

Lubbock DWI protection lawyer assist starts off with a careful evaluation of what the State have got to turn out and in which the proof would possibly fall short. If you were arrested for DWI in Lubbock County, what's at stake is additionally extreme: your driving force's license, your criminal list, and in a few situations your freedom. Just as wonderful, the clock starts off soon at the license edge of the case. In most cases, you may have 15 days from receiving detect of suspension to request an Administrative License Revocation, or ALR, hearing, and in blood attempt instances the closing date is 20 days from the mailing date of the awareness (Tex. Transp. Code §§ 524.031, 724.041). A timely request stops the suspension from starting until eventually the pass judgement on comes to a decision. If you desire clear answers approximately your next steps, Texas Criminal Defense Group grants a free consultation at (806) 542-3513.

What Happens After a DWI Arrest in Lubbock

After a DWI arrest in Lubbock, you might be more commonly booked into the Lubbock County Detention Center, then taken for an look earlier than a magistrate, in which bond and standard liberate circumstances are addressed. People arrested in Lubbock County are booked at the Lubbock County Detention Center, 3502 N. Holly, Lubbock, TX 79403, which is run by the Lubbock County Sheriff's Office.

Texas law calls for an appearance earlier than a Justice of the Peace without unnecessary postpone and within 48 hours of arrest (Tex. Code Crim. Proc. Art. 15.17). The Sheriff's Office says those hearings are held at the least two times each day and are stay-streamed. Bond could be published on the reformatory bond window or by using a bail bond corporate.

In many DWI circumstances, the officer may even manage the driving force's license area of the arrest. Under Texas implied consent law, after a DWI arrest the officer reads the DIC-24 statutory warning, and is the reason the consequences of refusing a specimen or proposing one (Tex. Transp. Code §§ 724.011, 724.0.5). In some circumstances, the officer also serves a DIC-25 Notice of Suspension.

It also enables to split three exclusive degrees of a case:

- **Arrested** method law enforcement believed there was ample foundation to take you into custody.
- **Charged** ability prosecutors formally filed the felony case.
- **Convicted** capacity there was a in charge locating or plea that ended in a conviction.

Those levels matter for the reason that a professional DWI legal professional seems to be on the case early, normally formerly the prosecution has absolutely ready its proof. Arrests within the part also can contain the Lubbock Police Department, the Lubbock County Sheriff's Office, the Texas Department of Public Safety, or the Texas Tech University Police Department. Misdemeanor and legal DWI circumstances are prosecuted by the Lubbock County Criminal District Attorney's Office.

How Texas Law Defines DWI

In Texas, DWI method running a motor car in a public situation at the same time as intoxicated (Tex. Penal Code § forty nine.04). That quick definition consists of various materials that a safeguard lawyer can assess carefully.

The State can turn out intoxication in two independent techniques less than Texas legislation (Tex. Penal Code § forty nine.01(2)). First, it will probably argue you probably did now not have the regular use of your psychological or actual schools through alcohol, a managed substance, a drug, a unhealthy drug, a mix of these, or the other substance. Second, it would depend on an alcohol awareness of 0.08 or greater.

That things seeing that an individual shall be arrested even beneath zero.08. If the officer claims your speech, steadiness, riding, or habits confirmed loss of traditional use, the State could proceed under that first definition. A dwi safeguard lawyer will take a look at whether or not the definitely observations fortify that claim.

Drugs and prescription medicinal drugs can also end in a DWI cost. A legitimate prescription isn't a security through itself lower than Texas rules (Tex. Penal Code § 49.10). The query remains to be no matter if the prosecution can turn out intoxication as the statute defines it.

Texas rules also defines alcohol attention widely. It would be measured by breath, blood, or urine (Tex. Penal Code § 49.01(1)). In regularly occurring communicate, many humans say BAC, however the legal aspect is that the State nevertheless has to connect the examine outcome to the fee.

The words **operating** and **public place** additionally count number. Texas legislation calls for running a motor automobile in a public situation (Tex. Penal Code § 49.04). A public area carries greater than a roadway. It can include parking an awful lot and apartment not unusual locations (Tex. Penal Code § 1.07). In a few cases, the defense may just query whether the facts essentially exhibits operation or whether the location suits the statute.

