyond your control. I often talk to my clients about the benefits of therapy and DWI classes as it relates to their legal case. That is – I'm not really concerned with whether the classes are helping you personally – only that they help the legal case go more smoothly. Sometimes, however, it is clear that my clients truly are struggling with a powerful addiction. Certainly, a felony DWI is an indication of that.

If you're reading this and you are struggling with addiction, don't be afraid to ask for help. Others have gone through the same thing. They can help you with their experiences and the lessons they have learned. This can be a trained therapist, a friend, or even a stranger on the internet if that's what works for you. People can and do conquer alcoholism every day. You can be one of them.

Drug-based DWIs

The most common way for someone to be charged with a DWI is by driving after consuming an excessive amount of alcohol. Not everyone realizes that drugs can lead to a DWI as well. This can include illegal drugs such as cocaine or marijuana, but can even include prescription drugs *with a valid prescription*.

Definition of "Intoxicated"

There is not a separate statute that gives police the authority to charge with drug DWI. Instead, let's look at the elements of the regular DWI statute. The Prosecution must show beyond reasonable doubt that you: 1) Operated a motor vehicle 2) While intoxicated, 3) In a public place. Note that intoxicated means that you lost "the normal use of mental or physical faculties…by reason of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the body."

In addition to a controlled substance, intoxication can occur because of a "drug" or "dangerous drug". This includes prescription medications that are not illegal. Many people believe that if they take their drugs as prescribed, then they cannot be charged with a DWI, but this is not true. I have seen folks charged for a DWI for Xanax even when they can show that they took the drug in accordance with their prescription. Counter intuitively, this is even true sometimes for medications that do not prohibit the operation of heavy machinery. As long as there is a warning somewhere on the bottle (and there almost always is), it can be used for a DWI. I have even heard of allergy medication as the basis for a DWI!

For a number of reasons, drug DWIs are more difficult for prosecutors to prove than alcohol DWIs. There is no breath test for drugs, and the blood tests need to be specially ordered. There is no "per se" level like .08 BAC above which intoxication can be assumed. Most importantly, most drug tests only show that drugs have been consumed at some point of a period of days or even weeks. This is a far cry from proof of intoxication since the effects may have worn off days ago.

"Drug Recognition Experts" (DREs)

To attempt to show that the intoxication happened at the time of driving, police employ a "Drug Recognition Expert" or DRE. This is an officer who has been trained to recognize signs of intoxication from drugs. They will ask a series of questions and basically guess what drug the person is on. Most defense attorneys know that DRE is junk science. Can some classroom hours prepare a person to recognize the specific drug taken and whether this drug is intoxicating? In obvious cases, maybe, but research has shown that DRE conclusions are little more than a hunch. Even so, Courts have allowed DRE testimony

to come in to convict thousands of DWI defendants. I would advise anyone to refuse a DRE exam if ever presented with that situation.

Outcomes in Drug-based DWIs

So, we've established that it is more difficult to prosecute Drug DWI cases. What does this mean for outcomes? Well, across the board, Drug DWI cases tend to have better outcomes for clients. There is almost always room to argue that the driver was not intoxicated. For that reason, prosecutors are often more willing to compromise and drop charges down to something like Obstructing a Roadway, or even a class C traffic ticket. If a compromise is not offered, I am more often comfortable taking the case to trial because reasonable doubt exists.

There are still a number of factors that still make a Drug DWI a difficult case for the defendant. Even though there is no "per se" level of intoxication, there are definitely higher levels that can be harder to explain. Were there multiple drugs in the system? How did the driver act when police pulled him or her over? Did she make incomprehensible statements? Did she know where she was and where she was going? Does she have a history of drug use and previous DWIs?

These are all factors that can increase the severity of penalties whether in a plea deal with the prosecutor, or at trial. One method prosecutors use that is very effective is to bring in research showing that the cumulative effect of multiple drugs can amplify the effect of both drugs. This is an effective argument for a jury because most of us have either experienced the effects of certain drugs or had friends who have experienced it. It is an intuitively good argument and can be difficult to overcome when there are obvious signs of intoxication.

