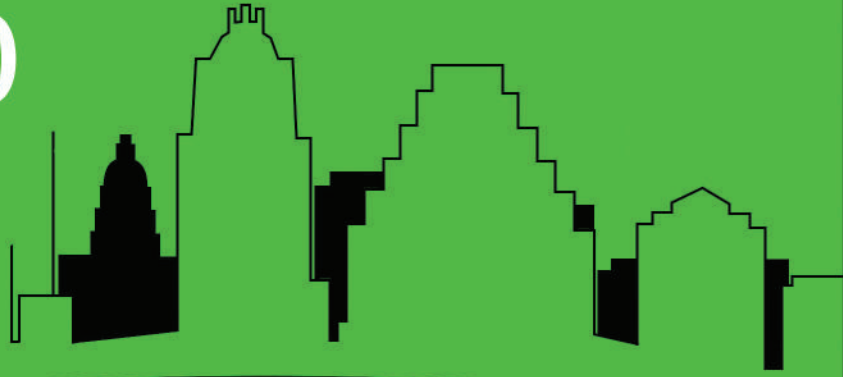


# An Insider's Guide to Austin



# DWI Charges

By CHARLIE ROADMAN

WRITTEN BY CHARLIE ROADMAN  
ILLUSTRATED BY GINA SHELLIE

# THE LIST

BEFORE I TELL YOU ABOUT  
DWI CASES, YOU PROBABLY WANT  
TO KNOW HOW WE GOT YOUR NAME  
AND ADDRESS, RIGHT?



THE TRAVIS COUNTY  
SHERIFF'S OFFICE EMAILS  
US (AND 30+ OTHER  
LAWYERS) AN EXCEL FILE  
WITH THE NAMES,  
ADDRESSES AND  
CHARGES OF EVERYONE  
ARRESTED WITHIN THE  
LAST 24 HOURS.

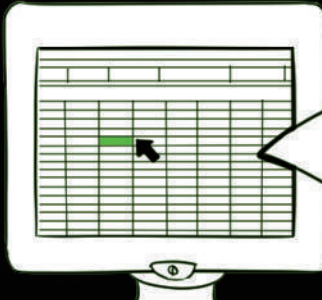
WE PAY A FEE  
TO THE TCSO.



PUBLIC INFORMATION  
ACT OF TEXAS AND  
FEDERAL FREEDOM OF  
INFORMATION ACT

THE ARREST INFORMATION IS  
PUBLIC RECORD.

THE SHERIFF'S OFFICE  
IS REQUIRED TO  
PROVIDE THE INFOR-  
MATION TO ANYONE WHO  
REQUESTS IT. WHILE  
THIS IS EMBARRASSING  
TO YOU AT THE MOMENT,  
I ASSURE YOU THAT IT  
IS IN THE BEST INTER-  
EST OF THE CITIZENS  
OF TEXAS AND THE U.S.  
TO PROHIBIT THE  
GOVERNMENT FROM  
HIDING INFORMATION.



WE SORT THE LIST.

VERIFY ADDRESSES.

AND BUY A LOT  
OF STAMPS!



SOME OF THE OLDER  
GENERATION OF LAWYERS FIND  
THIS TYPE OF MARKETING  
OBJECTIONABLE AND  
UNDIGNIFIED.

I DO THIS AS  
TASTEFULLY AS  
POSSIBLE.



HAS BEEN RECEIVED  
PLEASE REVIEW THE

THE TEXAS STATE BAR HAS  
TO APPROVE ANY MARKETING  
MATERIAL WE SEND.



YOUR ADVERTISEMENT IS APPROVED



YOUR ADVERTISEMENT WAS REJECTED  
BECAUSE:

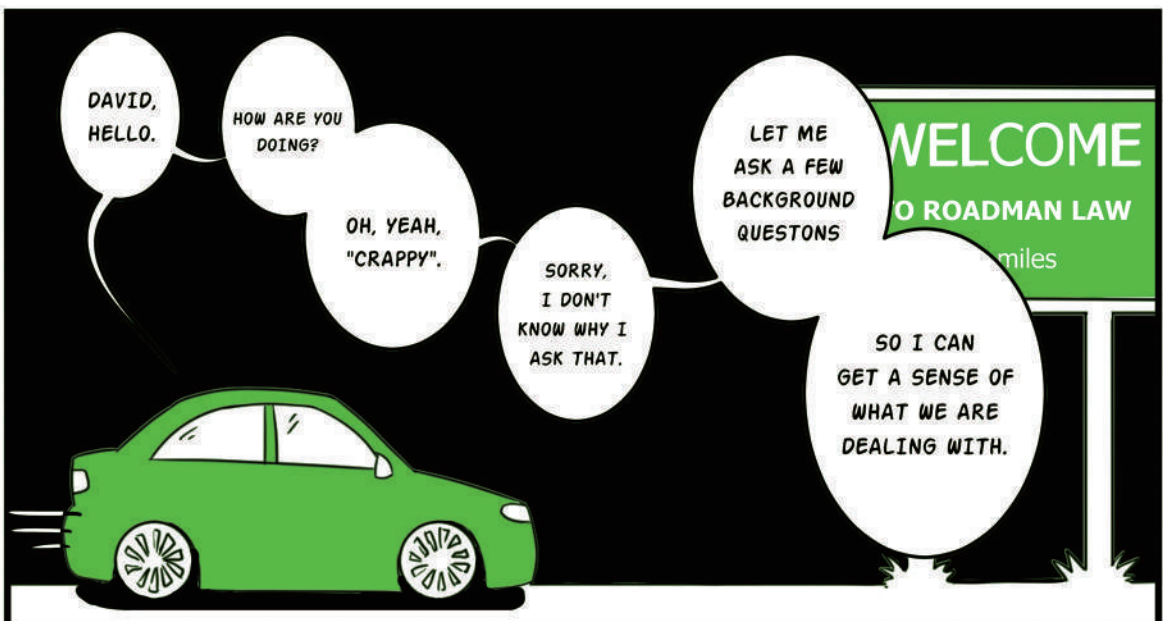
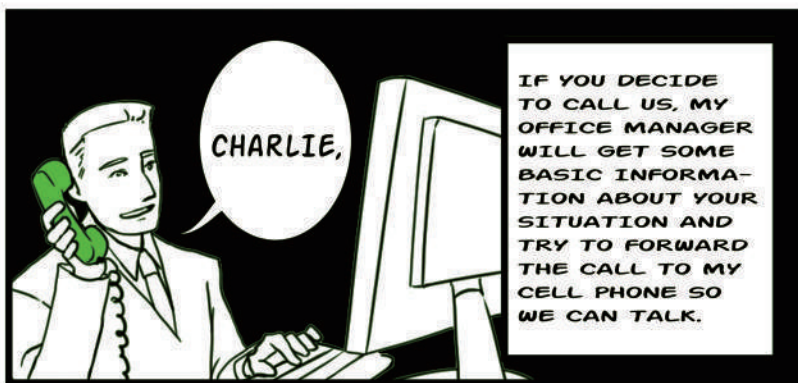
-YOU CLAIM THAT YOU HAVE NEVER  
LOST A CASE. (WITHOUT PROOF)

-YOU CLAIM THAT YOU ARE A BETTER  
LAWYER THAN JOHNNIE COCHRAN.  
(WITHOUT PROOF)

-YOU CLAIM THAT YOU KNOW THE JUDGE  
AND CAN GET A CASE THROWN OUT.  
(THIS IS PURE CORRUPTION!)

EVEN THOUGH IT IS  
A LABORIOUS  
PROCESS, IT  
PREVENTS LAWYERS  
FROM MAKING  
EXAGGERATED  
CLAIMS.

WHICH IS A GOOD  
THING!





THERE ARE  
A LOT OF  
DIFFERENT  
TYPES OF DWI  
ARRESTS.

THE MOST COMMON  
SITUATION IS WHERE  
AN OFFICER NOTICES  
A **SMALL TRAFFIC  
VIOLATION.**



THEY DON'T TEACH IT IN DRIVING  
SCHOOL, BUT THE RULES CHANGE  
AFTER DARK.

