

Lubbock DWI security lawyer aid can subject desirable away should you have been arrested in Lubbock County. A DWI arrest can put your motive force's license, your record, or even your freedom at danger, relying at the fee and your background. You even have a brief closing date to give protection to your license by way of the ALR application. In so much instances, you've got 15 days from receiving understand of suspension to request a hearing, and in blood test instances the closing date is 20 days from the mailing date of the notice (Tex. Transp. Code §§ 524.031, 724.041). If you omit that step, the suspension can start on the fortieth day after word. If you prefer clean solutions approximately what happens next, call Texas Criminal Defense Group for a unfastened consultation at (806) 542-3513.

What Happens After a DWI Arrest in Lubbock

A DWI arrest is the bounce of a case, not the conclusion of it. After an arrest in Lubbock County, of us are oftentimes booked into the Lubbock County Detention Center at 3502 N. Holly, Lubbock, TX 79403, that is run by the Lubbock County Sheriff's Office.

Texas law requires an visual appeal before a Justice of the Peace with out useless delay and inside forty eight hours of arrest (Tex. Code Crim. Proc. Art. 15.17). You could hear this often called magistration. The Sheriff's Office says these hearings are held not less than twice on daily basis and are live-streamed. At that degree, bond might be set, and bond should be posted on the penal complex bond window or by way of a bail bond organization.

In many DWI situations, the officer additionally provides two superb paperwork tied to the driver's license procedure. One is the DIC-24 statutory warning, and is the reason implied consent and the outcomes of refusing or failing a try (Tex. Transp. Code §§ 724.011, 724.1/2). The other may well be the DIC-25 Notice of Suspension, which starts the clock for asking for an ALR hearing in many cases (Tex. Transp. Code §§ 524.031, 724.041).

It additionally enables to continue the terms directly. Being arrested way legislations enforcement took you into custody. Being charged means a proper offender accusation became filed. Being convicted capability the case led to a conviction simply by a plea or trial. Those are varied ranges, and a DWI lawyer can clarify in which your case stands.

Arrests inside the Lubbock location may well involve 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 felony DWI instances are prosecuted through the Lubbock County Criminal District Attorney's Office.

How Texas Law Defines DWI

In Texas, DWI method operating a motor auto in a public region when intoxicated (Tex. Penal Code § 49.04). The State does not ought to prove a crash passed off. It does not even have got to turn out the car was once shifting quickly. The primary subject matters are operation, public position, and intoxication.

Texas rules presents the State two unbiased approaches to prove intoxication (Tex. Penal Code § forty nine.01(2)). The first is loss of the favourite use of psychological or actual schools caused by alcohol, a managed substance, a drug, a bad drug, a combo of these supplies, or any other substance. The moment is an alcohol concentration of 0.08 or more.

That is why a person should be would becould very well be arrested even when the breath or blood outcome is lower than zero.08. If the State claims you did not have the regular use of your psychological or physical faculties,

it can still dossier a DWI payment underneath that first definition (Tex. Penal Code § forty nine.01(2)(A)).

Drugs and prescription medicinal drugs may also be component to a DWI case. A valid prescription seriously is not a protection by using itself (Tex. Penal Code § 49.10). The query is regardless of whether the State can end up intoxication less than the felony definition.

“Public place” is broader than many folk expect. It incorporates places the general public or a enormous group of the public has access to, corresponding to parking heaps and house widespread spaces (Tex. Penal Code § 1.07). A DWI arrest does now not need to appear on I-27, Loop 289, Marsha Sharp Freeway, or Broadway to count as being in a public place.

“Operating” may also end up an hindrance in some cases. Texas legislation uses that word in the statute, and the data may also remember when the safeguard opinions what officers in point of fact mentioned (Tex. Penal Code § forty nine.04).

Texas additionally has a separate offense often known as DUI through a minor. Under Alcoholic Beverage Code § 106.041, a motive force lower than 21 may be charged with DUI via a minor for any detectable amount of alcohol. It is a Class C misdemeanor. It seriously isn't a lesser edition of DWI, and adults won't be able to be charged with it. A user under 21 can nonetheless be charged with full DWI if the proof in good shape the DWI statute.

