

If you want a **DWI attorney in Lubbock** after an arrest, the 1st component to recognize is that your license, your document, and in some circumstances your freedom may well all be at stake. A DWI arrest can start off two separate problems instantly, the crook case and the driving force's license case beneath the ALR software. For many arrests, you've **15 days from receiving realize of suspension** to request an ALR listening to, and in blood examine instances the attention may be mailed later, with the request due **20 days from the mailing date** (Tex. Transp. Code §§ 524.031, 724.041). If no request is made on time, the suspension generally starts offevolved at the fortieth day after detect.

If you had been arrested in Lubbock County, it helps to get clear solutions early. Texas Criminal Defense Group provides a loose consultation. You can name **(806) 542-3513** to speak about what passed off, what time cut-off dates observe, and what defenses could be out there.

What Happens After a DWI Arrest in Lubbock

A DWI arrest in Lubbock by and large leads first to booking, bond, and a quickly look formerly a Justice of the Peace. People arrested in Lubbock County are aas a rule booked into the **Lubbock County Detention Center, 3502 N. Holly, Lubbock, TX 79403**, which is run by the Lubbock County Sheriff's Office. Arrests in the neighborhood may possibly contain the Lubbock Police Department, the Lubbock County Sheriff's Office, the Texas Department of Public Safety, or the Texas Tech University Police Department.

Texas regulation requires an **appearance ahead of a magistrate** without needless prolong and inside forty eight hours of arrest (Tex. Code Crim. Proc. Art. 15.17). The Sheriff's Office says these hearings are held a minimum of twice day-after-day and are stay-streamed. At that hearing, the Justice of the Peace addresses the price, your rights, and bond circumstances. Bond should be published at the jail bond window or by a bail bond corporation.

You might also get hold of papers tied to the driver's license case. After a DWI arrest, the officer reads the **DIC-24 statutory warning** underneath Texas implied consent law (Tex. Transp. Code §§ 724.011, 724.1/2). If the officer is taking movement against your license, chances are you'll also receive a **DIC-25 Notice of Suspension**.

It is additionally predominant to split 3 diverse solutions. Being **arrested** for DWI isn't really similar to being **charged**, and nor is similar to being **convicted**. Misdemeanor and criminal DWI circumstances in Lubbock County are prosecuted by using the Lubbock County Criminal District Attorney's Office, however the submitting resolution and the last final results come later.

How Texas Law Defines DWI

Under Texas rules, DWI capability running a motor auto in a public place at the same time as intoxicated (Tex. Penal Code § forty nine.04). A **public place** carries more than a freeway. It can consist of puts comparable to parking hundreds and apartment accepted spaces (Tex. Penal Code § 1.07).

Texas provides the State **two self reliant ways** to turn out intoxication (Tex. Penal Code § forty nine.01(2)). First, the State can try and show which you did now not have the common use of your psychological or bodily faculties due to alcohol, a controlled substance, a drug, a dangerous drug, a combo of these, or another substance. Second, the State can try and show an alcohol awareness of **zero.08 or more**.

That ability a man can be arrested and charged even when a try out end result is beneath zero.08. If the officer believes the character did not have commonly used use of mental or bodily faculties, the State would still

continue underneath that separate definition. This is one explanation why blood alcohol evidence issues, however it is simply not necessarily the complete case.

Prescription cure can also be component to a DWI case. A valid prescription is **no longer a defense** if the State claims the drugs affected favourite use (Tex. Penal Code §§ forty nine.01(2), 49.10). Some instances contain alcohol by myself. Others involve alcohol plus medicine, or tablets with out alcohol.

Texas rules additionally makes use of the time period **alcohol concentration** generally. It will likely be measured from breath, blood, or urine (Tex. Penal Code § forty nine.01(1)). In common communicate, many laborers say BAC, even when the pattern verified changed into blood or breath.

The note **operating** also subjects. The statute does not require that the car be speeding down I-27, Loop 289, Marsha Sharp Freeway, or Broadway these days police arrive. The predicament is even if the State can turn out operation of a motor car in a public region.