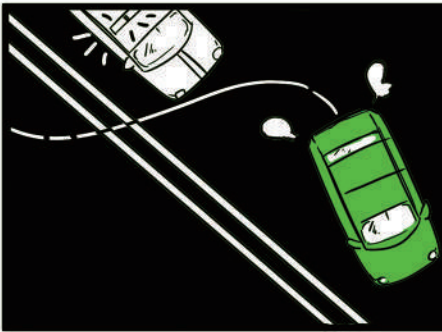
THE SMALLEST VIOLATION WILL  
GET YOU PULLED OVER.

AN INCH ACROSS THE LINE

GOING THROUGH A YELLOW LIGHT

JUST SLIGHTLY ROLLING THROUGH  
A STOP SIGN





ONCE THE OFFICER PULLS YOU OVER AND SMELLS ALCOHOL (OR SUSPECTS YOU ARE UNDER THE INFLUENCE OF A DRUG), THE OFFICER IS GOING TO ASK YOU TO DO A SERIES OF FIELD SOBRIETY TESTS.

AT THIS POINT,  
THE OFFICER HAS  
TWO OPTIONS:

1. LET YOU  
DRIVE OFF

2. ARREST YOU  
FOR DWI



THERE ONCE WAS A DAY  
WHEN THE POLICE WOULD  
DRIVE YOU HOME.



\*SNIFF\*  
GEE!  
THANKS,  
BILL!!

AW!  
DANGIT,  
ROSCOE!

HOP IN  
AND I'LL GIVE  
YOU A RIDE  
HOME!

THAT DAY IS LONG GONE.

IN ORDER TO  
UNDERSTAND HOW THE  
CRIMINAL SYSTEM  
HANDLES DWI CASES,

IT IS IMPORTANT  
TO UNDERSTAND WHAT I CALL:  
"THE HYPOTHETICAL FUTURE  
TRAGEDY"

## THE HYPOTHETICAL FUTURE TRAGEDY

$1x - 5x^2$   $\frac{HFT}{HFT} \frac{a^2+b}{304}$   
HYPOTHETICAL FUTURE  
TRAGEDY

FROM THE MOMENT  
THE POLICE  
SUSPECT YOU WERE  
OPERATING A  
MOTER VEHICLE  
WHILE INTOXICATED,  
**THE GHOST OF  
THE HYPOTHETICAL  
FUTURE TRAGEDY  
IS PRESENT.**



I'M NOT SURE  
IF THIS GUY IS  
INTOXICATED.

BUT, IF I LET HIM  
DRIVE OFF AND HE GETS  
INTO A WRECK, IT'S GOING  
TO LOOK LIKE I DON'T KNOW  
WHAT I'M DOING.

I'LL PROBABLY  
GET FIRED.

You never know!

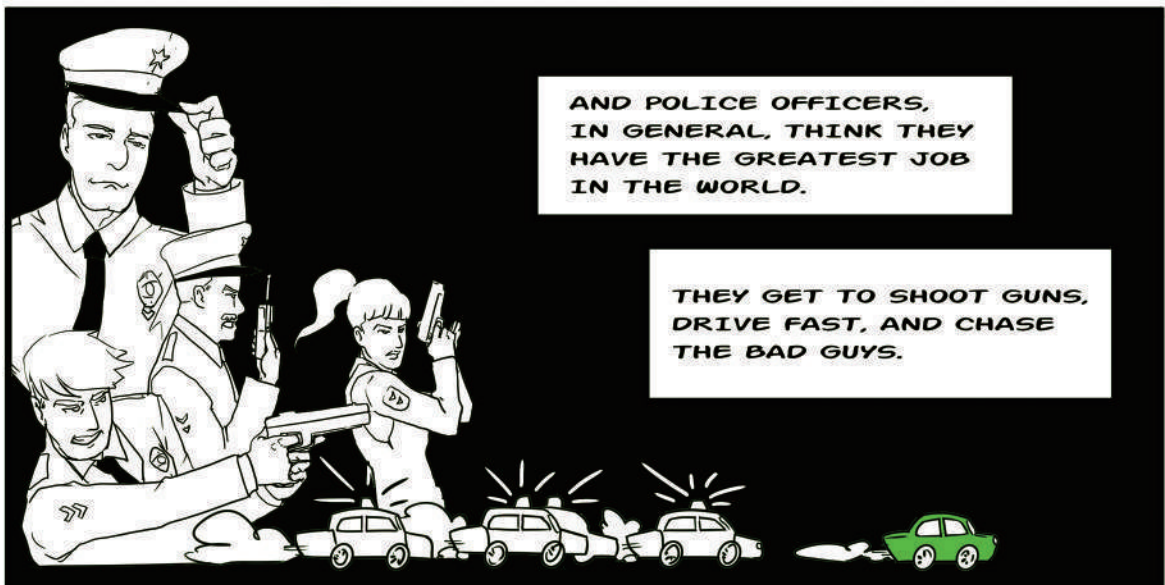
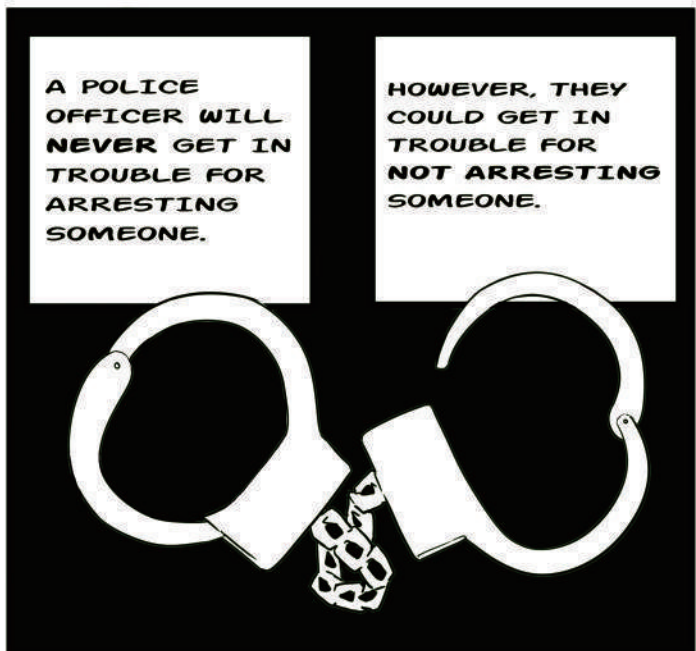
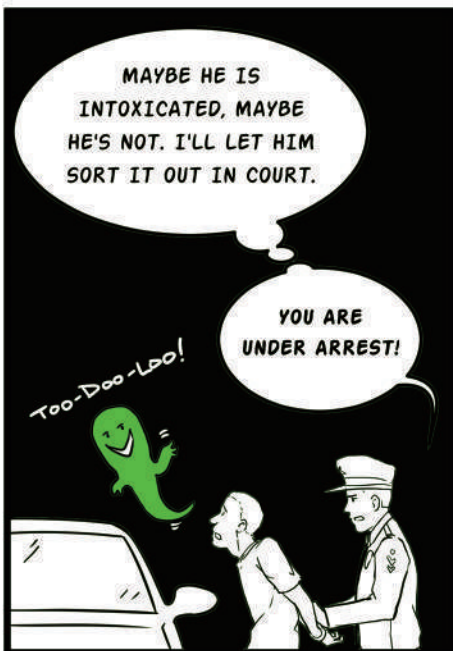


AND I WOULD SURE  
HATE FOR ANYBODY TO GET  
HURT BECAUSE I LET  
THIS GUY GO...



AND POLICE  
OFFICERS SEE  
HORRIBLE  
CRASHES ALL  
THE TIME...





## DIFFERENT WAYS THAT PEOPLE GET STOPPED FOR DWI

IN ADDITION TO  
MINOR TRAFFIC VIOLATIONS,

THERE ARE LOTS OF  
OTHER SITUATIONS WHERE PEOPLE  
END UP WITH DWI CASES.

HELLO, SIR.  
NEED ANY HELP?

HMMM...  
HAVE YOU BEEN DRINKING  
TONIGHT, SIR?

