

If you had been arrested and are looking for a **DWI legal professional in Lubbock**, the first element to comprehend is that your case has two constituents right away: the criminal case and the motive force's license case. A DWI arrest in Lubbock County can place your license, record, and freedom at possibility, even beforehand a courtroom makes a decision guilt or innocence. You actually have a quick deadline to preserve your license. In such a lot of situations, you may have 15 days from receiving become aware of of suspension to request an ALR hearing, and in some blood-test situations the deadline is 20 days from the mailing date of the awareness (Tex. Transp. Code §§ 524.031, 724.041). That closing date does not run from the date of arrest.

If you choose transparent solutions about what happens next, Texas Criminal Defense [lubbock dwi defense lawyer](#) Group presents a free consultation. You can call **(806) 542-3513** to speak with the aid of what happened, what notices you obtained, and what strategies will be accessible.

What Happens After a DWI Arrest in Lubbock

After a DWI arrest, you might be normally booked into penal complex, taken formerly a magistrate, and given counsel that affects both your prison case and your license. People arrested in Lubbock County are booked into the **Lubbock County Detention Center, 3502 N. Holly, Lubbock, TX 79403**, that's run by using the Lubbock County Sheriff's Office.

Texas rules call for an **visual appeal ahead of a magistrate** (occasionally often called magistration) without pointless hold up and inside of 48 hours of arrest (Tex. Code Crim. Proc. Art. 15.17). The Sheriff's Office says those hearings are held at the least twice day by day and are live-streamed. Bond might be posted on the penal complex bond window or by way of a bail bond corporate.

You may even get hold of paperwork that topics directly. Under Texas implied consent regulation, after a DWI arrest the officer reads the **DIC-24 statutory warning** about breath or blood checking out (Tex. Transp. Code §§ 724.011, 724.half). If the officer or the Texas Department of Public Safety themes a suspension observe, it's broadly documented on a **DIC-25 Notice of Suspension**.

It additionally facilitates to split three the several levels:

- **Arrested** manner legislations enforcement took you into custody.
- **Charged** means a formal offender accusation has been filed.
- **Convicted** ability a courtroom has entered a conviction.

Those ranges should not be equal. Being arrested for DWI does not suggest you have got been convicted.

In Lubbock County, misdemeanor and criminal DWI cases are prosecuted by the **Lubbock County Criminal District Attorney's Office**. Depending on wherein the arrest befell, the arresting firm could be the Lubbock Police Department, the Lubbock County Sheriff's Office, the Texas Department of Public Safety, or the Texas Tech University Police Department.

How Texas Law Defines DWI

In Texas, DWI skill operating a motor vehicle in a public region at the same time as intoxicated (Tex. Penal Code § forty nine.04). That definition is broader than many of us anticipate.

The State can turn out **intoxication** in two separate methods underneath Texas regulation (Tex. Penal Code § forty nine.01(2)):

1. You did not have the typical use of your mental or actual schools through alcohol, a controlled substance, a drug, a damaging drug, a mix of those, or another substance.
2. Your alcohol awareness become zero.08 or extra.

That matters seeing that somebody may also be arrested for DWI inspite of a try end result underneath zero.08 if the State claims there was a loss of overall use beneath the first definition. Texas law also says a valid prescription isn't very a safety by way of itself (Tex. Penal Code § forty nine.10).

“Alcohol attention” consists of breath, blood, and urine checking out (Tex. Penal Code § forty nine.01(1)). In established language, many workers name this BAC.

The phrases **operating** and **public place** can depend quite a bit. Texas law covers working a motor motor vehicle in a public situation, and “public location” incorporates parking plenty and apartment prevalent components (Tex. Penal Code §§ 49.04, 1.07). So a DWI arrest does now not need to manifest in simple terms on a freeway like I-27, Loop 289, Marsha Sharp Freeway, or Broadway.

Texas additionally treats **DUI** differently. For drivers less than 21, DUI by means of a minor is a separate offense for having any detectable quantity of alcohol (Tex. Alco. Bev. Code § 106.041). It is a Class C misdemeanor, it is simply not a lesser version of DWI, and adults can not be charged with it. A motive force lower than 21 can still be charged with complete DWI if the proof in shape the DWI statute.