Texas DWI Penalties (Current as of September 2026)

Texas DWI consequences rely upon the rate, the alleged alcohol attention, prior intoxication convictions, and targeted stressful tips. The desk underneath summarizes the main offense stages and ranges indexed in the statutes.

Offense	Statute	Offense Level	Confinement	Maximum Fine	First DWI	Tex. Penal Code	
Class B misdemeanor	§§ 49.04(b), 12.22	Minimum seventy two hours, up to a hundred and eighty days in county penal complex	\$2,000	First DWI with open box in immediately ownership	Tex. Penal Code § forty nine.04(c)	Class B misdemeanor	
Class B misdemeanor	Minimum 6 days, as much as a hundred and eighty days in county prison	\$2,000	DWI with alcohol concentration of zero.15 or greater at time of evaluation	Tex. Penal Code §§ forty nine.04(d), 12.21	Class A misdemeanor	Up to 1 12 months in county prison	
DWI in institution crossing area even though decreased college speed restriction applies	Tex. Penal Code §§ 49.04(e), 12.35	State prison	a hundred and eighty days to 2 years in kingdom reformatory	best dwi lawyer \$10,000	DWI with passenger youthful than 15	Tex. Penal Code § 49.1/2	
State prison criminal	one hundred eighty days to 2 years in nation penitentiary	\$10,000	Second DWI	Tex. Penal Code § 49.09(a)	Class A misdemeanor	Minimum 30 days in county penal complex, up to 1 year	
\$four,000	Third DWI	Tex. Penal Code §§ forty nine.09(b)(2), 12.34	Third-diploma prison	2 to ten years in penitentiary	\$10,000	Intoxication attack	Tex. Penal Code § forty nine.07
Third-diploma felony	2 to 10 years in legal	\$10,000	Intoxication manslaughter	Tex. Penal Code §§ 49.08, 12.33	Second-level felony	2 to 20 years in prison	\$10,000
Boating although intoxicated	Tex. Penal Code § forty nine.06	Class B misdemeanor	Minimum 72 hours, up to 180 days in county jail	\$2,000			

There may be a separate kingdom positive on last conviction beneath Transportation Code § 709.001. It is \$three,000 for a first conviction within a 36 month era, \$4,500 for a 2d or next conviction inside 36 months, or \$6,000 if the alcohol awareness was once 0.15 or greater. It is besides to the offender wonderful, and the court ought to waive it if the person is came across indigent.

Protecting Your Driver's License

Your license isn't always instantly suspended the instant you're arrested. Under the ALR program, a timely hearing request can stop the suspension from beginning unless an administrative law judge decides the case (Tex. Transp. Code §§ 524.031, 724.041).

The ALR listening to and suspension lengths

The ALR software is separate from the felony case. ALR hearings are dealt with by way of the State Office of Administrative Hearings, repeatedly often called SOAH, before an administrative regulation choose. The defense can subpoena the arresting officer, which shall be valuable as a result of it will probably divulge testimony and history early.

In such a lot circumstances, you may have 15 days from receiving the notice of suspension to request a hearing (Tex. Transp. Code §§ 524.031, 724.041). In blood test circumstances, DPS might mail the attention later, and the request is due 20 days from the mailing date. If no request is made, the suspension starts off at the fortieth day after detect.

Adult suspension lengths rely on even if the allegation is a failed examine or a refusal, and whether there has been a prior alcohol-relevant or drug-appropriate enforcement touch inside 10 years.

| ALR reason | Suspension length | |---|---| | Failed attempt | ninety days | | Failed verify with prior contact inside of 10 years | 12 months | | Refused check | 180 days | | Refused verify with previous contact inside of 10 years | 2 years |

ALR suspensions can not be probated, and the reinstatement payment is \$125 (Tex. Transp. Code §§ 524.022, 724.05, 724.046). A first DWI conviction can also deliver a separate license suspension of ninety days to one 12 months (Tex. Transp. Code § 521.344(a)).

