

If you had been arrested for DWI in Lubbock, the time to speak with a **DWI legal professional in Lubbock** is most of the time as quickly as you might be published, or as soon as a family member can make the call for you. A DWI arrest can have an effect on your motive force's license, your crook checklist, and in a few circumstances your freedom if the case results in detention center time or criminal time. There may be a separate time limit for your license. In many circumstances, you could have **15 days from receiving be aware of suspension** to request an Administrative License Revocation, or ALR, listening to, and in a few blood check situations the closing date is **20 days from the mailing date** of the attention (Tex. Transp. Code §§ 524.031, 724.041). That time limit does not run from the arrest itself.

Texas Criminal Defense Group bargains a unfastened session. If you were arrested in Lubbock County, you can still call **(806) 542-3513** to talk via what befell and what points in time might also follow.

What Happens After a DWI Arrest in Lubbock

After a DWI arrest in Lubbock County, the usual next steps are booking, an look beforehand a Justice of the Peace, bond, after which the start out of either a crook case and a separate driving force's license task. Those are associated, yet they're now not the similar thing.

People arrested in Lubbock County are routinely booked into the **Lubbock County Detention Center, 3502 N. Holly, Lubbock, TX 79403**, that's run through the Lubbock County Sheriff's Office. Arrests inside the field can even involve 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 earlier than a magistrate** without useless postpone and within forty eight hours of arrest (Tex. Code Crim. Proc. Art. 15.17). You would listen this known as magistration. The Sheriff's Office says those hearings are held at the very least two times on a daily basis and are stay-streamed. Bond should be published on the penal complex bond window or thru a bail bond organisation.

In many DWI instances, the officer may even study the **DIC-24 statutory warning** about breath or blood checking out after the arrest less than Texas implied consent law (Tex. Transp. Code §§ 724.011, 724.1/2). If the officer serves a **DIC-25 Notice of Suspension**, that detect concerns since it might probably commence the clock for requesting an ALR hearing.

It additionally helps to split three one of a kind phases:

- **Arrested** means police think they'd grounds to take you into custody.
- **Charged** approach a offender accusation is filed.
- **Convicted** manner there was a conviction in courtroom, or yet another outcome that Texas legislation treats as a prior for destiny DWI enhancement in some scenarios.

Misdemeanor and felony DWI instances in Lubbock County are prosecuted by the Lubbock County Criminal District Attorney's Office.

How Texas Law Defines DWI

In Texas, DWI capability working a motor vehicle in a public region at the same time intoxicated (Tex. Penal Code § 49.04). That is the basic definition, however several ingredients of it subject in genuine **dwi lawyer lubbock** circumstances.

Texas legislations gives the State **two unbiased ways** to end up intoxication (Tex. Penal Code § 49.01(2)). First, the State can check out to indicate you did not have the wide-spread use of your mental or actual faculties due to alcohol, a managed substance, a drug, a unsafe drug, a aggregate of these, or every other substance. Second, the State can try out to point out you had an alcohol awareness of 0.08 or greater.

That skill anyone will likely be arrested for DWI inspite of a BAC less than 0.08 if the officer claims the character did no longer have basic use of psychological or physical faculties. Texas legislations additionally says a legitimate prescription will never be a protection through itself (Tex. Penal Code § 49.10). Prescription drugs, over-the-counter medical care, illegal medicines, or a mixture of elements can all was element of a DWI allegation.

“Operating” and “public position” also are priceless. Texas rules defines a public region broadly, and that will consist of parking tons and condo known places (Tex. Penal Code § 1.07). A DWI arrest does no longer should come from a cease on I-27, Loop 289, Marsha Sharp Freeway, or Broadway. It can manifest in locations many folks would not reflect on as a roadway.