Texas DWI Penalties (Current as of September 2026)

Texas DWI consequences depend upon the tips, previous heritage, and whether or not an individual turned into injured. The table less than summarizes the offense stages indexed in Texas legislation.

Offense	Statute	Offense Level	Confinement	Maximum Fine	First DWI
Tex. Penal Code §§ 49.04(b), 12.22	Class B misdemeanor	seventy two hours minimal to a hundred and eighty days in county jail	\$2,000	First DWI with open field in on the spot possession	Tex. Penal Code § forty nine.04(c)
Class B misdemeanor	6 days minimal to 180 days in county jail	\$2,000	DWI with alcohol awareness of 0.15 or extra at time of prognosis	Tex. Penal Code §§ forty nine.04(d), 12.21	Class A misdemeanor
Up to 1 year in county detention center	\$four,000	DWI in institution crossing sector whilst lowered college speed limit applies	Tex. Penal Code §§ 49.04(e), 12.35	State penitentiary felony	180 days
dwi lawyer lubbock to 2 years in kingdom reformatory	\$10,000	DWI with passenger youthful than 15	Tex. Penal Code § 49.04	State detention center criminal	one hundred eighty days to 2 years in nation detention center
\$10,000	Second DWI	Tex. Penal Code § 49.09(a)	Class A misdemeanor	30 days minimal in county detention center, up to at least one 12 months	\$four,000
Third DWI	Tex. Penal Code §§ forty nine.09(b)(2), 12.34	Third-degree legal	2 to ten years in penal complex	\$10,000	Intoxication assault
Tex. Penal Code § forty nine.07	Third-degree prison	2 to ten years in penitentiary	\$10,000	Intoxication manslaughter	Tex. Penal Code §§ 49.08, 12.33
Second-diploma legal, and in exact circumstances first-level less than § 49.09(b-2)	2 to 20 years in felony for 2d-measure	\$10,000	Boating whilst intoxicated	Tex. Penal Code § 49.06	Class B misdemeanor
seventy two hours minimum in county reformatory	\$2,000				

A final conviction may also bring a separate **nation fine** below Transportation Code § 709.001. That positive is \$3,000 for a first conviction inside of a 36-month period, \$four,500 for a 2nd or next conviction within 36 months, or \$6,000 if the alcohol awareness turned into zero.15 or more. It is break away the legal first-rate, and the court will have to waive it if the someone is came across indigent (Tex. Transp. Code § 709.001).

Protecting Your Driver's License

Protecting your license in general begins with the ALR application, not the crook court docket. The ALR program imposes a **suspension**, and the deadline to assignment it can be quick (Tex. Transp. Code §§ 524.031, 724.041).

The ALR hearing and suspension lengths

You on the whole have 15 days from receiving notice of suspension to request an ALR hearing. In blood-scan instances the place DPS mails the attention later, the request is due 20 days from the mailing date (Tex. Transp. Code §§ 524.031, 724.041). If no listening to is requested, the suspension begins at the fortieth day after become aware of. If a timely request is made, the suspension does now not birth until and until the executive law choose upholds it.

ALR hearings are taken care of by means of the **State Office of Administrative Hearings** previously an administrative law decide. The safety can subpoena the arresting officer, which would provide an early study evidence.

Here are the adult suspension lengths underneath the ALR program:

| ALR rationale | Suspension length | |---|---| | Failed take a look at | 90 days | | Failed take a look at with past alcohol-similar or drug-connected enforcement touch inside of 10 years | 1 yr | | Refused verify | a hundred and eighty days | | Refused examine with past alcohol-related or drug-related enforcement touch within 10 years | 2 years |

These suspension lengths come from Texas Transportation Code §§ 524.022 and 724.half. ALR suspensions can not be probated, and the reinstatement money is \$125 (Tex. Transp. Code § 724.046). A first DWI conviction can even bring a separate license suspension of 90 days to one yr (Tex. Transp. Code § 521.344(a)).