Occupational motive force's license

An occupational driver's license, additionally referred to as an quintessential need license, would possibly allow confined using all through a suspension (Tex. Transp. Code § 521.2421). For an ALR-solely suspension, the petition goes to a court docket within the county in which you reside or in which the arrest occurred. For a suspension that follows a conviction, the petition need to be filed with the courtroom of conviction.

The court will have to order alcohol-dependence counseling unless it reveals decent lead to now not to (Tex. Transp. Code § 521.245). Driving is limited to four hours a day by using default, nonetheless the court docket can let as much as 12 hours on a displaying of desire (Tex. Transp. Code § 521.248(b)). If the occupational license calls for an ignition interlock machine, the motive force is exempt from the time, course, and objective limits (Tex. Transp. Code § 521.248(d)).

The court docket order works as a transient license for forty five days (Tex. Transp. Code § 521.249). An SR-22 is needed. No occupational license is ever issued for riding a business motor car or truck (Tex. Transp. Code § 521.2424).

Ignition interlock and SR-22

An ignition interlock gadget should be required at one-of-a-kind ranges of a DWI case. As a bond circumstance, it truly is usually required for a repeat DWI cost and for DWI with a child passenger, intoxication attack, or intoxication manslaughter quotes (Tex. Code Crim. Proc. Art. 17.441).

It can also be required as a condition of network supervision for an alcohol concentration of 0.15 or extra, repeat offenders, and drivers beneath 21 (Tex. Code Crim. Proc. Art. 42A.408). It could also be required for DWI deferred

adjudication group supervision until waived after an overview.

An SR-22 is a Financial Responsibility Insurance Certificate that an insurance plan corporate files with DPS. It is a certificate, no longer a separate insurance coverage.

How a DWI Defense Lawyer Challenges the Evidence

A DWI defense lawyer appears to be like at no matter if the give up, arrest, trying out, and paperwork meet legal necessities. Many circumstances activate data inside the video, experiences, timing, and check history as opposed to one unmarried trouble.

The visitors stop

The police have got to have average suspicion for a site visitors give up, and possibly result in for an arrest, beneath the Fourth Amendment. That does not suggest each stop is invalid. It does imply the proof in the back of the forestall and arrest will have to be examined sparsely.

A defense attorney could evaluate dash-cam photos, frame-cam pictures, dispatch details, and the officer's document. If the intent for the forestall is vulnerable, contradicted by way of video, or unsupported, that will have an impact on what evidence might be used.

Field sobriety tests

Field sobriety checks are usually not required via Texas statute. The standardized tests are the horizontal gaze nystagmus try out, the stroll-and-turn, and the one-leg stand, and so they were evolved via NHTSA.

Declining discipline sobriety assessments does not trigger an ALR suspension. Even when somebody agrees to participate in them, the safeguard can even think of the instructions, circumstances, footwear, lighting fixtures, street floor, physique-cam video, and regardless of whether the officer scored the assessments actually.

Breath tests

If an officer requests a breath specimen after a DWI arrest, Texas implied consent rules applies (Tex. Transp. Code §§ 724.011, 724.05). The officer should examine the DIC-24 statutory warning. Refusal is still a possibility, yet it can lead to an extended ALR suspension and might possibly be used as facts at trial (Tex. Transp. Code § 724.061).

Breath tests in Texas are run on the Intoxilyzer 9000 by using the DPS Breath Alcohol Testing Program with licensed operators (Tex. Transp. Code § 724.016). A dwi protection legal professional may additionally evaluation upkeep statistics, calibration facts, and operator files to determine whether there are disorders that topic for your case.

Blood tests and seek warrants

Since 2021, police many times desire a seek warrant or good emergency cases to take blood with no consent, even in cases the place a specimen could or else be obligatory (Tex. Transp. Code § 724.012(e)). Blood would have **dwi lawyer lubbock** to be drawn with the aid of certified staff in a sanitary vicinity (Tex. Transp. Code § 724.017).

Blood samples are retained, and an individual may additionally request complete info about the prognosis (Tex. Code Crim. Proc. Art. 38.50; Tex. Transp. Code § 724.018). A human being who gave the officer's asked specimen may perhaps, inside of 2 hours of arrest, set up another self sufficient blood verify by way of a certified particular person in their identifying, however police will not be required to move them (Tex. Transp. Code § 724.019).