Texas additionally uses a distinct offense also known as **DUI by using a minor**. For drivers less than 21, DUI ability driving with any detectable quantity of alcohol within the machine, and that is a Class C misdemeanor (Tex. Alco. Bev. Code § 106.041). It isn't really a lesser adaptation of adult DWI, and adults cannot be charged with it. A driving force underneath 21 can still be charged with full DWI if the facts fit the DWI statute.

lubbock dwi defense lawyer

Texas DWI Penalties, Current as of September 2026

Texas DWI consequences rely upon the proof, the wide variety of previous intoxication offenses, and regardless of whether anybody turned into injured or killed. The table under summarizes the offense tiers indexed in Texas law.

Offense Statute Offense Level Confinement Maximum Fine	--- --- --- --- ---	First DWI Tex. Penal Code §§ 49.04(b), 12.22 Class B misdemeanor 72 hours minimal to one hundred eighty days in county penal complex \$2,000
First DWI with open box in instantaneous ownership Tex. Penal Code § 49.04(c) Class B misdemeanor 6 days minimal to one hundred eighty days in county prison \$2,000	DWI with alcohol concentration of 0.15 or greater at time of analysis Tex. Penal Code §§ forty nine.04(d), 12.21 Class A misdemeanor Up to 1 year in county detention center \$four,000	DWI in faculty crossing region even as decreased college velocity decrease applies Tex. Penal Code §§ 49.04(e), 12.35 State prison legal one hundred eighty days to two years in country reformatory \$10,000
DWI with passenger more youthful than 15 Tex. Penal Code § forty nine.05 State jail prison a hundred and eighty days to 2 years in country detention center \$10,000	Second DWI Tex. Penal Code § 49.09(a) Class A misdemeanor 30 days minimum in county detention center \$four,000	Third DWI Tex. Penal Code §§ 49.09(b)(2), 12.34 Third-measure criminal 2 to 10 years in felony \$10,000
Intoxication assault Tex. Penal Code § forty nine.07 Third-diploma felony 2 to ten years in detention center \$10,000	Intoxication manslaughter Tex. Penal Code § forty nine.08 Second-measure legal 2 to 20 years in penitentiary \$10,000	Boating at the same time as intoxicated Tex. Penal Code § 49.06 Class B misdemeanor seventy two hours minimum in county detention center \$2,000

On closing conviction, Texas rules also imposes a separate **nation fine** beneath Transportation Code § 709.001. It is \$three,000 for a first conviction within a 36 month duration, \$4,500 for a moment or subsequent conviction inside 36 months, or \$6,000 if the alcohol concentration became zero.15 or extra. The court docket would have to waive that state satisfactory if the man or woman is came across indigent.

Protecting Your Driver's License

Your license is absolutely not robotically suspended right this moment of arrest, however the closing date to look after it may possibly arrive immediately. The ALR program is cut loose the felony case, and lacking the hearing request cut-off date can settlement you a threat to quandary the suspension (Tex. Transp. Code §§ 524.031, 724.041).

The ALR hearing and suspension lengths

A timely ALR listening to request stops the suspension from commencing until the executive law decide comes to a decision the case. ALR hearings are held with the aid of the State Office of Administrative Hearings, or SOAH, and the safeguard can subpoena the arresting officer. That could make the listening to efficient for finding out early details about the stop and arrest.

Adult suspension lengths are set via statute (Tex. Transp. Code §§ 524.022, 724.0.5, 724.046):

Situation	Suspension Length
Failed examine, no earlier alcohol-same or drug-comparable enforcement touch	inside 10 years ninety days
Failed scan, with earlier contact within 10 years	12 months
Refused examine, no previous touch inside 10 years	a hundred and eighty days
Refused take a look at, with past touch within 10 years	2 years

Without a hearing request, the suspension on the whole begins on the fortieth day after be aware. In blood try out circumstances, DPS may mail the attention later, and the hearing request is due 20 days from the mailing date. ALR suspensions cannot be probated. The reinstatement check is \$one hundred twenty five.

A first DWI conviction may additionally convey a separate license suspension of ninety days to at least one year (Tex. Transp. Code § 521.344(a)). That isn't the same as the ALR suspension.