TOO LATE!

OOPS!!  
WRONG WAY!

ONE WAY

HELLO, 911?  
THERE'S A GUY PASSED OUT  
IN OUR DRIVE-THROUGH...AGAIN.

THIS HAPPENS  
MORE OFTEN THAN  
YOU WOULD THINK!

SIR, YOUR ORDER.  
SIR. SIR?!



**SOMETIMES PEOPLE DRINK TOO MUCH  
ON A BLIND DATE...**



**OFFICER, I CAN SEE  
MY HOUSE FROM HERE!  
IT'S RIGHT  
THERE!!!**

**SOME PEOPLE  
CAN SEE THEIR  
HOUSE FROM  
WHERE THEY  
WERE PULLED  
OVER.**

*Too Bad,  
Romeo!*



**HOWEVER,  
IT IS NOT  
A DEFENSE  
TO DWI THAT  
YOU ALMOST  
MADE IT  
HOME.**



**POLICE OFFICERS  
CAN RUN YOUR  
LICENSE PLATE  
THROUGH THEIR  
IN-CAR COMPUTER  
TO SEE IF YOUR  
REGISTRATION IS  
UP-TO-DATE.**



**THEY DON'T  
NEED TO SEE  
YOUR STICKER.**



# IT'S "NO REFUSAL" EVERY DAY

A.P.D. HAS JUDGES AVAILABLE TO ISSUE WARRANTS FOR BLOOD 24/7, 365 DAYS A YEAR. THEY ADVERTISE "NO REFUSAL WEEKENDS" TO ENCOURAGE PEOPLE TO BE CAREFUL ON HIGH-DRINKING OCCASIONS SUCH AS JULY 4TH. BUT, IN REALITY, IT IS "NO REFUSAL" ALL THE TIME.

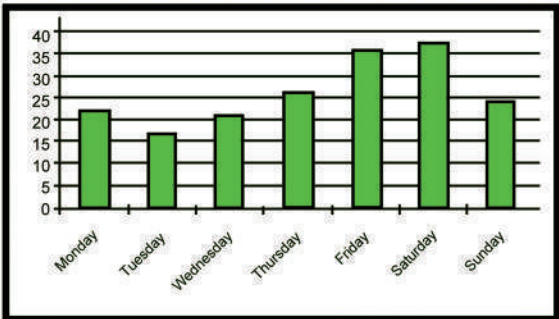
WE HAVE NOTICED THAT THE NUMBER OF ARRESTS DURING "NO REFUSAL" WEEKENDS (WHEN PEOPLE ARE DRINKING MUCH MORE) IS NOT SIGNIFICANTLY HIGHER THAN A NORMAL WEEKEND. THIS IS BECAUSE THE POLICE HAVE LIMITED RESOURCES AND THEY ARE MAXED OUT REGARDLESS OF THE WEEKEND.

## Travis County DWI Arrest Averages

Average # Per Week: 167

Average # Per Day: 24

Monday	22
Tuesday	17
Wednesday	21
Thursday	26
Friday	35
Saturday	37
Sunday	24

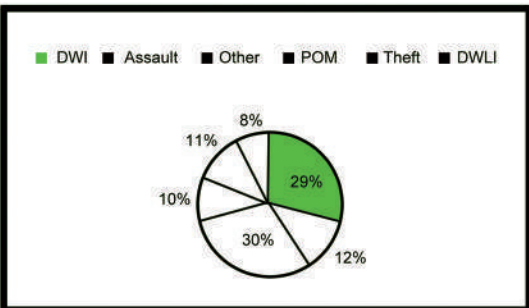


## Travis County Arrests in 2014

DWI	8900
Assault	3600
Other	9375
POM	3175
Theft	3250
DWLI	2500

\*All numbers from data received from Travis County arrest records. It includes DWI arrests from APD, DPS, UTPD, TCSO, Lakeway PD, Bee Caves PD, Sunset Valley PD, Round Rock PD, Westlake Hills PD, Rollingwood PD, Manor PD.

## Travis County Arrests in 2014



ALL SORTS OF PEOPLE GET DWIS... POLITICIANS, PROSECUTORS, DEFENSE ATTORNEYS, JUDGES, CEOS, DOCTORS. THEY ARREST A LOT OF PEOPLE EVERY DAY IN TRAVIS COUNTY.

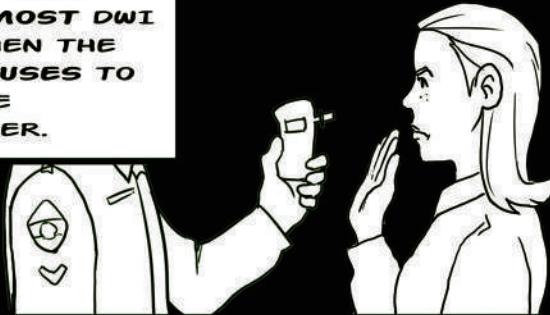
# CAN THEY TAKE MY BLOOD?

THERE ARE SOME SITUATIONS WHERE THE POLICE CAN TAKE YOUR BLOOD WITHOUT A WARRANT.

BUT IN MOST CIRCUMSTANCES THEY ARE REQUIRED TO GET A WARRANT SIGNED BY A JUDGE.



THE AUSTIN POLICE DEPARTMENT HAS STARTED TO TAKE BLOOD FOR MOST DWI ARRESTS WHEN THE DRIVER REFUSES TO BLOW IN THE BREATHALYZER.



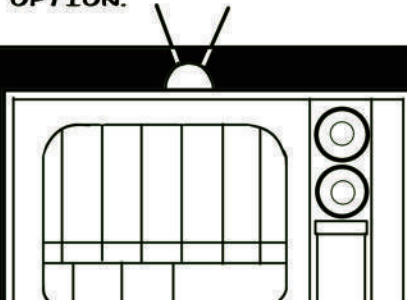
THIS IS TRUE EVEN IF IT'S NOT A "NO REFUSAL" WEEKEND.

SO, IN EFFECT, IT IS ALWAYS "NO REFUSAL" WEEKEND IN TRAVIS COUNTY.

IT USED TO BE THAT A HIGH PERCENTAGE OF PEOPLE BLEW IN THE BREATHALYZER BECAUSE THEY DIDN'T REALIZE THAT THEY COULD REFUSE.



ONE OF THE CONSEQUENCES OF THE MEDIA ADVERTISING THE "NO REFUSAL" WEEKENDS IS THAT IT LET EVERYONE KNOW THAT "REFUSAL" IS SOMETIMES AN OPTION.



BUT NOW WHEN PEOPLE REFUSE, THE POLICE GET A WARRANT AND TAKE THEIR BLOOD INSTEAD.





# BEING ARRESTED



BEING ARRESTED  
IS A TRAUMATIC  
EXPERIENCE.

THE IMMEDIATE  
DEHUMANIZATION OF BEING  
BOOKED INTO THE COUNTY  
JAIL IS A SHOCK TO  
MOST PEOPLE.

IT CAN FEEL  
LIKE YOU'RE IN  
THE PLANET OF  
THE APES!



THE GOOD NEWS IS  
THAT UNLESS YOU  
HAVE A REALLY BAD  
CRIMINAL HISTORY,  
YOU WON'T HAVE TO  
GO BACK THERE.



MOST DWI  
CASES RESULT  
IN SOME FORM  
OF PROBATION  
WITHOUT JAIL  
TIME.



MY JOB IS  
TO TELL YOU  
WHAT TO EXPECT  
FROM A DWI  
CHARGE.

FORTUNATELY,  
THE INITIAL ARREST  
IS USUALLY THE  
WORST PART.



THE REST OF  
THE PROCESS IS  
EXPENSIVE.



INCONVENIENT.



AND MILDLY HUMILIATING,  
DEPENDING ON YOUR  
PERSONALITY.



## 3 PATHS OF A CASE



THERE ARE THREE WAYS  
THAT A CASE CAN BE RESOLVED.