Texas also treats DWI and DUI differently. In Texas, **DUI through a minor** is a separate offense for drivers under 21 with any detectable volume of alcohol (Tex. Alco. Bev. Code § 106.041). It is a Class C misdemeanor, it is not a lesser edition of DWI, and adults will not be charged with it. Drivers beneath 21 too can be charged with full DWI if the facts supports it.

Texas DWI Penalties (Current as of September 2026)

Texas DWI consequences rely on the info, your historical past, and any enhancement that applies. The desk beneath summarizes normal offense tiers and punishment degrees elegant on cutting-edge Texas legislation.

Offense	Statute	Offense Level	Confinement	Maximum Fine	First DWI	Tex. Penal Code
§§ forty nine.04(b), 12.22	Class B misdemeanor	seventy two hours minimal to one hundred eighty days in county penitentiary	\$2,000	First DWI with open container in instantaneous possession	Tex. Penal Code § forty nine.04(c)	Class B misdemeanor
6 days minimal to 180 days in county penal complex	\$2,000	DWI with alcohol attention of zero.15 or more at time of evaluation	Tex. Penal Code §§ 49.04(d), 12.21	Class A misdemeanor	Up to 1 year in county penitentiary	\$four,000
DWI in institution crossing sector at the same time as decreased tuition velocity decrease applies	Tex. Penal Code §§ 49.04(e), 12.35	State jail felony	180 days to 2 years in a nation penal complex	\$10,000	DWI with passenger young than 15	Tex. Penal Code § 49.05
State jail prison	a hundred and eighty days to 2 years in a country reformatory	\$10,000	Second DWI	Tex. Penal Code § 49.09(a)	Class A misdemeanor	30 days minimum in county reformatory
\$4,000	Third DWI	Tex. Penal Code §§ 49.09(b)(2), 12.34	Third-degree criminal	2 to ten years in felony	\$10,000	Intoxication attack
Tex. Penal Code § forty nine.07	Third-measure criminal	2 to 10 years in criminal	\$10,000	Intoxication manslaughter	Tex. Penal Code §§ 49.08, 12.33	Second-diploma legal
2 to twenty years in felony	\$10,000	Boating even as intoxicated	Tex. Penal Code § 49.06	Class B misdemeanor	seventy two hours minimum in county detention center	\$2,000

Texas additionally imposes a separate country nice on remaining conviction under Transportation Code § 709.001. It is \$three,000 for a first conviction inside of a 36 month duration, \$4,500 for a 2nd or next conviction inside of 36 months, or \$6,000 if the alcohol awareness was once zero.15 or more. The court docket have to waive that exceptional if the user is located indigent (Tex. Transp. Code § 709.001).

Protecting Your Driver's License

Protecting your license normally skill dealing with two separate tracks: the ALR suspension procedure and any suspension which could stick with a conviction. These are related, yet they are no longer the comparable case.

The ALR hearing and suspension lengths

The ALR program can suspend your license after a DWI arrest, but the suspension does not commence instantly these days of arrest. If you timely request a listening to, the suspension does no longer begin except the executive law decide decides the case (Tex. Transp. Code §§ 524.031, 724.041).

ALR hearings are held by the State Office of Administrative Hearings, or SOAH, until now an administrative law pass judgement on. The safety can subpoena the arresting officer, which means that the hearing would possibly show useful evidence early.

Here are the primary person suspension lengths:

Situation	Suspension Length
Failed experiment	ninety days
Failed try with previous alcohol-similar or drug-same enforcement contact inside 10 years	1 12 months
Refused check	one hundred eighty days
Refused look at various with previous alcohol-same or drug-relevant enforcement contact within 10 years	2 years

These suspension lengths come from Texas Transportation Code §§ 524.022 and 724.1/2. If no listening to is requested, the suspension starts off on the fortieth day after discover. In blood test instances, DPS can even mail the attention later, and the request is due 20 days from the mailing date (Tex. Transp. Code §§ 524.031, 724.041).