Occupational driver's license

If your license is suspended, you may be in a position to ask for an **occupational driver's license**, additionally called an standard desire license (Tex. Transp. Code §§ 521.2421, 521.245, 521.248, 521.249, 521.2424). The historical mandatory waiting classes have been repealed fantastic September 1, 2023.

For an ALR-only suspension, the petition goes to a courtroom within the county wherein you live or the place the arrest took place. For a suspension after a conviction, the petition should be filed with the courtroom of conviction. The court docket have got to order alcohol-dependence counseling except it finds accurate result in not to.

Driving below an occupational driving force's license is restrained by way of statute. By default, this is limited to 4 hours a day, although a courtroom can enable up to 12 hours on a showing of desire. If an ignition interlock machine is required, the driving force is exempt from the time, route, and cause limits. The court order works as a momentary license for 45 days.

No occupational license is ever issued for riding a business motor auto.

Ignition interlock and SR-22

An ignition interlock gadget may well be required at a few ranges of a DWI case. Texas legislation normally calls for it as a bond condition for a repeat DWI can charge and for DWI with a youngster passenger, intoxication attack, or intoxication manslaughter expenditures (Tex. Code Crim. Proc. Art. 17.441). It is usually required as a situation of community supervision for an alcohol focus of zero.15 or extra, repeat offenders, and drivers less than 21 (art. 42A.408). It is required for DWI deferred adjudication neighborhood supervision until waived after an comparison.

An **SR-22** is usually generally component of the license task. It is a Financial Responsibility Insurance Certificate filed with DPS. It is a certificates, no longer a coverage.

How a DWI Defense Lawyer Challenges the Evidence

A **dwi defense lawyer** seems at even if the State can end up each one element of the case with lawful, riskless evidence. The protection ordinarily starts with the stop, then actions to container tests, breath or blood trying out, and the timing of any BAC result.

The traffic stop

A site visitors end calls for practical suspicion, and an arrest requires probably lead to lower than the Fourth Amendment. If the stop or arrest did no longer meet those criteria, that will impression regardless of whether proof should always be admitted later.

In a Lubbock case, the safeguard would possibly assessment the officer's report in addition to any dash-cam or physique-cam footage. That can assist try even if the officer's description matches what the video displays.

Field sobriety tests

Field sobriety assessments are usually not required through a Texas statute, and declining them does now not trigger an ALR suspension. The standardized tests constructed by means of NHTSA are the horizontal gaze nystagmus take a look at, the stroll-and-turn, and the single-leg stand.

These assessments can nevertheless turned into helpful proof since officials in the main use them to give an explanation for why they believed there was possibly lead to for arrest. A **DWI lawyer** may just look into the instructional materials, the conditions, the floor, the climate, the footwear, the video, and no matter if the tests were administered in a standardized way.

Breath tests

After a DWI arrest, Texas implied consent law applies, and the officer reads the DIC-24 statutory warning (Tex. Transp. Code §§ 724.011, 724.half). A particular person can nonetheless refuse a requested specimen, yet refusal incorporates a longer ALR suspension and is also used as evidence at trial (Tex. Transp. Code § 724.061).

Breath testing in Texas is accomplished on the **Intoxilyzer 9000** beneath the DPS Breath Alcohol Testing Program by means of qualified operators (Tex. Transp. Code § 724.016). In a few situations, the protection can overview protection statistics, calibration files, and operator data. The limitation isn't simply the number suggested. The difficulty is regardless of whether the State can express the influence is safe and wisely hooked up for your case.



Blood exams and search warrants

Since 2021, police want a search warrant or excellent emergency cases to take blood with no consent, even wherein a specimen would possibly differently be essential (Tex. Transp. Code § 724.012(e)). Blood must be drawn by means of qualified personnel in a sanitary region (Tex. Transp. Code § 724.017).