The safety might also review the hunt warrant records, chain-of-custody facts, and the lab activity. In some situations, timing, managing, or paperwork topics may also depend.

The 0.15 timing question

A zero.15 allegation does no longer ask in simple terms what the quantity turned into. The Class A degree applies when the pattern became analyzed, not while the adult used to be riding (Tex. Penal Code § 49.04(d)).

That timing can remember. In some instances, the safety may just take a look at whether the State can join the test outcomes on the time of prognosis again to the time of driving. You may additionally listen that discussed along side retrograde extrapolation.

Possible Outcomes for a First DWI

A first DWI can result in varied ways, relying at the facts, the fee, the prosecutor's function, and your history. No lawyer can ethically promise a outcome, yet it is helping to understand the trouble-free preferences.

A dismissal may also occur in a few situations. That almost always relies upon on evidence trouble, legal themes, witness points, or a prosecutor's determination based at the statistics. A dismissal does no longer erase statistics with the aid of itself.

A discount can also be conceivable in a few situations, even though not in each and every case. One discount repeatedly obvious is to Obstructing Highway or Other Passageway (Tex. Penal Code § forty two.03). Whether it truly is handy relies upon at the records and the prosecutor.

Deferred adjudication group supervision has been reachable for a primary DWI due to the fact that September 1, 2019 (Tex. Code Crim. Proc. Art. 42A.102). If you efficiently finished it, there is no conviction. But it just isn't on hand if the alcohol attention used to be zero.15 or more at the time of the offense, in the event you retain a advertisement motive force's license or learner's enable, if a baby passenger used to be involved, or if the rate is enhanced. A DWI deferred adjudication still counts as a previous conviction if there may be ever an additional DWI case later (Tex. Penal Code § 49.09(g)).

Community supervision (on the whole often called probation) is a different a possibility influence (Tex. Code Crim. Proc. Art. 42A.053). Straight community supervision is a conviction with a probated sentence. In misdemeanor instances, community supervision is capped at 2 years, nonetheless it could be extended after a contravention.

Conditions can range by using case. They may well comprise courses, reporting, and in some circumstances interlock standards. The DWI Education Program is 12 hours underneath TDLR rules and is basically completed within a hundred and eighty days of being located on network supervision (Tex. Code Crim. Proc. Art. 42A.403). Repeat offenders attend the DWI Intervention Program, that's at the least 30 hours (Tex. Code Crim. Proc. Art. 42A.404).

Trial is likewise a precise alternative in a few first DWI cases. A dwi legal professional critiques whether or not the discontinue changed into lawful, no matter if the arrest was once supported by means of likely rationale, and whether the testing and observations are official beforehand advising you approximately that choice.

Records: order of nondisclosure as opposed to expunction

A DWI listing shouldn't be instantly cleared after time passes. A Texas DWI conviction remains on a criminal record permanently except a few kind of felony comfort applies.

An order of nondisclosure is likely to be plausible in many first DWI cases and might seal the record from public view (Tex. Gov't Code §§ 411.0726, 411.0731, 411.0736). Waiting sessions vary. For deferred adjudication, it is 2 years after discharge. For community supervision, it is 2 years after of completion if an interlock used to be required for no less than 6 months, otherwise five years. For a conviction devoid of supervision, that's 3 years if an interlock used to be required for not less than 6 months, in any other case five years.

There are limits. An order of nondisclosure isn't always possible for a zero.15 or extra conviction. It also calls for that the someone don't have any earlier conviction or deferred adjudication for whatever thing except for a fantastic-simplest site visitors offense. If the State proves the offense led to a collision related to one other character, the petition need to be denied. Law enforcement and licensing businesses can nonetheless see sealed data.

Expunction is different. It is ruled by Chapter 55A of the Code of Criminal Procedure and can observe after an acquittal, after guaranteed dismissals resembling completing a pretrial intervention software underneath Government Code § 76.011, or whilst costs are by no means filed and waiting durations circulate (Tex. Code Crim. Proc. Ch. 55A). A dismissal does not erase data by means of itself. An expunction petition is needed. A conviction that stands are not able to be expunged excluding in infrequent events equivalent to a pardon or proper-innocence aid.