1. PLEA BARGAIN

2. SUPPRESSION  
HEARING

3. JURY TRIAL

**PLEA BARGAIN** n. /plee bar-gain/

A PLEA BARGAIN IS AN AGREEMENT BETWEEN THE DEFENDANT AND THE PROSECUTORS TO RESOLVE THE CASE WITHOUT A TRIAL. THE PLEA BARGAIN CAN BE ANYTHING FROM A DISMISSAL TO A CONVICTION (JAIL OR PROBATION).

INVOICE  
JURY TRIAL

JUDGE'S SALARY.....\$\$\$  
STAFF.....\$\$\$  
PROSECUTOR.....\$\$\$  
COURT REPORTER.....\$\$\$  
BAILIFF.....\$\$\$

JURY TRIALS USE  
A LOT OF RESOURCES.

INVOICE  
PLEA BARGAIN

TOTAL:  
\$

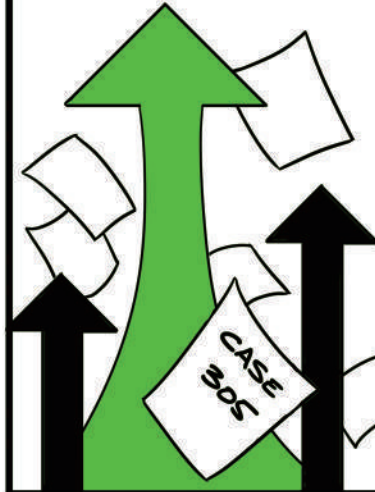
A PLEA BARGAIN IS  
THE MOST EFFICIENT  
(AND ECONOMICAL)  
WAY FOR THE  
COUNTY ATTORNEY  
TO RESOLVE A  
CRIMINAL CHARGE.



WHEN THE  
RESOURCES ARE  
BEING USED TO  
HAVE JURY TRIALS,  
THEY AREN'T  
BEING USED TO  
RESOLVE CASES.



SO, THE DOCKET  
GETS BACKED UP.



AND IF THE DOCKETS  
ARE BACKED UP,  
THEN THE JUDGE AND  
COUNTY ATTORNEY ARE  
OPEN TO CRITICISM  
THAT THEY AREN'T  
DOING THEIR JOBS.

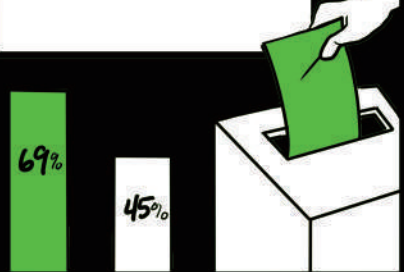


**VOTE!**  
**CHANGE!**

IF THE TRAVIS COUNTY  
CITIZENS AREN'T HAPPY  
WITH THEIR ELECTED  
JUDGES AND COUNTY  
ATTORNEY....



THEY ARE GOING  
TO ELECT SOMEONE  
ELSE NEXT TIME.



OUR DEMOCRATIC SYSTEM  
PRESENTS UNIQUE  
PRESSURES ON EVERYONE  
INVOLVED.

IT REQUIRES JUSTICE TO  
BE VERY PRACTICAL.



WHILE THIS SYSTEM IS NOT INFALLIBLE, I BELIEVE THAT  
THE RIGHT RESULT (JUSTICE) IS REACHED MORE OFTEN  
THAN NOT.

IN FACT,  
THE ENTIRE  
CRIMINAL JUSTICE  
SYSTEM RELIES  
ON DEFENDANTS  
AGREEING TO  
PLEA BARGAINS.



IF EVERY DEFENDANT DEMANDED A JURY  
TRIAL (WHICH IS THEIR CONSTITUTIONAL  
RIGHT), THE ENTIRE SYSTEM WOULD GRIND  
TO A HALT IN LESS THAN A YEAR!



SO WHY DON'T  
DEFENDANTS  
ORGANIZE AND  
DEMAND JURY  
TRIALS IN A  
UNIFIED VOICE?

BECAUSE THE PUNISHMENT AFTER  
A JURY TRIAL, IF FOUND GUILTY, CAN  
BE MORE SEVERE THAN THE  
PLEA BARGAIN.



THE PRINCIPLE IS THE SAME WITH A MISDEMEANOR DWI CASE.

OUR DECISION ON WHETHER TO TAKE A PLEA BARGAIN IS JUDGED AGAINST HOW HARSH THE PUNISHMENT COULD BE IF WE LOSE A JURY TRIAL.



THE PROSECUTORS ARE TRYING TO OFFER US JUST ENOUGH INCENTIVE TO TAKE A PLEA BARGAIN, SO WE DON'T USE THE COUNTY RESOURCES FOR A JURY TRIAL.

BUT, THEY DON'T WANT TO MAKE TOO GOOD AN OFFER THAT PUTS THEM AT RISK FOR CRITICISM.



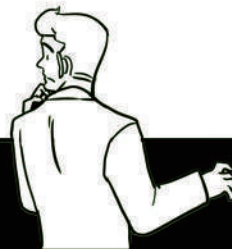
DEAL



SOMETIMES MY CLIENTS DECIDE TO RISK THE CERTAINTY OF A PLEA BARGAIN BY HAVING A JURY TRIAL.

JURY TRIAL

PLEA BARGAIN



MOST TIMES, THE PLEA BARGAIN IS MORE ATTRACTIVE THAN RISKING A TRIAL.

WE OFTEN PUT CASES ON THE JURY DOCKET IN ORDER TO PRESSURE THE PROSECUTORS INTO OFFERING US BETTER PLEA BARGAINS.



SOMETIMES THIS WORKS, AND SOMETIMES THE PROSECUTORS DON'T BUDGE.





# NEGOTIATING WITH THE PROSECUTORS



THE PROSECUTORS  
IN TRAVIS COUNTY  
ARE REASONABLE  
PEOPLE.

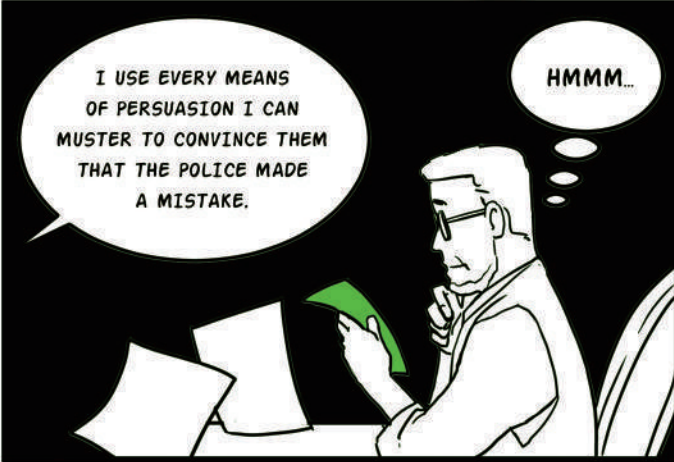
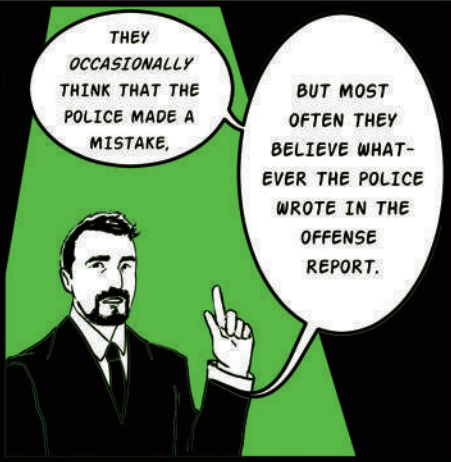
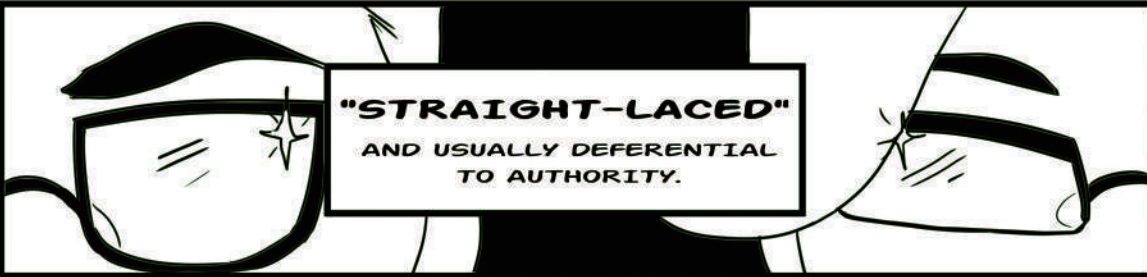
THEY WILL LOOK AT  
THE EVIDENCE AND  
LISTEN TO OUR  
SIDE OF THE STORY.