Blood proof would elevate numerous separate questions. A **lubbock dwi defense lawyer** may well review the warrant, the affidavit, chain-of-custody records, and the evaluation files. Texas rules additionally says blood samples are retained, and someone may perhaps request complete know-how approximately the prognosis (Tex. Code Crim. Proc. Art. 38.50, Tex. Transp. Code § 724.018).

Texas rules additionally allows for a man who gave the officer's requested specimen, within 2 hours of arrest, to arrange a further autonomous blood attempt by using a qualified someone of the man or woman's picking out (Tex. Transp. Code § 724.019). Police do not have to shipping the individual for that attempt.

The 0.15 timing question

A 0.15 case isn't very necessarily as common as one quantity on a lab sheet. Texas legislations measures the Class A stage by way of the alcohol concentration **when the pattern was analyzed**, not when the adult changed into driving (Tex. Penal Code § 49.04(d)).

That timing can matter. In a few circumstances, the protection could verify while the using passed off, when the sample was once taken, when it become analyzed, and regardless of whether the State's timing principle makes feel.

Possible Outcomes for a First DWI

A first DWI does not have one mounted influence. Depending on the info, the proof, the prosecutor's situation, and your background, a case would lead to dismissal, a reduction, deferred adjudication group supervision, community supervision, or trial.

A case may be **dismissed** in a few circumstances, but not quickly since time exceeded or simply because you done a class on your personal. Dismissal on a regular basis relies upon on authorized or real troubles in the case, or some other case-one of a kind rationale. A dismissal additionally does now not erase documents with the aid of itself.

A charge can also in certain cases be **reduced** to **Obstructing Highway or Other Passageway** beneath Texas rules, based at the details and the prosecutor's resolution (Tex. Penal Code § forty two.03). Not each case qualifies for that effect.

Deferred adjudication community supervision has been achievable for a few first DWI circumstances when you consider that September 1, 2019 (Tex. Code Crim. Proc. Art. 42A.102). If it's miles completed successfully, there is no conviction. But it is absolutely not possible if the alcohol concentration was once 0.15 or more at the time of the offense, if the consumer holds a commercial motive force's license or learner's allow, if a infant passenger changed into worried, or if the can charge is more desirable. A DWI deferred adjudication nonetheless counts as a prior conviction if the consumer is ever charged with DWI back (Tex. Penal Code § forty nine.09(g)).

Community supervision (repeatedly referred to as probation) is assorted. It is a conviction with a probated sentence. In misdemeanor cases, network supervision is capped at 2 years, notwithstanding it will possibly be multiplied after a violation (Tex. Code Crim. Proc. Art. 42A.053). Conditions would include classes, reporting, expenditures, and in some circumstances ignition interlock.

People positioned on community supervision for DWI are mostly ordered to complete the **DWI Education Program**, which is 12 hours below TDLR laws and is in the main accomplished within 180 days of being positioned on supervision (Tex. Code Crim. Proc. Art. 42A.403). Repeat offenders attend the **DWI Intervention Program**, that is as a minimum 30 hours (artwork. 42A.404).

Some first cases go to **trial**. A trial would attention on the give up, the officer's observations, area sobriety tests, breath or blood testing, or even if the State can turn out intoxication past a reasonable doubt.

What happens to the checklist afterward

A first DWI file isn't really instantly got rid of. Whether it could be hidden from public view or erased relies on how the case ended.

An **order of nondisclosure** may well be handy in lots of first DWI instances and will seal the record from public view (Tex. Gov't Code §§ 411.0726, 411.0731, 411.0736). Waiting sessions rely upon the result of the case. Many deferred adjudication circumstances require a 2 year wait after discharge. Some network supervision and conviction instances require three years or five years, and a few require simply 2 years if an interlock used to be required for at the least 6 months. It isn't achievable for a 0.15 or extra conviction. Law enforcement and licensing firms can still see a sealed checklist.