Texas **DUI** is different from DWI. In Texas, DUI is a separate offense for drivers beneath 21 who have any detectable volume of alcohol (Tex. Alco. Bev. Code § 106.041). It is a Class C misdemeanor, it just isn't a lesser variant of DWI, and adults cannot be charged with it. A driving force under 21 can nonetheless be charged with full DWI if the records in shape that offense.

Texas DWI Penalties (Current as of September 2026)

Texas DWI consequences rely upon the facts, your past rfile, and any enhancement alleged by means of the State. The table less than summarizes regularly occurring offense levels and tiers based totally on the statutes listed here.

Offense	Statute	Offense Level	Confinement	Maximum Fine	First DWI
First DWI	Tex. Penal Code §§ forty nine.04(b), 12.22	Class B misdemeanor	seventy two hours to one hundred eighty days in county jail	\$2,000	Tex. Penal Code § forty nine.04(c)
First DWI with open container in instantaneous ownership	Tex. Penal Code § forty nine.04(c)	Class B misdemeanor	6 days minimal, as much as 180 days in county prison	\$2,000	Tex. Penal Code §§ 49.04(d), 12.21
DWI with alcohol focus of zero.15 or greater at time of analysis	Tex. Penal Code §§ 49.04(d), 12.21	Class A misdemeanor	Up to at least one 12 months in county penitentiary	\$four,000	Tex. Penal Code §§ forty nine.04(e), 12.35
DWI in institution crossing sector when lowered faculty speed prohibit applies	Tex. Penal Code §§ forty nine.04(e), 12.35	State prison	a hundred and eighty days to 2 years in state prison	\$10,000	Tex. Penal Code § 49.1/2
DWI with passenger younger than 15	Tex. Penal Code § 49.1/2	State penal complex	a hundred and eighty days to 2 years in country reformatory	\$10,000	Tex. Penal Code § forty nine.09(a)
Second DWI	Tex. Penal Code § forty nine.09(a)	Class A misdemeanor	30 days minimum in county detention center	\$four,000	Tex. Penal Code §§ 49.09(b)(2), 12.34
Third DWI	Tex. Penal Code §§ 49.09(b)(2), 12.34	Third-level prison	2 to 10 years in penal complex	\$10,000	Tex. Penal Code § 49.07
Intoxication assault	Tex. Penal Code § 49.07	Third-measure prison	2 to ten years in penitentiary	\$10,000	Tex. Penal Code §§ forty nine.08, 12.33
Intoxication manslaughter	Tex. Penal Code §§ forty nine.08, 12.33	Second-degree felony	2 to 20 years in jail	\$10,000	Tex. Penal Code § 49.06
Boating when intoxicated	Tex. Penal Code § 49.06	Class B misdemeanor	seventy two hours minimum confinement	\$2,000	

On remaining conviction, Texas additionally imposes a separate **country fine** underneath Transportation Code § 709.001. It is **\$3,000** for a primary conviction inside a 36 **best dwi lawyer** month interval, **\$four,500** for a moment or subsequent conviction inside 36 months, or **\$6,000** if the alcohol focus was once zero.15 or greater. This is as well as to the legal pleasant, and texascriminaldefensegroup.com **DWI lawyer** the court docket will have to waive it if the grownup is observed indigent (Tex. Transp. Code § 709.001).

Protecting Your Driver's License

After a DWI arrest, holding your license routinely starts off evolved with the ALR software. The ALR program imposes a **suspension**, now not an automatic loss of your license in the meanwhile of arrest, and a timely hearing request stops the suspension from beginning except the judge makes a decision the case (Tex. Transp. Code §§ 524.031, 724.041).

The ALR listening to and suspension lengths

You ordinarily have **15 days from receiving detect of suspension** to request the ALR listening to. In blood test cases, DPS might also mail the attention later, and the request is due **20 days from the mailing date** (Tex. Transp. Code §§ 524.031, 724.041). If no request is made, the suspension continually begins at the fortieth day after realize.