AND WHILE THEY  
ARE REASONABLE  
PEOPLE, MOST ARE  
GENERALLY....

HMMM...

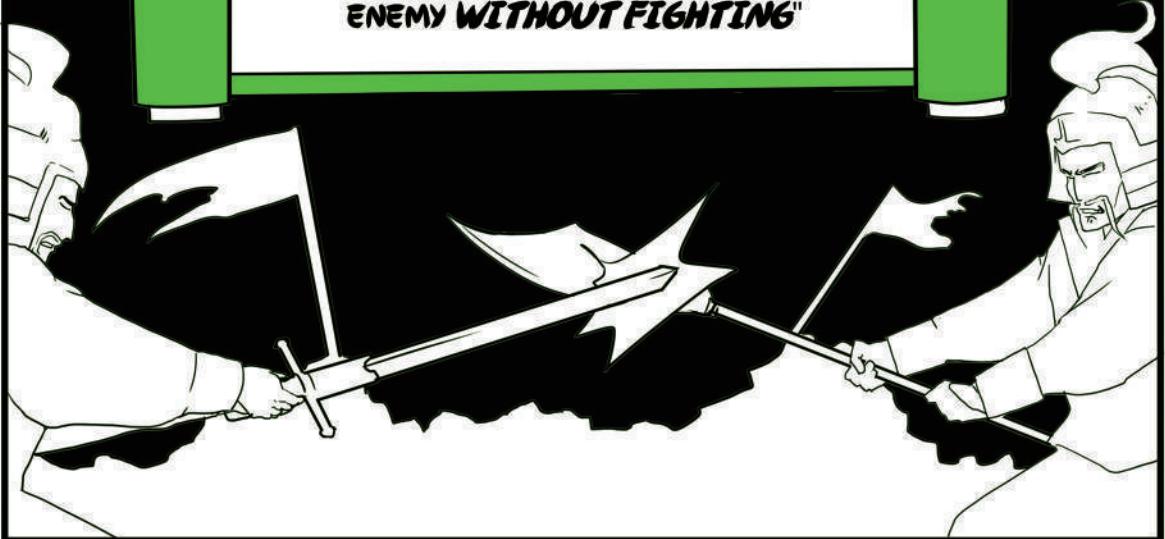
LET'S SEE.....

HOW TO PHRASE  
THIS.....

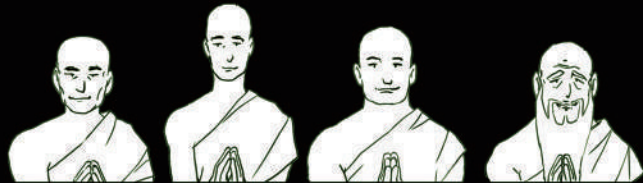


**SUN-TZU SAYS:**

**"THE SUPREME ART OF WAR IS TO SUBDUDE THE  
ENEMY *WITHOUT FIGHTING*"**



**HOPEFULLY WE CAN GET  
WHAT WE WANT *WITHOUT*  
A JURY TRIAL.**



IT IS MY JOB TO  
GET THE **BEST** PLEA  
BARGAIN OFFER THAT  
IS POSSIBLE.

THEN YOU AND I WILL  
DISCUSS WHETHER TO TAKE  
THE DEAL OR MOVE IT ON TO  
THE JURY DOCKET.

ULTIMATELY,  
IT IS  
YOUR DECISION.

**PLEA  
BARGAIN**

**JURY  
TRIAL**





WHILE NO DWI CASE IS  
EXACTLY THE SAME,

THE PROSECUTORS GENERALLY  
FOCUS ON FOUR ELEMENTS.



## THE PROSECUTOR'S DWI ALGORITHM:

**Blood Alcohol Content (if any)**

+

**Video of Arrest  
(How you look and sound)**

+

**Reason for Traffic Stop**

+

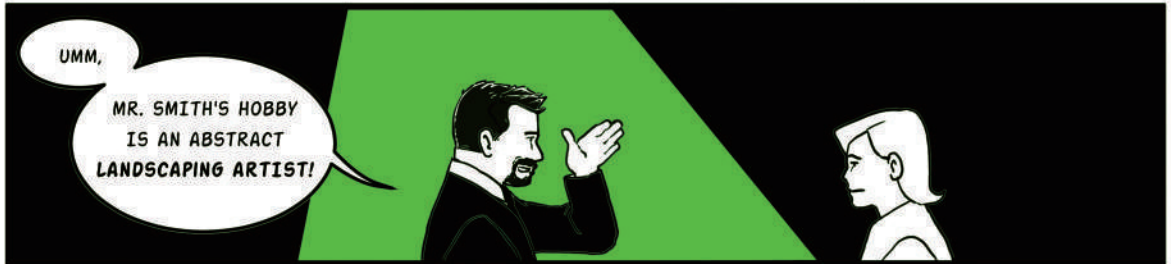
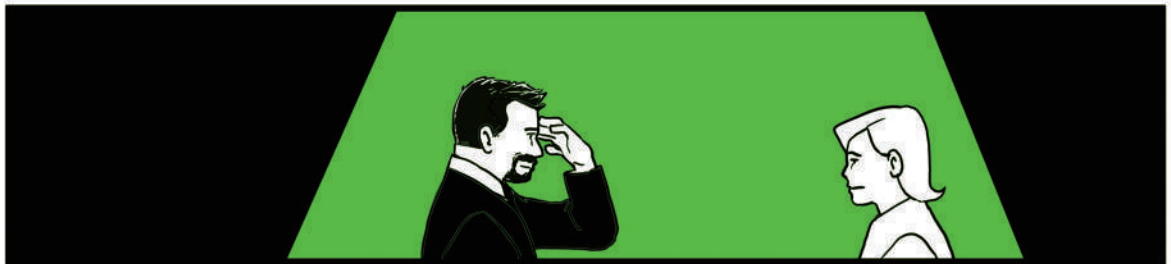
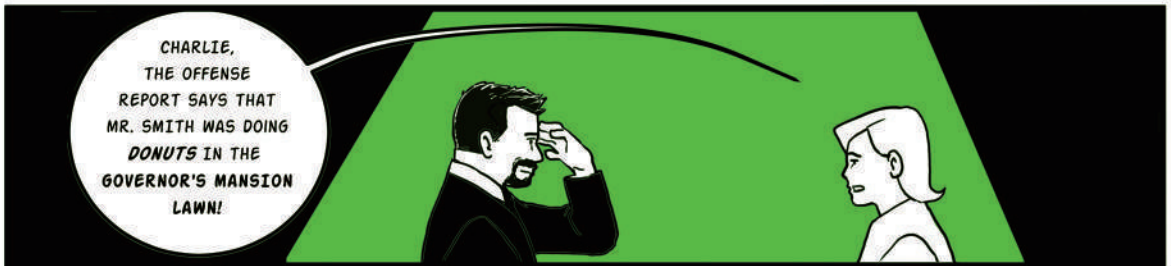
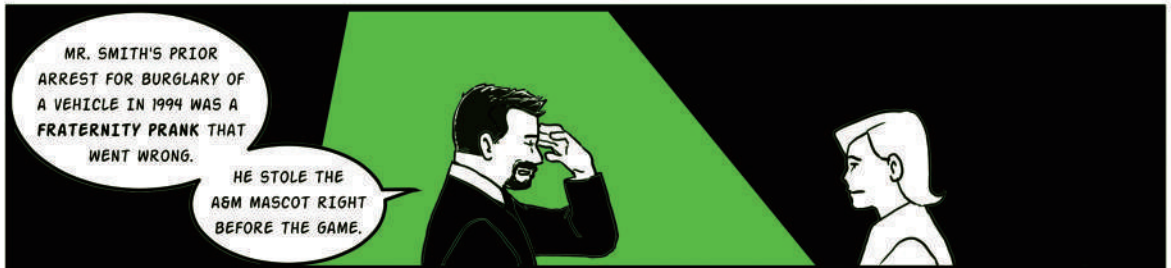
**Criminal History**