An **expunction** is alternative. It is ruled via Chapter 55A of the Code of Criminal Procedure and should follow after an acquittal, after positive dismissals, or when expenditures are certainly not filed and ready intervals circulate (Tex. Code Crim. Proc. Ch. 55A, Tex. Gov't Code § 76.011). A dismissal does now not erase documents with the aid of itself. An expunction petition is required. A conviction that stands can not be expunged, except for in very constrained scenarios such as a pardon or genuinely-innocence alleviation.

A Texas DWI conviction remains on a crook list permanently. There isn't any automated removing after 7 or 10 years.

Repeat and Felony DWI Charges

Repeat and prison DWI prices hold increased punishment levels and extra long-time period effects. Prior intoxication convictions matter for enhancement whatever how historic they are, and out-of-kingdom priors can be counted too (Tex. Penal Code § forty nine.09(c)).

A moment DWI is a Class A misdemeanor with a minimum of 30 days of confinement (Tex. Penal Code § forty nine.09(a)). A 0.33 DWI is a third-stage prison punishable via 2 to ten years in criminal and as much as a \$10,000 fine (Tex. Penal Code §§ 49.09(b)(2), 12.34).

Texas counts past intoxication convictions for life. There isn't any 10 year washout rule. Prior boating while intoxicated, flying whilst intoxicated, and entertainment ride intoxication convictions can also depend for enhancement.

Bond stipulations can changed into stricter in repeat and felony instances. Texas rules more often than not requires ignition interlock as a bond condition for repeat DWI bills and for specific greater serious intoxication rates (Tex. Code Crim. Proc. Art. 17.441).

A DWI case can also be a felony even on a primary arrest if the statistics involve a child passenger younger than 15, a college crossing region while the diminished school pace decrease applies, severe physical damage, or dying. **Intoxication assault** is a 3rd-degree prison if severe physical harm is as a result of purpose of intoxication (Tex. Penal Code § forty nine.07). **Intoxication manslaughter** is by and large a 2d-stage criminal with a punishment number of 2 to twenty years, and due to the fact September 1, 2025, it is going to be a primary-degree felony in detailed circumstances, together with while more than one someone dies in the similar criminal transaction (Tex. Penal Code §§ 49.08, forty nine.09(b-2)).

CDL Holders, Texas Tech Students, and Drivers Under 21

Some teams face brought results after a DWI arrest, even if the offender can charge is the related. Commercial drivers, students, and drivers under 21 should pay unusual concentration to those introduced laws.

A CDL holder with zero.04 or extra even as running a commercial motor auto faces a 1 year advertisement license disqualification, and it is an administrative motion, no longer a separate crook payment (Tex. Transp. Code § 522.081(b)). A first DWI conviction in any auto, or refusing or failing a try out, additionally brings a 1 yr CDL disqualification, or 3 years if hauling placarded unsafe material. A second brings an entire life disqualification (Tex. Transp. Code § 522.081). CDL and business learner's permit holders are usually not eligible for DWI deferred adjudication community supervision (Tex. Code Crim. Proc. Art. 42A.102).

Texas Tech pupils may also face a separate college conduct manner in addition to the felony case. That manner can transfer on its own timeline.

For drivers under 21, Texas makes use of the separate offense of **DUI via a minor** for any detectable volume of [Lubbock DWI attorney](#) alcohol (Tex. Alco. Bev. Code § 106.041). But an individual under 21 can still be charged with full DWI if the info in good shape the DWI statute. Under-21 drivers could also face ignition interlock as a circumstance of network supervision in DWI circumstances (Tex. Code Crim. Proc. Art. 42A.408).

A DWI Lawyer Near You in Lubbock

If you have been arrested in Lubbock County, regional assistance is feasible. Texas Criminal Defense Group is found at **1001 Texas Ave, Lubbock, TX 79401**, and the phone wide variety is **(806) 542-3513**.