Occupational driving force's license

An **occupational driver's license**, also called an **necessary want license**, may enable confined using for the duration of a suspension once you qualify (Tex. Transp. Code § 521.2421). For an ALR-best suspension, the petition is going to a court inside the county in which you are living or in which the arrest came about. For a suspension that follows a conviction, the petition will have to be filed with the courtroom of conviction.

Texas repealed the historic necessary ready durations nice September 1, 2023. The courtroom should order alcohol-dependence counseling unless it reveals very good motive no longer to (Tex. Transp. Code § 521.245). By default, driving is restrained to 4 hours a day, however the court can enable up to 12 hours on a appearing of want (Tex. Transp. Code § 521.248(b)). If the occupational license requires an ignition interlock device, the time, route, and aim limits do not practice (Tex. Transp. Code § 521.248(d)).

The signed courtroom order works as a transient license for forty five days (Tex. Transp. Code § 521.249). An SR-22 is needed. Texas does no longer challenge an occupational license to power a commercial motor automobile (Tex. Transp. Code § 521.2424).

Ignition interlock and SR-22

An **ignition interlock device** might be required at several levels of a DWI case. As a bond condition, it really is by and large required for repeat DWI prices and for DWI with a kid passenger, intoxication attack, or intoxication manslaughter fees (Tex. Code Crim. Proc. Art. 17.441). As a circumstance of community supervision, it is required for a 0.15 or greater case, repeat offenders, and drivers less than 21 (Tex. Code Crim. Proc. Art. 42A.408). It can be required for DWI deferred adjudication neighborhood supervision unless waived after an comparison.

An **SR-22** is absolutely not an assurance coverage. It is a Financial Responsibility Insurance Certificate filed with DPS through an coverage company.

How a DWI Defense Lawyer Challenges the Evidence

A **dwi safety lawyer** appears at regardless of whether the discontinue, arrest, checking out, and office work stick to the legislations. A protection is absolutely not one-dimension-fits-all. It relies upon at the proof and the info of your arrest.

The traffic stop

A traffic cease have to be supported by means of **in your price range suspicion**, and an arrest needs to be supported by way of **likely cause** beneath the Fourth Amendment. If the officer lacked a lawful cause to end your vehicle or did not have satisfactory details to arrest, that may have an affect on what facts is likely to be used.

This review as a rule incorporates the officer's file, sprint-cam pictures, frame-cam footage, and the timeline of routine. Small important points can remember, which include what the officer says came about previously the discontinue and what can in actuality be visible on video.

Field sobriety tests

Field sobriety checks should not required through a Texas statute, and declining them does now not trigger an ALR suspension. The standardized assessments developed via NHTSA are the **horizontal gaze nystagmus**, **walk-and-turn**, and **one-leg stand**.

These assessments shall be challenged structured on how they had been defined, in which they were given, and even if the commands were accompanied. Uneven pavement, negative lights, climate, medical circumstances, anxiety, fatigue, age, or shoes can even affect performance. A **lubbock dwi safety lawyer** will on the whole examine the report to the video, due to the fact the two do no longer always match.

Breath tests

Breath testing in Texas is completed on the **Intoxilyzer 9000** thru the DPS Breath Alcohol Testing Program, and certified operators are used (Tex. Transp. Code § 724.016). That does now not imply every breath influence is past query.

The safety may additionally evaluate repairs statistics, calibration history, operator certification, and the trying out sequence. The timing of the look at various can remember too. A number on a mechanical device remains whatever the State has to end up with secure proof.

Blood checks and seek warrants

Police repeatedly need a **search warrant** or exact emergency instances to take blood devoid of consent, even in cases the place a specimen may in another way be vital (Tex. Transp. Code § 724.012(e)). Blood have to be drawn by means of qualified workforce in a sanitary region (Tex. Transp. Code § 724.017).