=

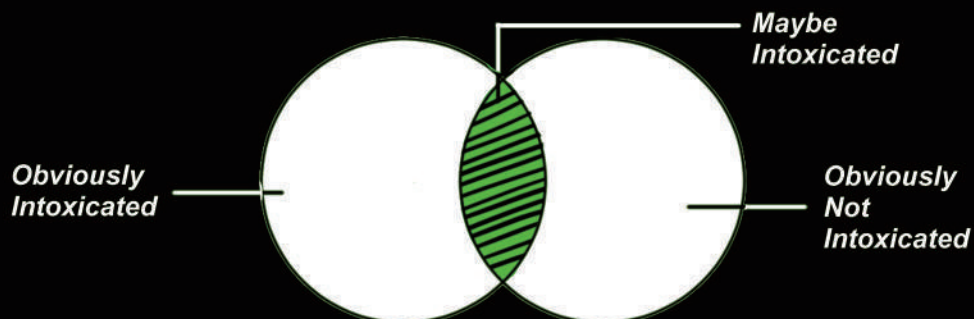
**PLEA BARGAIN OFFER**

MY JOB IS  
TO PERSUADE THEM  
THAT EACH OF THESE  
ELEMENTS *ISN'T* AS  
BAD AS IT SEEMS.





I AM USUALLY TRYING TO CONVINCE THE PROSECUTORS THAT WE ARE IN THE "**MAYBE INTOXICATED**" AREA - WHICH OPENS THE POSSIBILITY FOR A COMPROMISE (DISMISSAL). OF COURSE, THEY ARE USUALLY ARGUING THAT WE ARE IN THE "**OBVIOUSLY INTOXICATED**" AREA.



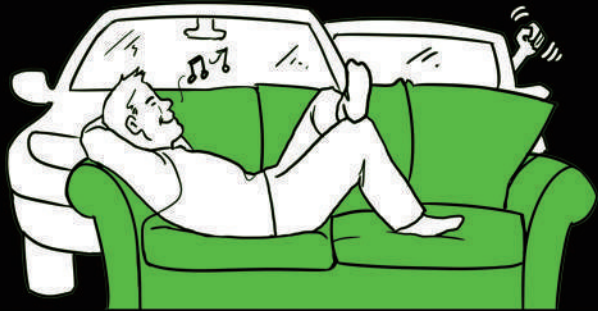
**BUT SOMETIMES IT IS NOT POSSIBLE TO TALK OUR WAY OUT OF THE SITUATION.**



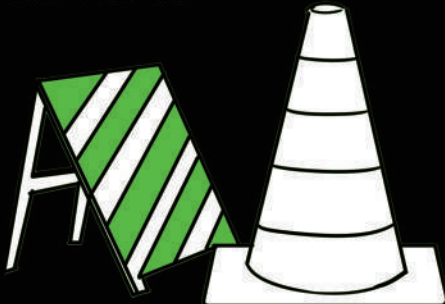
**SOMETIMES WE ARE DEALT A LOUSY HAND OF CARDS. AND ALL I CAN DO IS TRY TO MINIMIZE THE PUNISHMENT.**

# CAN WE GET YOUR DWI DISMISSED?

THE MOST COMMON METHOD OF GETTING A DWI DISMISSED IS TO CONVINCE THE PROSECUTOR TO REDUCE THE CHARGE TO OBSTRUCTION OF A HIGHWAY.



OBSTRUCTION OF A HIGHWAY MEANS THAT YOU PUT SOMETHING IN THE ROAD.

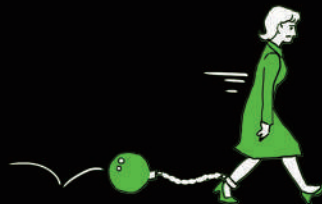


GETTING A REDUCTION IS CONSIDERED A MAJOR VICTORY IN MOST CASES BECAUSE THE DWI CHARGE IS DISMISSED.

THERE ARE, HOWEVER, CONDITIONS THAT USUALLY COME WITH OBSTRUCTION OF A HIGHWAY -



SUCH AS PROBATION



COMMUNITY SERVICE



AND FINES.



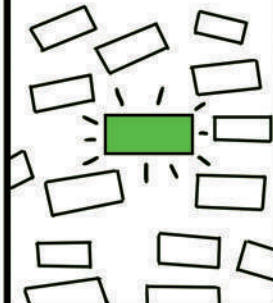


OCCASIONALLY, BETTER RESULTS CAN BE NEGOTIATED.

SOME DWI CASES CAN BE REDUCED DOWN TO A TRAFFIC TICKET.



THIS IS QUITE RARE, HOWEVER.



AND THE FACTS (VIDEO, B.A.C., ARREST SCENARIO) MUST BE EXTREMELY GOOD FOR US.

SOMETIMES WE CATCH POLICE CUTTING CORNERS, EXAGGERATING EVIDENCE, AND/OR OUTRIGHT LYING.



IF WE DISCOVER EVIDENCE THAT THE POLICE OFFICERS VIOLATED YOUR CONSTITUTIONAL RIGHTS, WE WILL REQUEST A SUPPRESSION HEARING.

THIS DOESN'T HAPPEN OFTEN.

THE POLICE KNOW THAT THE ARREST IS BEING VIDEO-RECORDED AND THAT A DEFENSE ATTORNEY WILL LIKELY SCRUTINIZE THEIR ACTIONS.

STILL, THEY SOMETIMES DO MAKE MISTAKES.

I LOOK FOR ANY WEAKNESS IN THE PROSECUTOR'S CASE AND TRY TO CONVINCE THEM (OR THE JUDGE) TO DISMISS THE DWI.

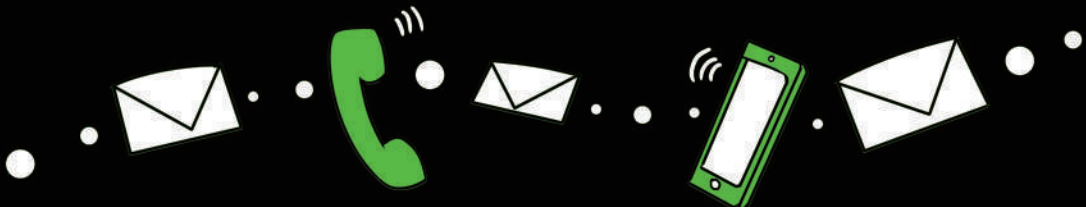




## **WHAT CAN YOU DO TO HELP YOUR CASE?**

**SHORT OF BUILDING A TIME MACHINE, GOING BACK IN TIME, AND NOT GETTING ARRESTED, THIS IS A COMPLETE LIST OF EVERYTHING YOU CAN DO AT THIS POINT.**

- 1. TAKE THE DWI CLASS IN ADVANCE**
- 2. FOLLOW ALL BOND CONDITIONS**
- 3. GATHER LETTERS OF RECOMMENDATION, PROOF OF EMPLOYMENT, AND/OR ANY OTHER AWARDS**
- 4. COLLECT ANY MEDICAL RECORDS THAT MIGHT EXPLAIN YOUR PHYSICAL/MENTAL FACULTIES DURING THE ARREST**
- 5. DON'T GET ARRESTED WHILE THIS CASE IS PENDING**
- 6. DON'T MISS ANY COURT DATES AND STAY IN CONTACT WITH YOUR ATTORNEY.**

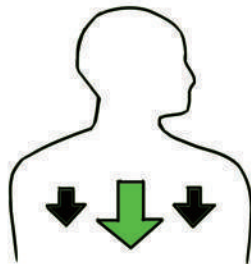


## CAN WE FIGHT THE BLOOD ALCOHOL CONTENT NUMBER?

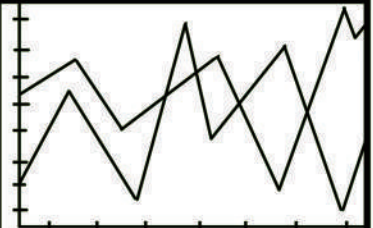
THE SCIENCE OF OBTAINING THE BLOOD ALCOHOL CONTENT IS NOT ERROR FREE.