The corporation helps employees arrested for DWI in Lubbock County, consisting of instances involving the Lubbock Police Department, the Sheriff's Office, DPS, and Texas Tech University Police Department. If you're looking on line for a **DWI attorney near me**, the such a lot powerfuble first step could be a loose consultation centred for your arrest date, your forms, and any license cut-off date that will already be jogging.

Some other folks additionally seek for a **dwi lawyer lubbock** after an arrest due to the fact they need to bear in mind the local technique effortlessly. A on the spot name may help sort out what passed off at reserving, whether or not a observe of suspension became issued, and what to do subsequent.

Frequently Asked Questions

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

You recurrently have 15 days from receiving the awareness of suspension to request an ALR hearing (Tex. Transp. Code §§ 524.031, 724.041). In a few blood try out cases, DPS mails the attention later, and the time limit is 20 days from the mailing date. It seriously isn't 15 days from the arrest itself.

Is my license suspended automatically after a DWI arrest?

No, your license is not mechanically suspended in the meanwhile of arrest below the ALR application. If you well timed request a hearing, the suspension does not start out until the executive regulation judge comes to a decision the case. Without a request, the suspension mainly begins at the 40th day after notice.

Can I get an occupational license after a DWI suspension?

Yes, many drivers can ask for an occupational motive force's license after a suspension (Tex. Transp. Code §§ 521.2421, 521.248, 521.249). The filing court is dependent on even if the suspension is ALR-handiest or follows a conviction. An SR-22 is needed, and some drivers ought to use an ignition interlock machine.

Can a primary DWI be a legal in Texas?

Yes, a first DWI will likely be a legal in a few eventualities. Examples indexed by means of statute consist of DWI with a little one passenger younger than 15, DWI in a university crossing area even as the decreased university speed prohibit applies, intoxication assault, and intoxication manslaughter. The level relies at the information of the case.

What is the distinction among DWI and DUI in Texas?

DWI is the grownup intoxication using offense under Penal Code Chapter 49. DUI with the aid of a minor is a separate offense for drivers below 21 with any detectable quantity of alcohol beneath Alcoholic Beverage Code § 106.041. Adults should not be charged with DUI, and a minor can nonetheless be charged with full DWI if the evidence strengthen it.

Does deferred adjudication for DWI count number as a conviction?

For such a lot reasons, triumphant deferred adjudication group supervision ability there is no conviction. But Texas law says a DWI deferred adjudication nevertheless counts as a previous conviction if the grownup is later charged with DWI lower back (Tex. Penal Code § 49.09(g)). That is one motive the particulars of the outcome rely.

Can a DWI be sealed or expunged in Texas?

Sometimes, certain, however it relies on how the case ended. Many first DWI instances may well qualify for an order of nondisclosure, which seals the file from public view after the desired waiting period. Expunction is narrower and might follow after an acquittal, designated dismissals, or whilst expenses are in no way filed and the waiting era passes.

What takes place if I refuse a breath or blood take a look at in Texas?

A refusal can set off an extended ALR suspension and may be used as proof at trial (Tex. Transp. Code §§ 724.0.5, 724.061). During a few enforcement tasks often known as “No Refusal,” officials will normally search a decide-signed blood seek warrant after a refusal. The prison effect relies on the evidence and the paperwork.

Do I need a attorney for a primary DWI offense?

Many worker's choose to speak with a lawyer even on a first case considering that a DWI can influence equally the offender case and the driver's license. A first offense may additionally involve questions about the end, discipline sobriety tests, breath or blood evidence, deferred adjudication eligibility, and report sealing solutions. A consultation should help have in mind these issues early.

If you had been arrested for DWI in Lubbock County, a calm, early evaluation of the evidence will help circumvent missing closing dates and more suitable perceive your ideas. Texas Criminal Defense Group is observed at **1001 Texas Ave, Lubbock, TX 79401**. To arrange a unfastened consultation, call **(806) 542-3513**.

This page provides preferred advice approximately Texas rules, not felony guidance. Contacting the corporation does not create an legal professional-purchaser dating. Current as of September 2026.