Blood proof is also challenged by means of wanting on the warrant, the affidavit, how and the place the blood used to be drawn, chain-of-custody files, and the lab diagnosis. Blood samples are retained, and anyone could request complete know-how about the research (Tex. Code Crim. Proc. Art. 38.50; Tex. Transp. Code § 724.018). If you gave the officer's requested specimen, chances are you'll also manage yet another autonomous blood test

inside of 2 hours of arrest via a certified someone of your deciding upon, notwithstanding police do now not need to transport you (Tex. Transp. Code § 724.019).

If you hear the word “No Refusal,” it’s an enforcement initiative, no longer a separate regulation. In many of those instances, a refusal leads officers to search for a decide-signed blood warrant, and the refusal nonetheless triggers the ALR suspension.

The zero.15 timing question

A 0.15 allegation can improve a timing element. Under the statute, the Class A point is measured **whilst the sample is analyzed**, not when the individual used to be driving (Tex. Penal Code § 49.04(d)).

That can end in questions about postpone between using and testing, and whether the State can reliably join the result again to the time of using. In some circumstances, that will become an noticeable component of the protection.

Possible Outcomes for a First DWI

A first DWI does not have one computerized outcomes. Depending on the records, the legislation, and your records, a case could result in dismissal, relief, deferred adjudication group supervision, community supervision, or trial.

A **dismissal** also can ensue in a few instances if the proof is just too susceptible, if criminal themes affect admissibility, or if the State shouldn't meet its burden. A dismissal does not erase facts with the aid of itself.

A **reduction** is regularly available, but simply in a few cases. One aid Texas legislation namely permits as a probable results is **Obstructing Highway or Other Passageway** (Tex. Penal Code § forty two.03). Whether **best dwi lawyer** it truly is a possibility is dependent at the data and the prosecutor.

Deferred adjudication group supervision has been attainable for a first DWI given that September 1, 2019 (Tex. Code Crim. Proc. Art. 42A.102). If it's far performed effectually, there is no conviction. But it isn't purchasable if the alcohol focus was once zero.15 or greater on the time of the offense, if the person holds a industrial driver's license or advertisement learner's let, if a toddler passenger changed into in touch, or if the cost is improved. It can also be essential to be aware of that a DWI deferred adjudication still counts as a previous conviction if the adult is later charged with DWI back (Tex. Penal Code § 49.09(g)).

Community supervision (basically referred to as probation) is the several. It is a conviction with a probated sentence. For misdemeanors, group supervision is capped at 2 years, although it might be prolonged after a contravention (Tex. Code Crim. Proc. Art. 42A.053). Conditions can even contain periods, reporting, quotes, and different requisites. In many DWI cases, the courtroom additionally calls for a DWI Education Program, which is 12 hours lower than TDLR laws and is repeatedly finished inside of a hundred and eighty days of being positioned on group 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).

A **trial** stays an choice while there may be a genuine dispute approximately the quit, the arrest, the checking out, or regardless of whether the State can prove intoxication beyond a reasonable doubt. Some instances are resolved earlier than trial. Others usually are not.

What happens to the record

A DWI record does no longer disappear on its personal. A Texas DWI conviction stays on a felony record completely unless a law lets in something more different.

An **order of nondisclosure** may be conceivable in lots of first DWI situations and might seal the document from public view (Tex. Gov't Code §§ 411.0726, 411.0731, 411.0736). Waiting periods range:

- 2 years after discharge from deferred adjudication
- 2 years after winding up community supervision if an interlock became required for no less than 6 months, in another way five years
- three years after a conviction without supervision if an interlock was once required for not less than 6 months, another way five years

There are limits. It seriously isn't conceivable for a zero.15 or greater conviction. The man or woman additionally need to haven't any prior conviction or deferred adjudication for some thing except for a wonderful-simply site visitors offense. If the State proves the offense prompted a collision regarding one other character, the request may be denied. Even when sealed, regulation enforcement and licensing businesses can nonetheless see the checklist.

An **expunction** is diversified. It is ruled via Chapter 55A of the Code of Criminal Procedure and should apply after an acquittal, after detailed dismissals, or when bills are under no circumstances filed and ready classes go (Tex. Code Crim. Proc. Ch. 55A; Tex. Gov't Code § seventy six.011). A dismissal alone does not erase the document. A separate expunction petition is needed. A conviction that stands can't be expunged, aside from in infrequent situations comparable to a pardon [DWI lawyer near me](#) or actual-innocence aid.