Defenses to Drug DWIs

As touched upon earlier, the best defense to a drug DWI is usually to force the State to prove that the intoxication – if it happened at all – was not during the time of driving. A blood test with a positive for marijuana, for example, only shows that the driver smoked marijuana at some point in the last two weeks. It obviously would not have affected his driving if he had smoked two weeks ago. A good defense attorney will point out the absence of DRE testimony, or call it into question if it exists.

Often, then, jurors must come to the conclusion that a driver is intoxicated by merely looking at the video and judging for themselves. Obviously there is a spectrum here. A person passed out and slurring his words may be clearly intoxicated. But many cases are not so clear and we can get to a reasonable doubt.

Sometimes I have to explain to clients that the argument that "I'm a better driver on cocaine!" isn't going to work. Even if your senses are enhanced, the prosecutor will argue

that it also increases your propensity for risk-taking and recklessness, and they're probably right!

Criminal History

A conviction is forever. It doesn't fall off your record after a certain amount of years. Unless later pardoned (extremely rare), or unless the laws change, there's no way to remove a conviction. However, if your case is dismissed, or if you receive a deferred adjudication, there are ways to have the records destroyed, or otherwise limit access.

For DWIs, expunction is an option for dismissals, Class C refiles, Diversion Court, and refile to Obstructing a Roadway. Keep in mind that with an Obstructing refile, the DWI can be dismissed, but the Obstructing remains. May people will understand that the Obstructing conviction is a "legal fiction", and will guess that you were originally charged with a DWI.

If you jumped to this section, please see the section on outcomes for more detailed descriptions of these options.
Anatomy of a Criminal Record. Occasionally, DWIs plea to a deferred adjudication. In this case, the disposition would be eligible for nondisclosure after a waiting period.

Below, I discuss criminal records, generally. This is not specific to DWIs, but does provide some understanding into how criminal histories work in the state of Texas.

Anatomy of a Criminal Record

A criminal record consists of 3 parts. 1) The arrest, 2) time spent in custody, and 3) the disposition. As soon as you are arrested, the arrest and jail time (if any) is shown on your history. The disposition will appear only after the case concludes. An expunction or order of non-disclosure is available only if your cases are disposed in certain ways.

Under current law, **if not expunged or sealed, the record of arrest and/or conviction will remain on your record forever.**

Expunction

An expunction means that your criminal record is literally destroyed. No one should be able to find it, and you are legally permitted to deny that the arrest ever existed. It does not happen automatically. You must petition the court. I charge $1,200 flat fee for an expunction, which breaks down into about $400 court costs and $800 in attorney fees.

You can also have your expunction handled for free by the UT Expunction Project. The expunctions are handled by UT Law students under the direction of a licensed attorney. It is a very good program, but the downside is that you may have to wait, as they only do expunctions once or twice a year. See the link below for more details.

UT Law Expunction Project

An expunction is available only after a waiting period for the duration of the statute of limitations. However, the prosecutor can waive this waiting period in some cases. Once filed, the agencies that have records relating to the arrest, but destroy them or send them back to the Court. They have up to one year to do so, but often comply within 4-6 months. Note that, as a Federal Agency, the FBI keeps arrest records and is not bound by Texas Expunction Law. However, they voluntarily comply with Texas expunctions, typically automatically. If you have had a case expunged, but the FBI still maintains a record, you can contact them to have it removed.

Order of Non-disclosure (Sealing)

An order of non-disclosure is not as good as an expunction. Although your criminal history is sealed from public view, law enforcement, court clerks, and prosecutorial agencies will still have access to the records. Still, it can be beneficial for some to seal these records from public view.

An order of non-disclosure is available following a successful completion of deferred adjudication, and in limited cases after a conviction. You might be required to maintain an IID to be eligible for an order of non-disclosure, so you may need to weigh the cost/benefits if keeping your record clean is something that is important.