ALR hearings are held by [lubbock dwi defense lawyer](#) way of the **State Office of Administrative Hearings**, or SOAH, previously an administrative legislations decide. The safety might also subpoena the arresting officer, that could make the listening to a advantageous early look at the evidence.

| ALR basis | Adult suspension period | Statute | |---|---|---| | Failing a look at various | 90 days | Tex. Transp. Code § 524.022 | | Failing a try out with earlier alcohol-related or drug-related enforcement contact inside 10 years | 1 12 months | Tex. Transp. Code § 524.022 | | Refusing a try out | a hundred and eighty days | Tex. Transp. Code § 724.half | | Refusing a try with earlier alcohol-relevant or drug-comparable enforcement touch inside of 10 years | 2 years | Tex. Transp. Code § 724.0.5 |

ALR suspensions are not able to be probated, and the reinstatement payment is **\$125** (Tex. Transp. Code § 724.046). Separate from ALR, a primary DWI conviction can bring a license suspension of **ninety days to one year** (Tex. Transp. Code § 521.344(a)).

Occupational motive force's license

An occupational driving force's license can allow confined using right through a suspension. Texas legislations also calls it an **basic want license**, and for an ALR-in basic terms suspension the petition is going to a court docket in the county wherein you reside or the place the arrest took place (Tex. Transp. Code § 521.2421). If the suspension follows a conviction, the petition would have to be filed with the court docket of conviction.

The courtroom need to order alcohol-dependence counseling unless it unearths sturdy motive not to (Tex. Transp. Code § 521.245). Driving is limited to **4 hours a day by way of default**, and up to **12 hours** on a displaying of need (Tex. Transp. Code § 521.248(b)). The court docket order works as a transient license for **45 days** (Tex. Transp. Code § 521.249).

No occupational license is ever issued for riding a **industrial motor vehicle** (Tex. Transp. Code § 521.2424). An **SR-22** is needed.

Ignition interlock and SR-22

An ignition interlock machine and an SR-22 repeatedly come up early in DWI situations. An **SR-22** is a Financial Responsibility Insurance Certificate filed with DPS via an insurance plan corporation. It is a certificate, now not a policy.

Texas rules requires ignition interlock in some cases. It is repeatedly required as a **bond condition** for a repeat DWI price and for DWI with a kid passenger, intoxication attack, or intoxication manslaughter rates (Tex. Code Crim. Proc. Art. 17.441). It is also required as a condition of neighborhood supervision for an alcohol attention of 0.15 or more, repeat offenders, and drivers less than 21 (Tex. Code Crim. Proc. Art. 42A.408). It could also be required for DWI deferred adjudication network supervision unless waived after an review.

How a DWI Defense Lawyer Challenges the Evidence

A **dwi defense lawyer** appears at whether the State can prove every part of the case, and whether or not the proof was once lawfully accrued. Blood alcohol evidence is usually terrific, however it truly is in simple terms one portion of a bigger chain that starts offevolved with the give up and keeps due to testing, documents, and witness testimony.

The visitors stop

The first query is many times whether police had a lawful reason to give up the car. A visitors forestall calls for **cost effective suspicion**, and an arrest requires **probable cause**, beneath the Fourth Amendment.

That subjects since vulnerable or uncertain grounds for the end can impact what proof comes in later. Dash-cam photos, frame-cam footage, the officer's record, and dispatch history would all lend a hand convey what the officer in truth referred to.

Field sobriety tests

Field sobriety tests may also be challenged on the two legal and lifelike grounds. The standardized tests are the **horizontal gaze nystagmus**, **walk-and-turn**, and **one-leg stand**, developed through NHTSA. No Texas statute calls for a driving force to perform them, and declining them does **not** lead to an ALR suspension.

Even whilst the checks are played, the defense would possibly question how they were explained, whether the atmosphere was fair, and even if the officer scored them effectively. Video can rely right here. So can details reminiscent of sneakers, lighting fixtures, site visitors situations, floor prerequisites, fatigue, age, or scientific concerns, if the ones info are proven by the facts.

Breath tests

Breath verify evidence will likely be challenged via reviewing the system, the operator, and the records at the back of the outcome. In Texas, breath checks are run on the **Intoxilyzer 9000** lower than the DPS Breath Alcohol Testing Program, with licensed operators (Tex. Transp. Code § 724.016).

A safeguard evaluate may well come with maintenance, calibration, and operator documents. The predicament isn't conveniently whether a number of exists on paper. The element is whether or not the State can lay a top basis and convince a jury that the influence is reliable on your case.