Repeat and Felony DWI Charges

Repeat and prison DWI rates are greater extreme, and previous instances can count for existence. Texas does now not have a ten-yr washout rule for prior intoxication convictions used to develop DWI quotes (Tex. Penal Code § 49.09(c)).

That capacity previous priors also can nevertheless be used. Out-of-kingdom priors can also depend too. Prior intoxication convictions related to boating, flying, and entertainment rides may matter for enhancement.

A **second DWI** is a Class A misdemeanor with no less than 30 days of confinement (Tex. Penal Code § 49.09(a)). A **0.33 DWI** is a third-level criminal punishable by 2 to ten years in prison and a pleasant as much as \$10,000 (Tex. Penal Code §§ 49.09(b)(2), 12.34).

Some charges are felonies even devoid of previous DWI convictions. A DWI with a passenger young than 15 is a kingdom penal complex felony (Tex. Penal Code § forty nine.half). A DWI in a university crossing zone at the same time the decreased tuition speed reduce applies may be a nation penitentiary felony (Tex. Penal Code §§ 49.04(e), 12.35).

Intoxication assault means causing extreme physically damage by using explanation why of intoxication, and it is a 3rd-level criminal (Tex. Penal Code § forty nine.07). **Intoxication manslaughter** is characteristically a moment-degree legal with a range of 2 to 20 years, and on account that September 1, 2025, it could be a primary-measure criminal in targeted situations, consisting of whilst more than one human being dies inside the related prison transaction (Tex. Penal Code §§ forty nine.08, 49.09(b-2)).

Bond situations was brilliant in those cases. An ignition interlock system is probably required as a bond condition for repeat DWI premiums and for DWI with a baby passenger, intoxication attack, and intoxication manslaughter prices (Tex. Code Crim. Proc. Art. 17.441).

CDL Holders, Texas Tech Students, and Drivers Under 21

Some people face added difficulties past the key DWI case. CDL holders, students, and drivers underneath 21 traditionally have further points that need cognizance early.

For **CDL holders**, a zero.04 or more alcohol focus whilst working a industrial motor car or truck brings a 1-year advertisement license disqualification as an administrative motion, no longer a separate crook charge (Tex. Transp. Code § 522.081(b)). A first DWI conviction in any motor vehicle, or refusing or failing a check, additionally brings a 1-12 months CDL disqualification, or three years if hauling placarded damaging ingredients. A second brings a lifetime disqualification (Tex. Transp. Code § 522.081). CDL and commercial learner's enable holders aren't eligible for DWI deferred adjudication community supervision (Tex. Code Crim. Proc. Art. 42A.102).

For **Texas Tech students**, the collage also can have its own behavior approach. That manner can run one at a time from the prison case.

For **drivers below 21**, Texas has the separate offense of **DUI with the aid of a minor**, which applies to any detectable quantity of alcohol and will not be kind of like DWI (Tex. Alco. Bev. Code § 106.041). Drivers beneath 21 can nonetheless be charged with complete DWI if the information fortify it. Under-21 drivers can also face ignition interlock specifications as a condition of network supervision in DWI cases (Tex. Code Crim. Proc. Art. 42A.408).

A DWI Lawyer Near You in Lubbock

If you prefer to chat with a **DWI lawyer** in adult, Texas Criminal Defense Group is placed at **1001 Texas Ave, Lubbock, TX 79401**. The smartphone wide variety is **(806) 542-3513**.

The agency helps persons arrested for DWI any place in Lubbock County, adding arrests involving regional companies and arrests that ensue on significant roads, parking heaps, and different public locations. If you've questions about an ALR suspension become aware of, a first offense, or a repeat can charge, you could call for a free session.

Frequently Asked Questions

How long do I must request an ALR hearing after a DWI arrest in Texas?