Repeat and Felony DWI Charges

Repeat and legal DWI costs are tons more serious, and historic priors can nevertheless depend. Texas does not have a 10 yr washout for prior intoxication convictions used for enhancement (Tex. Penal Code § 49.09(c)).

A second DWI is a Class A misdemeanor with not less than 30 days of confinement (Tex. Penal Code § 49.09(a)). A third DWI is a 3rd-stage prison punishable by using 2 to 10 years in prison and a effective as much as \$10,000 (Tex. Penal Code §§ 49.09(b)(2), 12.34).

Out-of-kingdom priors can matter. So can earlier boating, flying, and leisure experience intoxication convictions (Tex. Penal Code § forty [DWI lawyer](#) nine.09(c)). That is why a careful data evaluation matters early in the case.

Bond situations may additionally transform stricter in repeat and felony cases. An ignition interlock tool is most often required as a bond circumstance for a repeat DWI fee, and it also includes characteristically required for DWI with a baby passenger, intoxication attack, and intoxication manslaughter expenses (Tex. Code Crim. Proc. Art. 17.441).

Intoxication attack ability causing critical physically injury by using motive of intoxication and is a 3rd-stage criminal (Tex. Penal Code § 49.07). Intoxication manslaughter is more often than not a 2d-degree criminal punishable through 2 to 20 years (Tex. Penal Code § 49.08). Since September 1, 2025, intoxication manslaughter shall be a primary-measure prison in yes situations, along with when multiple human being dies in the identical legal transaction (Tex. Penal Code § forty nine.09(b-2)).

If you're searching for a dwi attorney in Lubbock after a repeat arrest, one of the first questions is no matter if the State is alleging priors that trade the offense stage. That hassle can form bond, technique, and manageable consequences.



CDL Holders, Texas Tech Students, and Drivers Under 21

Some drivers face excess outcomes past the common DWI consequences. CDL holders, pupils, and drivers underneath 21 continuously want a near overview of each the criminal case and linked license troubles.

For CDL holders, a zero.04 or more alcohol awareness whilst operating a advertisement motor car or truck brings a 1 year business license disqualification, and that may be an administrative movement rather than a offender rate (Tex. Transp. Code § 522.081(b)). A first DWI conviction in any auto, or refusing or failing a experiment, also brings a 1 year CDL disqualification, or three years if hauling placarded unsafe fabrics. A moment brings a lifetime disqualification (Tex. Transp. Code § 522.081).

CDL and commercial learner's permit holders will not be eligible for DWI deferred adjudication group supervision (Tex. Code Crim. Proc. Art. 42A.102). No occupational license is ever issued for using a commercial motor vehicle (Tex. Transp. Code § 521.2424).

Texas Tech pupils can even have a separate university habits job moreover to the offender case. That institution technique can run on its very own timeline.

For drivers under 21, Texas has both DWI and DUI by a minor. DUI with the aid of a minor approach any detectable amount of alcohol and is a separate Class C misdemeanor offense below Alcoholic Beverage Code § 106.041. A driver below 21 can nevertheless be charged with complete DWI if the records meet the DWI statute.

Under-21 interlock regulation additionally matter. Ignition interlock is needed as a condition of network supervision for drivers lower than 21 in DWI instances (Tex. Code Crim. Proc. Art. 42A.408).

A DWI Lawyer Near You in Lubbock

If you prefer to chat with a DWI attorney close you, Texas Criminal Defense Group is located at 1001 Texas Ave, Lubbock, TX 79401. The mobile wide variety is (806) 542-3513.

The organization allows persons arrested for DWI during Lubbock County, inclusive of arrests made by local police, the sheriff's place of work, DPS, and Texas Tech University Police. Whether the end came about on a dual carriageway, a urban boulevard, or a parking space, the next steps as a rule consist of reviewing the prevent, the testing, the driving force's license time limits, and the information the State plans to use.