Blood tests and search warrants

Blood facts shall be challenged via shopping carefully at consent, warrants, sequence, storage, and checking out. Since 2021, police desire a **seek warrant** or accurate emergency situations to take blood without consent, even in instances the place a specimen would or else be mandatory (Tex. Transp. Code § 724.012(e)).

Texas legislation additionally requires that blood be drawn through certified personnel in a sanitary place (Tex. Transp. Code § 724.017). Blood samples are retained, and an individual could request complete guidance about the research (Tex. Code Crim. Proc. Art. 38.50, Tex. Transp. Code § 724.018). Chain-of-custody files may also be reviewed.

If you gave the officer's asked specimen, you can actually, within **2 hours of arrest**, set up an extra self reliant blood take a look at through a certified person of your picking out, despite the fact that police don't seem to be required to move you for that experiment (Tex. Transp. Code § 724.019). In a few cases, that separate try may turned into an amazing piece of proof.

Refusal has its very own authorized effects. Under implied consent law, refusal is still potential, however it brings an extended ALR suspension and could also be used as proof at trial (Tex. Transp. Code §§ 724.011, 724.061). During a so-generally known as **No Refusal** operation, refusal isn't really a separate legislation. It pretty much manner officers will search for a decide-signed blood search warrant, and the refusal nevertheless triggers the ALR suspension.

The 0.15 timing question

A blood or breath result of zero.15 or greater does not mechanically conclusion the research. The Class A degree is measured **when the pattern is analyzed**, not whilst the particular person was riding (Tex. Penal Code § 49.04(d)).

That timing can matter. In some situations, the safeguard could give some thought to the distance between driving, arrest, and testing, and no matter if the State's proof about timing is robust satisfactory. That is one explanation why blood alcohol cases mostly contain greater than a single number.

Possible Outcomes for a First DWI

A first DWI case can lead to a number of extraordinary approaches, depending at the tips, the evidence, your records, and the State's **dwi lawyer lubbock** judgements. No results is automatic, and no attorney can ethically promise one.

A **dismissal** might also come about in some situations if the evidence is just too weak, key proof is excluded, or the State decides no longer to proceed. A dismissal does no longer erase the record via itself. If a case is disregarded, a separate **expunction** petition may well still be necessary if the law makes it possible for it.

A **reduction** may well mostly be manageable. One price that is likely to be utilized in some circumstances is **Obstructing Highway or Other Passageway** (Tex. Penal Code § forty two.03). Whether which is out there relies upon at the statistics and the prosecutor.

Deferred adjudication community supervision has been available for a first DWI considering that September 1, 2019 (Tex. Code Crim. Proc. Art. 42A.102). If efficiently completed, there is **no conviction**. But it seriously isn't feasible if the alcohol concentration was **zero.15 or greater at the time of the offense**, if the consumer holds a commercial driver's license or learner's let, if a newborn passenger was concerned, or if the can charge is more desirable. A DWI deferred adjudication nevertheless counts as a prior conviction if the man or woman is ever charged with DWI again (Tex. Penal Code § forty nine.09(g)).

Community supervision (in most cases which is called probation) is an extra imaginable consequence after a conviction (Tex. Code Crim. Proc. Art. 42A.053). Straight neighborhood supervision is a conviction with a probated sentence. For misdemeanors, group supervision is capped at **2 years**, nevertheless it will be improved after a violation. Conditions by and large encompass classes and monitoring. The **DWI Education Program** is 12 hours lower than TDLR law and is greatly carried out inside of a hundred and eighty days of being put on network supervision (Tex. Code Crim. Proc. Art. 42A.403).

A **trial** can also be a probable direction if the case does not resolve with the aid of contract. At trial, the State still has to turn out guilt past an affordable doubt. In a blood alcohol case, which will involve officers, motion pictures, lab statistics, the search warrant method, and the trying out chain.