A separate suspension might also stick to a primary DWI conviction, ranging from 90 days to 1 yr (Tex. Transp. Code § 521.344(a)). ALR suspensions cannot be probated, and the reinstatement cost is \$one hundred twenty five (Tex. Transp. Code § 724.046).

Occupational driving force's license

If your license is suspended, you may be capable of ask for an occupational driving force's license, also referred to as an crucial need license. Texas rules allows a petition for an ALR-merely suspension to be filed in a court inside the county in which you are living or where the arrest occurred, and if the suspension follows a conviction, the petition should be filed with the courtroom of conviction (Tex. Transp. Code § 521.2421).

The court docket need to order alcohol-dependence counseling until it unearths exact reason no longer to (Tex. Transp. Code § 521.245). Driving is confined to four hours a day by default, despite the fact that the courtroom can permit as much as 12 hours on a displaying of need (Tex. Transp. Code § 521.248(b)). If the occupational driver's license calls for an ignition interlock tool, the same old time, route, and intention limits do not follow (Tex. Transp. Code § 521.248(d)).

The courtroom order works as a transitory license for forty five days (Tex. Transp. Code § 521.249). An SR-22 is needed. No occupational license is ever issued for using a industrial motor automobile (Tex. Transp. Code § 521.2424).

Ignition interlock and SR-22

Ignition interlock and SR-22 necessities arise customarily after a DWI arrest. An SR-22 is a Financial Responsibility Insurance Certificate filed with DPS by way of an assurance business enterprise. It is a certificates, no longer a separate assurance policy.

Texas legislations mostly calls for an ignition interlock as a bond situation for a repeat DWI charge and for DWI with a infant passenger, intoxication attack, or intoxication manslaughter fees (Tex. Code Crim. Proc. Art. 17.441).

It is also required as a condition of network supervision for instances involving an alcohol awareness of zero.15 or more, repeat offenders, and drivers lower than 21 (Tex. Code Crim. Proc. Art. 42A.408). It is required for DWI deferred adjudication neighborhood supervision unless waived after an overview.

How a DWI Defense Lawyer Challenges the Evidence

A DWI defense legal professional seems to be for susceptible facets inside the forestall, the arrest, the trying out, and the State's timeline. The query is not really no matter if an arrest came about. The query is regardless of whether the prosecution can end up the case with trustworthy, lawfully bought facts.

The site visitors stop

A traffic discontinue have got to be supported by way of fair suspicion, and an arrest have to be supported via probably trigger less than the Fourth Amendment. That is generally the first situation the defense looks.

If the officer says you had been weaving on Loop 289, stopped on Broadway, or pulled over close I-27, the tips still remember. A defense lawyer experiences the file, sprint-cam photos, body-cam pictures, and the officer's cited intent for the cease. If the give up used to be no longer lawful, which could have effects on what facts should be would becould very well be used later.

Field sobriety tests

Field sobriety checks don't seem to be required by way of Texas statute, and declining them does no longer motive an ALR suspension. The standardized exams are horizontal gaze nystagmus, walk-and-flip, and one-leg stand, advanced by way of NHTSA.

These checks can become an immense subject in a DWI case. A safeguard legal professional may query whether the instructional materials have been clean, whether or not the look at various used to be given less than exact situations, and whether fatigue, harm, age, sneakers, anxiety, or roadside stipulations could have affected efficiency. The officer's video can be counted as a whole lot as the officer's written description.

Breath tests

Breath trying out may be challenged, yet it requires close cognizance to documents and system. In Texas, breath exams are run at the Intoxilyzer 9000 lower than the DPS Breath Alcohol Testing Program, applying licensed operators (Tex. Transp. Code § 724.016).

A dwi lawyer also can evaluate repairs, calibration, and operator data. The timing of the breath specimen, the equipment facts, and whether or not the trying out technique changed into precise adopted can all depend. A breath quantity through itself does not conclusion the inquiry if the encircling archives bring up questions.

Blood tests and seek warrants

Blood proof could also be challenged. Since 2021, police need a search warrant or right emergency situations to take blood with no consent, even in circumstances wherein a specimen is in a different way essential (Tex. Transp. Code § 724.012(e)).