THE FIRST PROBLEM WITH THE BLOOD ALCOHOL CONTENT IS THAT ALCOHOL IS CONSTANTLY BEING ABSORBED (GOING UP)

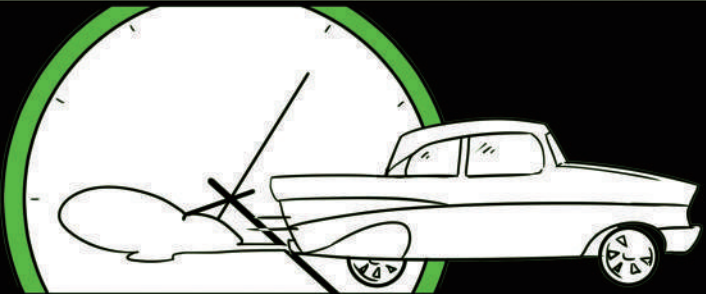


AND METABOLIZED (GOING DOWN).

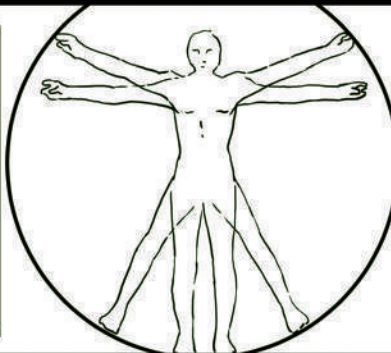


DEPENDING ON WHERE YOU ARE IN THE PROCESS, THE B.A.C. CAN GO UP OR DOWN .015/HOUR.

THIS IS IMPORTANT BECAUSE THE B.A.C. FROM A BREATHALYZER OR BLOOD-DRAW IS FROM A TIME AFTER YOU WERE DRIVING. SOMETIMES MORE THAN AN HOUR LATER.



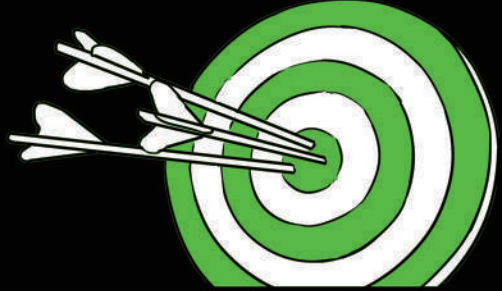
THIS CREATES AN AMBIGUITY IN THE B.A.C. - ALLOWING US TO ARGUE THAT YOUR B.A.C. WAS LOWER AT THE TIME YOU WERE OPERATING YOUR CAR.



OF COURSE, THE PROSECUTORS WILL ARGUE THAT YOU WERE METABOLIZING THE ALCOHOL DURING THE INTERVENING TIME AND THAT YOUR B.A.C. WAS ACTUALLY HIGHER WHEN YOU WERE DRIVING.

OR, THEY WILL ARGUE THAT YOUR B.A.C. WAS SO HIGH THAT EVEN IF YOU WERE ABSORBING ALCOHOL IN THE INTERVENING TIME, YOU WOULD STILL BE OVER THE LIMIT WHEN YOU WERE DRIVING.

THERE IS NO WAY TO DETERMINE THE 100% ACCURATE B.A.C. DURING THE TIME OF DRIVING WITH THE LIMITED DATA THAT BOTH SIDES POSSESS.



THERE ARE OTHER WAYS THAT THE B.A.C. COULD BE INCORRECT.

THE B.A.C. COULD BE CORRUPTED BY...



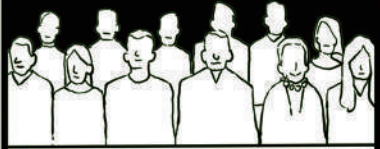
LET'S JUST SAY THAT IF YOU ARE TOP OF YOUR CLASS IN PHLEBOTOMY SCHOOL, YOU DON'T END UP TAKING PEOPLE'S BLOOD IN THE DUNGEON OF THE JAIL AT 3 AM.

WHILE THERE CAN BE PROBLEMS WITH THE B.A.C. IN THE STATE'S EVIDENCE, IT IS NOT EASY TO GET IT DISCOUNTED OR DISCREDITED.

OF COURSE, WE CAN ALWAYS HAVE A JURY TRIAL. HOWEVER, THE PROSECUTOR ONLY HAS TO PROVE, BEYOND REASONABLE DOUBT, THAT IT WAS OVER .08 WHEN YOU WERE DRIVING.

REPORT CARD				
MARKING PERIOD	1	2	3	4
FIRST AID	A			
ANATOMY	A			
PHLEBOTOMY	D			
PSYCHOLOGY	B			
	A			

IT IS DIFFICULT TO CONVINCE A PROSECUTOR THAT THE B.A.C. IS INCORRECT - UNLESS THE VIDEO OF THE INCIDENT SHOWS ABSOLUTELY NO (OR VERY LITTLE) EVIDENCE OF INTOXICATION.



WE WOULD DO EVERYTHING WE CAN TO DISCREDIT THE PROSECUTOR'S EVIDENCE.



# CONDITIONS OF YOUR BOND



IN SOME CASES, THE MAGISTRATE JUDGE CAN ORDER AN IGNITION INTERLOCK DEVICE TO BE PUT ON YOUR VEHICLE AS A CONDITION OF THE BOND.



IT IS VERY IMPORTANT THAT YOU FOLLOW ALL CONDITIONS OF YOUR BOND. IF YOU DON'T, THEY CAN REVOKE YOUR BOND AND RE-ARREST YOU.



SOMETIMES IT ISN'T EASY TO FOLLOW THE CONDITIONS BECAUSE YOUR CAR ISN'T WORKING.

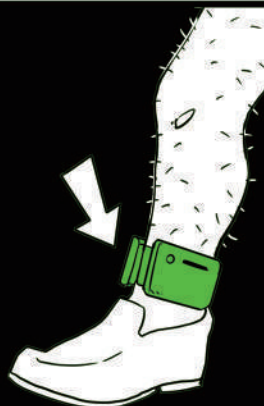
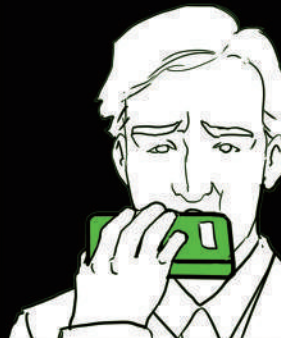


OR, MAYBE YOU WERE DRIVING SOMEONE ELSE'S CAR AND DON'T EVEN OWN ONE.

THESE ARE SITUATIONS WHERE YOUR ATTORNEY CAN WORK WITH THE JUDGE TO FIND THE BEST SOLUTION TO THE PROBLEM. HOWEVER, ONLY RARELY DOES A JUDGE REMOVE A CONDITION ENTIRELY.

SOMETIMES THEY JUST SWITCH TO ANOTHER TYPE OF ALCOHOL MONITOR, SUCH AS THE:

**PORTABLE ALCOHOL MONITOR.**



IN EXTREME CASES, THEY WILL ORDER A SCRAM DEVICE.

THIS IS AN ANKLE MONITOR THAT DETECTS ALCOHOL THROUGH YOUR SWEAT GLANDS.

# ADMINISTRATIVE LICENSE REVOCATION (ALR) HEARING



AFTER A DWI ARREST, YOUR DRIVER'S LICENSE IS VULNERABLE TO SUSPENSION BY BOTH DPS (CIVIL) AND THE COUNTY ATTORNEY (CRIMINAL).