Records: order of nondisclosure and expunction

A first DWI report might also in many instances be sealed from public view simply by an **order of nondisclosure**, but the rules are strict (Tex. Gov't Code §§ 411.0726, 411.0731, 411.0736). Waiting intervals differ:

- **2 years** after discharge from deferred adjudication
- **2 years** after finishing up network supervision if an interlock used to be required for as a minimum 6 months, in another way **5 years**
- **three years** after a conviction without supervision if an interlock became required for no less than 6 months, differently **5 years**

A user needs to don't have any previous conviction or deferred adjudication for whatever thing apart from a high quality-in basic terms traffic offense. It isn't really reachable for a **zero.15 or more conviction**, and it can be denied if the State proves the offense brought on a collision regarding a further man or women. Law enforcement and licensing organizations can nevertheless see sealed facts.

Expunction is special. It is ruled via Code of Criminal Procedure chapter 55A, amazing January 1, 2025, and can observe after an acquittal, after convinced dismissals, or whilst costs are by no means filed and the ready sessions skip (Tex. Code Crim. Proc. Ch. 55A, Tex. Gov't Code § seventy six.011). A conviction that stands is not going to be expunged, other than in infrequent events resembling a pardon or truthfully-innocence comfort. A Texas DWI conviction stays on a criminal listing completely. There is not any automatic elimination after 7 or 10 years.

Repeat and Felony DWI Charges

Repeat and criminal DWI fees lift lots top possibility. A moment DWI is a **Class A misdemeanor** with at the very least **30 days** of confinement, and a third DWI is a **0.33-measure felony** punishable by way of **2 to ten years in prison** and up to a **\$10,000 fine** (Tex. Penal Code §§ forty nine.09(a), forty nine.09(b)(2), 12.34).

Texas enhancement regulation is strict. Prior intoxication convictions can count number **for life**, and there may be **no 10 12 months washout** (Tex. Penal Code § forty nine.09(c)). Out-of-nation priors can remember. Prior boating, flying, and entertainment journey intoxication convictions might also depend.

Bond stipulations can grow to be more restrictive in these instances. Ignition interlock is primarily required as a bond condition for a repeat DWI cost and for DWI with a child passenger, intoxication attack, or intoxication manslaughter expenses (Tex. Code Crim. Proc. Art. 17.441).

Intoxication assault is a third-diploma criminal if serious physical damage is due to purpose of intoxication (Tex. Penal Code § forty nine.07). **Intoxication manslaughter** is greatly a 2d-measure felony with a range of **2 to 20 years**, and considering September 1, 2025, it is able to be a primary-level felony in guaranteed instances, together with when more than one man or woman dies within the equal legal transaction (Tex. Penal Code §§ 49.08, 49.09(b-2)).

CDL Holders, Texas Tech Students, and Drivers Under 21

Some agencies face added effects after a DWI arrest. CDL holders, collage college students, and drivers beneath 21 deserve to pay close focus to the separate laws which will practice.

A CDL holder with **0.04 or more** even as working a industrial motor vehicle faces a **1 12 months commercial license disqualification** as an administrative motion, now not a criminal fee (Tex. Transp. Code § 522.081(b)). A first DWI conviction in any car, or refusing or failing a check, also brings a **1 year CDL disqualification**, or **3 years** if the driving force was once hauling placarded hazardous constituents. A 2nd brings a **lifetime disqualification** (Tex. Transp. Code § 522.081).

CDL and advertisement learner's let holders are **now not eligible** for DWI deferred adjudication group supervision (Tex. Code Crim. Proc. Art. 42A.102). And besides the fact that an individual will get an occupational motive force's license, it may well not at all authorize operation of a advertisement motor automobile (Tex. Transp. Code § 521.2424).

For drivers beneath 21, Texas has either **DUI through a minor** and complete DWI. DUI with the aid of a minor means any detectable quantity of alcohol and is a separate Class C misdemeanor offense (Tex. Alco. Bev. Code § 106.041). A young motive force may additionally be charged with complete DWI if the State believes the DWI components are met. Under-21 drivers who get hold of group supervision for DWI in the main face an ignition interlock requirement (Tex. Code Crim. Proc. Art. 42A.408).



For Texas Tech scholars, there may also be a separate school behavior task. That approach may also run on its own track besides the criminal case.

A DWI Lawyer Near You in Lubbock

If you have been arrested everywhere in Lubbock County, help is feasible on the point of domestic. Texas Criminal Defense Group is located at **1001 Texas Ave, Lubbock, TX 79401**. The telephone number is **(806) 542-3513**.