Texas law also calls for that blood be drawn through certified workforce in a sanitary position (Tex. Transp. Code § 724.017). Blood samples are retained, and somebody would request complete tips about the analysis (Tex. Code Crim. Proc. Art. 38.50, Tex. Transp. Code § 724.018). Chain-of-custody data may also be reviewed to determine how the pattern became taken care of from series by way of testing.

If you refused a asked specimen, that refusal can nevertheless set off a longer ALR suspension and might possibly be used as proof at trial (Tex. Transp. Code § 724.061). During so-which is called No Refusal operations, refusal just isn't a separate regulation. It assuredly approach officials will are looking for a pass judgement on-signed blood search warrant, and the refusal nonetheless includes ALR consequences.

Texas rules also permits anyone who gave the officer's asked specimen, inside of 2 hours of arrest, to prepare a different autonomous blood test by using a qualified man or women in their selecting, nevertheless police should not required to transport them (Tex. Transp. Code § 724.019).

The zero.15 timing question

A breath or blood effect of zero.15 or more can elevate the can charge stage, but the statute measures that stage at the time the analysis became conducted, no longer unavoidably when the particular person changed into driving (Tex. Penal Code § 49.04(d)). That timing can depend.

This is one situation the place a lubbock dwi protection attorney might also look at regardless of whether the State can reliably join the take a look at influence returned to the earlier riding time. In some circumstances, the prosecution may also need to address timing questions and retrograde extrapolation before the effect helps the greater payment stage.

Possible Outcomes for a First DWI

A first DWI case would possibly result in a few other methods, relying on the evidence, the proof, your heritage, and the prosecutor's location. No sincere legal professional need to promise a specific end result.

Dismissal may just take place in a few cases if the evidence is just too susceptible, the end or arrest turned into illegal, or the State can't end up an ingredient of the charge. Whether that is reasonable depends on the statistics, video, trying out, and witness facts.

Reduction may typically be to be had. One achievable reduction known in Texas legislations is Obstructing Highway or Other Passageway (Tex. Penal Code § 42.03). Whether it's sold relies at the info and the prosecutor.

Deferred adjudication network supervision has been readily available for a first DWI given that September 1, 2019 (Tex. Code Crim. Proc. Art. 42A.102). If you effectually comprehensive it, there is no conviction. But it isn't reachable if the alcohol concentration became 0.15 or greater on the time of the offense, while you maintain a commercial driving force's license or learner's allow, if a infant passenger was in contact, or if the charge is more advantageous. A DWI deferred adjudication still counts as a previous conviction in the event you are later charged with DWI returned (Tex. Penal Code § forty nine.09(g)).

Community supervision (commonly also known as probation) is any other feasible final result. Straight group supervision is a conviction with a probated sentence. Misdemeanor group supervision is capped at 2 years, though it might be increased after a contravention (Tex. Code Crim. Proc. Art. 42A.053).

Conditions primarily count as a great deal as the label. Texas law requires a 12 hour DWI Education Program underneath TDLR legislation, more often than not executed inside one hundred eighty days of being put on group supervision (Tex. Code Crim. Proc. Art. 42A.403). Repeat offenders attend the DWI Intervention Program, at least 30 hours beneath TDLR principles (Tex. Code Crim. Proc. Art. 42A.404).

Trial could also be an choice when the facts should be confirmed in court. A DWI legal professional might also advise trial if there are reliable criminal or genuine disputes about the cease, the officer's observations, the checking out, or whether or not intoxication will likely be tested past a reasonable doubt.

What about your file?

Your list suggestions depend upon how the case ends. An **order of nondisclosure** may be a possibility in many first DWI circumstances and can seal the file from public view (Tex. Gov't Code §§ 411.0726, 411.0731, **DWI lawyer near me** [DWI lawyer near me Texas Criminal Defense Group](#) 411.0736). Waiting classes range:



- 2 years after discharge from deferred adjudication
- 2 years after winding up group supervision if interlock become required for at least 6 months, in a different way 5 years
- three years after a conviction devoid of supervision if interlock was required for at the very least 6 months, otherwise 5 years

There are limits. It isn't possible for a zero.15 or extra conviction. It also calls for no earlier conviction or deferred adjudication for the rest as opposed to a high quality-simply traffic offense, and it may be denied if the State proves the offense brought about a collision regarding one other man or woman.