You sometimes have 15 days from receiving the notice of suspension to request an ALR listening to. In blood-try cases where DPS mails the attention later, the closing date is 20 days from the mailing date (Tex. Transp. Code §§ 524.031, 724.041). Missing the closing date can enable the suspension to begin instantly at the fortieth day after word.



Is my license suspended correct away after a DWI arrest?

No, your license is just not instantly suspended presently of arrest. If you timely request an ALR hearing, the suspension does not start off until the administrative law decide upholds it. If no hearing is asked, the suspension broadly speaking begins at the fortieth day after detect.

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

Yes, in lots of circumstances you will be in a position to get an occupational motive force's license. For an ALR-best suspension, the petition is going within the county the place you dwell or the place the arrest passed off. For a suspension after conviction, the petition is going to the court of conviction. An SR-22 is needed, and business driving will never be allowed.

Can a first DWI be a legal in Texas?

Yes, a primary DWI is additionally a felony in a few occasions. Examples come with having a passenger younger than 15 in the car or truck or being in a school crossing region when the lowered institution pace prohibit applies (Tex. Penal Code §§ 49.0.5, forty nine.04(e)). Most first-offense DWI cases, though, are misdemeanors.

What is the distinction among DWI and DUI in Texas?

DWI and DUI are the various offenses in Texas. DWI is the adult offense for operating a motor car in a public place although intoxicated. DUI by means of a minor applies most effective to drivers beneath 21 with any detectable quantity of alcohol (Tex. Alco. Bev. Code § 106.041). Adults will not be charged with DUI.

Does deferred adjudication for DWI matter as a conviction?

Not for the instant case, while you effectively accomplished it. Deferred adjudication network supervision for a first DWI ends with out a conviction, yet Texas legislation nonetheless treats that DWI deferred adjudication as a prior conviction if you happen to are later charged with DWI back (Tex. Penal Code § forty nine.09(g)).

Can I seal or expunge a DWI in Texas?

Sometimes, but it relies at the final results. An order of nondisclosure would possibly seal many first DWI records from public view if the statute's situations are met. An expunction might apply after an acquittal, specific dismissals, or no filing after waiting periods. A standing DWI conviction won't be able to be expunged.

What happens if I refused a breath or blood check?

A refusal can result in a longer ALR suspension, and it might also be used as proof at trial (Tex. Transp. Code §§ 724.1/2, 724.061). In many situations, officers may just then seek a pass judgement on-signed warrant for a blood draw. Whether refusing helped or hurt relies upon at the distinctive data, so it's whatever to study with a attorney.

Do I need to do subject sobriety checks in Texas?

No, Texas does no longer have a statute requiring you to function box sobriety exams. Declining them does no longer cause an ALR suspension. Still, the officer may make arrest choices centered on different observations, so the full context concerns when a defense lawyer evaluations the case.

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

A DWI conviction remains for your legal report permanently unless a regulation lets in an order of nondisclosure or any other form of alleviation. There isn't any automatic removing after 7 or 10 years. If the case become disregarded or you were acquitted, an expunction should be would becould very well be attainable, yet it calls for a separate authorized manner.

Do I want a lawyer for a first DWI in Lubbock?

A first DWI remains to be a prison fee with license consequences, such a lot of other folks go with to chat with suggest directly. A **dwi legal professional lubbock** seek ordinarily starts off after arrest when you consider that time limits come early, peculiarly for the ALR listening to. Even in a primary case, a attorney can evaluation the forestall, testing, paperwork, and checklist possibilities.

If you were arrested for DWI in Lubbock County, getting transparent info early can make a proper big difference in the way you respond. Texas Criminal Defense Group is placed at **1001 Texas Ave, Lubbock, TX 79401**, and you'll be able to name **(806) 542-3513** for a unfastened session. If you're evaluating a **DWI lawyer** or seeking a **dwi protection lawyer**, the true first step is most likely to invite focused questions on the license closing date, the facts, and the conceivable consequences for your case.

This page promises generic archives approximately Texas legislations, no longer prison information. Contacting the agency does no longer create an legal professional-patron dating. Current as of September 2026.