Financial Impact

The financial impact of a DWI can vary based on a number of factors. For example, you may not be required to install an IID. Alternatively, you may get a reduction to Obstructing a Roadway that would eliminate surcharges. However, the following list will give you an idea of the costs. He numbers below are approximate. Additionally, entire items can be subtracted if, for example, you can avoid probation.

Example

Attorney fees:	$4000*
PR Bond fee:	$40
CES/MADD Panel	$125
Vehicle Impound fee	$200
Fine	$400
Court Costs	$350
IID (6 months)	$490
Probation fees (1 year)	$780
Occupational License	$600
Total:	$6,985

$6,985 is an estimate and the actual figure can be much more or less depending on a wide variety of factors. For example, the "superfine" discussed earlier could nearly double the above estimate! Also, keep in mind that while attorney fees are the highest figure on that list, a good attorney will save you money in other ways. In my cases, I almost negotiate a lower fine, and or waive court costs.

At the end of the day, a DWI is expensive, there are no two ways about it. However, a good attorney will actually lessen, not increase the cost, and limit your exposure to other penalties as well.

*ATX Legal charges $4,000 for a typical Class B misdemeanor DWI. This flat fee covers all attorney fees for representation and trial if necessary. It also includes driver's license defense at an ALR hearing and a petition for an Occupational Driver's License.

About the Author

Born and raised in Texas, I began practicing in Austin in 2014. I have always focused my practice on criminal defense. In that time, I have learned the value of a client-centered approach focused on communication with all my clients. I launched ATX Legal in 2021 because I wanted to replicate the client-focused approach I had developed over five years and hundreds of clients. A large percentage of my business comes from references from previous clients because they know the kind of value I deliver and the level of care I take in each case.

After graduating cum laude from Loyola University in New Orleans, I returned home to Austin. I am married and I have a beautiful daughter in elementary school. On my off days, I enjoy hiking, motorsport, and sim racing. Austin will always be my home, and I want to make it a better place, one client at a time.

Helpful Websites and Contact Info

Criminal Court

Blackwell-Thurman Criminal Justice Center
509 West 11th Street
Austin, Texas 78701

(512) 854-9244

https://www.traviscountytx.gov/courts/criminal

Travis County Docket

https://publiccourts.traviscountytx.gov/dsa/#/

ALR Request

https://www.dps.texas.gov/section/driver-license/administrative-license-revocation-alr-program

Pretrial Services

Located on the second floor of the Blackwell-Thurman Justice Center.

https://www.traviscountytx.gov/tccjs/pretrial/contact

512-854-9381

Travis County CES (for education classes)

https://www.traviscountytx.gov/counseling-education

Intake and Assessment:
314 West 11th Street
Suite 250
Austin, Texas 78701
Phone: (512) 854-9540

Service Center:
5501 Airport Blvd., #102
Austin, TX, 78751
(512) 854-9540

MADD VIP

https://online.maddvip.org/

Smart Start (IID vendor)

https://www.smartstartinc.com/

Sober Link (PAM and SCRAM vendor)

https://www.soberlink.com/

Adult Probation

https://www.traviscountytx.gov/tccjs/adult-probation/

411 W. 13th St.
Austin, TX 78701
Room 722
512-854-4600

CCA – County Court Admin

Phone: (512) 854-9244

Courts

CC3 – Honorable Bianca Garcia
5th Floor
(512) 854-9243

CC4 – Honorable Dimple Malholtra
3rd Floor
(512) 854-9896

CC5 – Honorable Mary Ann Epiritu
4th Floor
(512) 854-9676

CC6 – Honorable Denise Hernandez
4th Floor
(512) 854-9677

CC7 – Honorable Elizabeth Earle
6th Floor
(512) 854-9679

CC8 – Honorable Carlos Barrera
5th Floor
(512) 854-7180

CC9 – Honorable Kim Williams
6th Floor
(512) 854-8460

Texas DWI Code

https://statutes.capitol.texas.gov/Docs/PE/htm/PE.49.htm

Law Library Resources

https:///www.Texaslawhelp.org

UT Expunction Project

https://law.utexas.edu/probono/projects/special-projects/texas-law-expunction-project

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