An **expunction** is extraordinary. It is governed through Chapter 55A of the Code of Criminal Procedure and should practice after an acquittal, after definite dismissals, or when premiums are in no way filed and waiting sessions flow (Tex. Code Crim. Proc. Ch. 55A). A **DWI lawyer** dismissal does now not erase documents by means of itself. A separate expunction petition is needed. A conviction that stands shouldn't be expunged, unless in uncommon circumstances similar to a pardon or precise-innocence remedy.

A Texas DWI conviction remains on a prison list permanently. There is not any automated elimination after 7 or 10 years.

Repeat and Felony DWI Charges

Repeat and prison DWI costs deliver plenty greater menace, and old priors still be counted. Texas does no longer have a 10 year washout rule for earlier intoxication convictions.

Prior intoxication convictions be counted for enhancement no matter how old they are, and out-of-kingdom priors can depend as good (Tex. Penal Code § forty nine.09(c)). Prior boating, flying, and amusement ride intoxication convictions might also matter.

A 2nd DWI is a Class A misdemeanor with a minimum of 30 days confinement (Tex. Penal Code § 49.09(a)). A 1/3 DWI is a 3rd-level criminal, punishable by using 2 to 10 years in jail and a high quality up to \$10,000 (Tex. Penal Code §§ forty nine.09(b)(2), 12.34).

Bond prerequisites can became stricter in repeat and serious circumstances. Texas law in many instances requires ignition interlock as a bond situation for repeat DWI prices and for DWI with a child passenger, intoxication attack, or intoxication manslaughter premiums (Tex. Code Crim. Proc. Art. 17.441).

Intoxication assault way causing critical physically harm via rationale of intoxication, and that's a 3rd-measure legal (Tex. Penal Code § 49.07). Intoxication manslaughter is a moment-degree criminal, punishable with the aid of 2 to twenty years in prison (Tex. Penal Code § 49.08). Since September 1, 2025, intoxication manslaughter could be a primary-diploma prison in designated occasions, together with whilst more than one adult dies in the comparable criminal transaction (Tex. Penal Code § forty nine.09(b-2)).

A dwi attorney in Lubbock will often recognition on no matter if the alleged past convictions legally qualify, even if enhancement allegations are good proved, and whether or not any bond or checking out conditions are being imposed underneath the best statute.

CDL Holders, Texas Tech Students, and Drivers Under 21

Some americans face additional penalties past the universal DWI charge. CDL holders, collage scholars, and drivers beneath 21 in the main want to pay near consideration to those separate issues.

For CDL holders, a zero.04 or extra alcohol concentration whilst working a business motor vehicle brings a 1 12 months business license disqualification, that's an administrative movement, now not a felony fee (Tex. Transp. Code § 522.081(b)). A first DWI conviction in any motor vehicle, or refusing or failing a attempt, additionally brings a 1 year CDL disqualification, or 3 years if hauling placarded unsafe material. A 2d brings an entire life disqualification (Tex. Transp. Code § 522.081). CDL and advertisement learner's let holders are usually not eligible for DWI deferred adjudication (Tex. Code Crim. Proc. Art. 42A.102).

Drivers lower than 21 desire to realize the difference among DWI and DUI with the aid of a minor. DUI by means of a minor is the beneath-21 offense concerning any detectable volume of alcohol (Tex. Alco. Bev. Code § 106.041). But anyone beneath 21 can nevertheless be charged with full DWI if the information support it. Drivers beneath 21 might also face ignition interlock necessities as a condition of neighborhood supervision (Tex. Code Crim. Proc. Art. 42A.408).

For Texas Tech scholars, the prison case is one method and the tuition might run a separate behavior process. Those are alternative complaints with totally different suggestions and timelines.

A DWI Lawyer Near You in Lubbock

If you had been arrested in Lubbock County, assistance is a possibility locally. Texas Criminal Defense Group is situated at 1001 Texas Ave, Lubbock, TX 79401, and the mobile number is (806) 542-3513.