Frequently Asked Questions

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

Usually, you might have 15 days from receiving the awareness of suspension to request an ALR hearing. In blood verify situations, DPS may also mail the notice later, and the closing date is 20 days from the mailing date (Tex. Transp. Code §§ 524.031, 724.041). It is not very 15 days from the arrest itself.

Is my license suspended good away after a DWI arrest in Texas?

No, your license will never be suspended immediately at present of arrest. If you timely request an ALR listening to, the suspension is held off till the executive law choose comes to a decision the case. If no request is made, the suspension veritably starts offevolved at the 40th day after be aware.

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

Yes, some drivers can ask for an occupational driver's license after a DWI-relevant suspension (Tex. Transp. Code § 521.2421). The submitting court relies upon on regardless of whether the suspension is only beneath ALR or follows a conviction. An SR-22 is required, and driving is restricted except the order requires an interlock.

Can a first DWI be a criminal in Texas?

Yes, a first DWI can be a criminal in exact conditions. Examples include DWI with a passenger youthful than 15, that is a state jail criminal, and DWI in a institution crossing area at the same time as the lowered university pace minimize applies, which is usually a kingdom reformatory felony (Tex. Penal Code §§ 49.half, forty nine.04(e)).

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

DWI is the person intoxication offense, and DUI through a minor is a separate underneath-21 alcohol offense. Under Texas legislation, DUI by using a minor entails any detectable volume of alcohol and is a Class C misdemeanor, whereas DWI calls for facts beneath the intoxication statute and will follow to drivers beneath 21 as nicely (Tex. Penal Code § forty nine.04; Alco. Bev. Code § 106.041).

Does deferred adjudication for DWI rely as a conviction?

It does not end as a conviction for those who correctly total it. But for long run DWI enhancement purposes, a DWI deferred adjudication nevertheless counts as a prior conviction when you are later charged again (Tex. Penal Code § 49.09(g)). It is also unavailable in some first-offense instances, which includes zero.15 or more allegations and CDL holders.

Can I seal or expunge a DWI in Texas?

Sometimes, definite, however it depends on how the case ended. An order of nondisclosure may well seal many first DWI data from public view if the statutory prerequisites are met, even as expunction may also observe after an acquittal, a few dismissals, or no filed premiums with the necessary waiting interval (Tex. Gov't Code §§ 411.0726, 411.0731, 411.0736; Tex. Code Crim. Proc. Ch. 55A).

What happens if I refuse a breath or blood check?

You can nonetheless refuse, but refusal has outcomes. Under implied consent law, refusal can carry an extended ALR suspension, and the refusal may be used as evidence at trial (Tex. Transp. Code §§ 724.011, 724.1/2, 724.061). During some enforcement tasks, officers might also look for a judge-signed blood seek warrant.

Do I must do field sobriety checks?

No, no Texas statute calls for you to operate discipline sobriety tests. Declining them does not cause an ALR suspension. Even so, what came about earlier and after that determination can even still be counted, so it's miles clever to speak about the statistics with a lubbock dwi security attorney as soon as you would.

How long does a DWI stay on my report in Texas?

A DWI conviction remains to your felony file completely unless a few shape of felony reduction applies. There is not any automatic removal after 7 or 10 years. In some first DWI situations, an order of nondisclosure can even later seal the document from public view if the authorized necessities are met.

Do I want a legal professional for a first DWI?

You should not legally required to lease a lawyer, however many employees improvement from getting suggestion early. A first DWI can have an effect on your license, crook report, and practicable eligibility for deferred adjudication community supervision or an order of nondisclosure. A instructed case evaluate may guide continue facts and cope with the ALR deadline.

If you have been arrested for DWI in Lubbock County, getting transparent know-how early may help make greater decisions. Texas Criminal Defense Group is observed at 1001 Texas Ave, Lubbock, TX 79401, and one could call (806) 542-3513 for a loose consultation. The enterprise can give an explanation for the payment, the ALR closing date, and the subsequent steps established at the info of your case.

This page promises widespread understanding approximately Texas law, not prison guidance. Contacting the firm [DWI lawyer near me](#) does now not create an attorney-purchaser relationship. Current as of September 2026.