A **lubbock dwi defense lawyer** can evaluation the end, the sphere sobriety trying out, any breath or blood take a look at, the DIC-24 warning, the ALR word, and the timing of your time cut-off dates. The corporation enables other folks arrested in Lubbock County, together with arrests concerning regional agencies and roads for the period of the vicinity.

Frequently Asked Questions

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

Usually, you have got **15 days from receiving detect of suspension** to request the listening to (Tex. Transp. Code §§ 524.031, 724.041). In blood try out circumstances, DPS may well mail the attention later, and the time limit is **20 days from the mailing date**. Missing the cut-off date can allow the suspension start at the 40th day after observe.

Is my license suspended true away after a DWI arrest?

No, your license isn't really routinely suspended this present day of arrest (Tex. Transp. Code §§ 524.031, 724.041). If you take delivery of or are mailed become aware of and do no longer request an ALR hearing on time, the suspension quite often starts off later. A well timed request stops the suspension from commencing till the executive choose decides the case.

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

Yes, many drivers may well ask for an occupational motive force's license, relying on the variety of suspension (Tex. Transp. Code §§ 521.2421, 521.248, 521.249). The submitting court depends on whether the suspension is from ALR or from a conviction. An SR-22 is needed, and no occupational license can authorize driving a commercial motor automobile.

Can a first DWI be a prison in Texas?

Yes, a primary DWI might be a legal in some eventualities. Examples embody a DWI with a passenger young than 15, that is a state penitentiary legal, and a DWI in a institution crossing area at the same time the diminished tuition velocity decrease applies, which is also a kingdom prison legal (Tex. Penal Code §§ 49.0.5, 49.04(e)).

What is the distinction between DWI and DUI in Texas?

DWI is the person intoxication riding offense, at the same time DUI in Texas is a separate offense for drivers below 21 with any detectable quantity of alcohol (Tex. Penal Code § 49.04, Tex. Alco. Bev. Code § 106.041). Adults won't be able to be charged with DUI. Drivers under 21 can still be charged with complete DWI if the statistics improve it.

Does deferred adjudication count as a conviction for DWI?

Usually, successful deferred adjudication does **not** result in a conviction, yet DWI has an useful exception (Tex. Code Crim. Proc. Art. 42A.102, Tex. Penal Code § 49.09(g)). If you later get charged with DWI again, a previous DWI deferred adjudication nevertheless counts as a previous conviction for enhancement purposes.

Can a DWI be sealed or expunged in Texas?

Sometimes, yes, yet it is dependent on the consequence and your listing. Some first DWI circumstances would qualify for an **order of nondisclosure**, which seals the listing from public view, and a few dismissed or acquitted instances also can qualify for **expunction** under bankruptcy 55A (Tex. Gov't Code §§ 411.0726, 411.0731, 411.0736; Tex. Code Crim. Proc. Ch. 55A). A standing conviction broadly speaking are not able to be expunged.

Should I refuse a breath or blood look at various in Texas?

There isn't any one answer that suits each and every drawback, and this page does now not tell you what selection to make. Under Texas implied consent regulation, refusal can lead to a longer ALR suspension and should be would be could very well be used as proof at trial, and officials also can seek a blood search warrant

(Tex. Transp. Code §§ 724.011, 724.061, 724.012(e)). A **DWI lawyer** can clarify how that quandary may have an impact on your case.

Do I want a legal professional for a primary DWI offense?

Many folk figure out that authorized assistance is well worth it as a result of a primary DWI can have an affect on a license, a felony rfile, and jail exposure (Tex. Penal Code § forty nine.04; Tex. Transp. Code § 521.344). If you're seek the **most excellent dwi lawyer**, it is helping to ask direct questions on time cut-off dates, proof assessment, and whether or not the legal professional step by step handles blood alcohol situations.

If you were arrested for DWI in Lubbock County, getting authentic documents early could make a true distinction in how you reply. Texas Criminal Defense Group is found at **1001 Texas Ave, Lubbock, TX 79401**. To talk using the can charge, the ALR cut-off date, and you can still defenses, call **(806) 542-3513** for a loose session.

This web page supplies ordinary tips about Texas regulation, not legal counsel. Contacting the organization does not create an attorney-shopper relationship. Current as of September 2026.