The organization allows workers arrested for DWI right through Lubbock County, along with arrests concerning regional agencies and roads resembling Loop 289, Marsha Sharp Freeway, Broadway, and I-27. A DWI lawyer can evaluate the end, the testing, the license suspension notice, and the timing of the next steps so that you comprehend what judgements desire on the spot consciousness.

Frequently Asked Questions

How lengthy do I have got to request an ALR hearing after a DWI arrest in Texas?

You most commonly have 15 days from receiving the notice of suspension to request an ALR hearing. In blood try out cases, DPS may additionally mail the awareness later, and the closing date is 20 days from the mailing date (Tex. Transp. Code §§ 524.031, 724.041). It is not really 15 days from the arrest itself.

Is my license suspended true away after a DWI arrest?

No, your license seriously is not immediately suspended currently of arrest. If you do now not request a hearing, the suspension typically begins on the fortieth day after understand. If you request the listening to on time, the suspension is paused until the administrative legislations choose comes to a decision the case.

Can I get an occupational driver's license after a DWI suspension?

Yes, a few drivers can ask for an occupational driver's license after a DWI-connected suspension. The submitting vicinity depends on whether the suspension is ALR-best or follows a conviction (Tex. Transp. Code § 521.2421). The court order acts as a short-term license for forty five days, and an SR-22 is required.

Can a first DWI be a criminal in Texas?

Yes, a first DWI might be a felony in some eventualities. Examples embody DWI with a passenger young than 15, that is a nation penal complex criminal, and DWI in a university crossing quarter at the same time the diminished college velocity reduce applies, which may be a nation jail felony (Tex. Penal Code §§ forty nine.half, forty nine.04(e)).

What is the big difference among DWI and DUI in Texas?

DWI is the key intoxicated using offense for adults in Texas. DUI with the aid of a minor is a separate offense for drivers below 21 who have any detectable amount of alcohol of their approach (Tex. Alco. Bev. Code § 106.041). Adults shouldn't be charged with DUI by means of a minor.

Does deferred adjudication for DWI depend as a conviction?

No, powerful deferred adjudication community supervision for a primary DWI does now not end in a conviction. But Texas legislations still treats that deferred adjudication as a previous conviction if the particular person is later charged with DWI lower back (Tex. Penal Code § 49.09(g)). That is one explanation why the long-time period effect must be even handed rigorously.

Can I seal or expunge a DWI in Texas?

Sometimes, yet it relies on how the case ends. An order of nondisclosure would possibly seal many first DWI archives from public view if the statutory requisites are met. Expunction would follow after an acquittal, a few dismissals, or when bills had been in no way filed and ready sessions bypass. A status conviction are not able to basically be expunged.

What happens if I refuse a breath or blood try out?

You can refuse, however there are results. Refusal can bring about a longer ALR suspension, and it may possibly be used as facts at trial (Tex. Transp. Code §§ 724.05, 724.061). In a few circumstances, officials may also be seeking a pass judgement on signed blood search warrant. A Lubbock DWI lawyer can clarify how those points may also have an effect on your case.

Do I have to do discipline sobriety tests in Texas?

No Texas statute calls for you to perform standardized box sobriety exams. Declining them does not cause an ALR suspension. Still, officers may possibly rely upon different observations, and the State may possibly still document premiums. A DWI lawyer will recurrently determine how the officer defined your performance or refusal and regardless of whether the video suits that account.

Do I desire a DWI attorney for a primary offense?

Many humans judge to chat with a attorney after a primary offense given that the case can have an impact on either the criminal checklist and the driver's license. The prosecution nonetheless has to show the give up, the arrest, and the intoxication proof. If you sought for a DWI attorney or a DWI lawyer close me after an arrest, the urgent quandary is always the time limit for the ALR listening to and early facts assessment.

If you had been arrested for DWI in Lubbock County, getting clear awareness early could make a actual distinction in the way you reply. Texas Criminal Defense Group is determined at 1001 Texas Ave, Lubbock, TX 79401. You can call (806) 542-3513 to request a unfastened session and discuss thru the legal case, the license suspension course of, and the proof the State would try and use.

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