WE TRY TO STOP YOUR LICENSE FROM BEING SUSPENDED AT ALL. THE FIRST STEP IS TO REQUEST A HEARING FROM DPS WITHIN 15 DAYS OF YOUR DATE OF ARREST.



THEN WE SUBPOENA THE OFFICERS.



OUR OFFICER IS NOT HERE. WE'RE DISMISSING THE LICENSE SUSPENSION.



IF WE'RE LUCKY, THE OFFICERS WON'T SHOW UP.



## CHART OF BURDEN OF PROOF:

BEYOND A  
REASONABLE  
DOUBT

CLEAR AND  
CONVINCING

PREPONDERANCE  
OF EVIDENCE

PROBABLE  
CAUSE

REASONABLE  
SUSPICION

NO EVIDENCE

UNFORTUNATELY FOR US,  
THEY USUALLY SHOW UP  
NOWADAYS.

AND THE BURDEN OF PROOF  
IN AN ALR HEARING IS JUST  
REASONABLE SUSPICION TO  
STOP AND PROBABLE CAUSE  
TO ARREST. THIS IS VERY  
EASY TO PROVE.

JUDGE,  
HE WAS SPEEDING.  
AND HE SMELLED LIKE  
ALCOHOL AND HAD  
BLOODSHOT EYES.

ALL THEY HAVE TO DESCRIBE IS A  
MINOR TRAFFIC VIOLATION AND  
SAY YOU APPEARED INTOXICATED.

JUDGE,  
I DON'T KNOW WHY I  
STOPPED HIM! HE WASN'T  
DOING ANYTHING WRONG.  
AND I DIDN'T REALLY  
THINK HE WAS  
INTOXICATED...

IN THE HISTORY OF ALR HEARINGS,  
THIS HAS **NEVER** HAPPENED.





IF THEY SHOW UP,  
THERE IS USUALLY NOTHING  
THAT WE CAN DO TO WIN.

HOWEVER, IN MOST CASES WE CAN GET YOU AN  
**OCCUPATIONAL DRIVER'S LICENSE** -  
WHICH WILL ALLOW YOU TO DRIVE TO WORK.  
IT IS ALSO GOOD FOR OTHER ESSENTIAL NEEDS  
(MEDICAL, EDUCATION, LEGAL, GROCERIES, ETC.)

*Texas*

**OCCUPATIONAL  
DRIVER LICENSE**



4d DL   
4a Iss   
3 DOB

9 Class **C**  
4b Exp



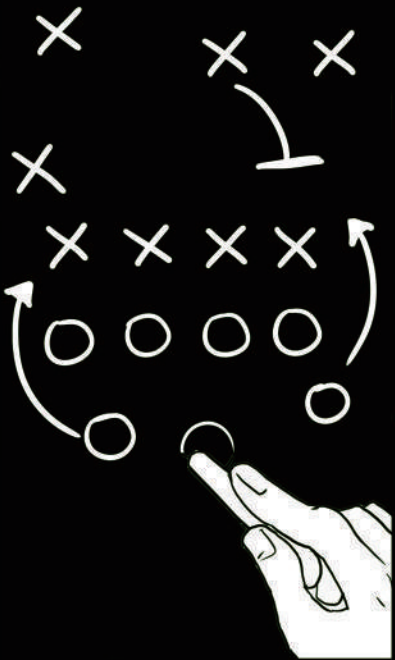
# CONTACTING US

I TALK TO PEOPLE  
ALL DAY LONG ABOUT  
THEIR DWI CASES.  
I ENJOY IT.

SOME OF THEM  
HIRE US. SOME OF  
THEM DON'T.



IF YOU CALL,  
WE'LL TALK ABOUT  
THE FUNDAMENTALS  
OF YOUR CASE AND  
I'LL BE ABLE TO  
OUTLINE OUR  
**POTENTIAL  
STRATEGIES**  
AND ESTIMATE THE  
LIKELY RESULT.



I'M ALSO HAPPY  
TO MEET WITH YOU  
AT OUR OFFICE.  
WE'RE LOCATED IN  
DOWNTOWN AUSTIN  
- RIGHT NEXT TO  
THE COURTHOUSE.



# FINAL THOUGHTS ON A DWI ARREST

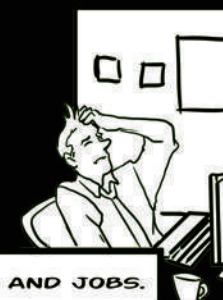
ONE OF THE CONSEQUENCES OF REPRESENTING PEOPLE WITH DWI CASES FOR OVER 13 YEARS IS THAT I HAVE WITNESSED ALL THE DIFFERENT WAYS THAT PEOPLE DEAL WITH THE EXPERIENCE.



GETTING ARRESTED FOR DWI IS HUMILIATING.



IT CAN STRAIN RELATIONSHIPS



AND JOBS.

IT IS OFTEN A MASSIVE BLOW TO PEOPLE'S SELF-IMAGE AND SELF-ESTEEM.



I ENCOURAGE MY CLIENTS TO TRY TO MAKE SOMETHING POSITIVE COME OUT OF THIS TERRIBLE EXPERIENCE.

"ADVERSITY HAS THE EFFECT OF ELICITING TALENTS, WHICH IN PROSPEROUS CIRCUMSTANCES WOULD HAVE LAIN DORMANT" - HORACE



THAT MAY SOUND CRAZY AT THIS POINT SO SOON AFTER THE TRAUMA OF BEING ARRESTED.



BUT THE SOONER YOU FIND SOMETHING POSITIVE, THE MORE TOLERABLE THIS EXPERIENCE WILL BE.

WHAT COULD THAT POSITIVE THING BE?



WHAT HAVE YOU ALWAYS WANTED TO DO?

GO BACK TO SCHOOL?



TAKE A PAINTING CLASS?



GET A NEW JOB? PRACTICE YOGA?





MY NUMBER ONE SUGGESTION IS TO START EXERCISING. BUY SOME NEW RUNNING SHOES, JOIN A SOFTBALL LEAGUE, PLAY INDOOR SOCCER, JUST START WALKING!



THERE ARE MANY "BOOT CAMP" PROGRAMS IN AUSTIN.

THERE ARE ALSO MANY NEW FITNESS CONCEPTS RIGHT NOW.



MY FAVORITE GYM IS KOKO FIT CLUB. THEY'VE DESIGNED A GREAT SYSTEM THAT FITS MY PERSONALITY AND LIFESTYLE.



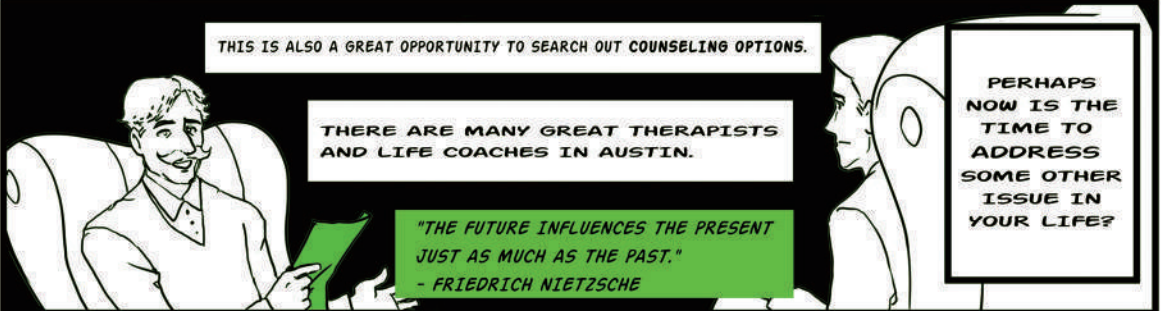
MOST GYMS LET YOU TRY THEM FOR FREE.

THIS IS ALSO A GREAT OPPORTUNITY TO SEARCH OUT COUNSELING OPTIONS.

THERE ARE MANY GREAT THERAPISTS AND LIFE COACHES IN AUSTIN.

"THE FUTURE INFLUENCES THE PRESENT JUST AS MUCH AS THE PAST."  
- FRIEDRICH NIETZSCHE

PERHAPS NOW IS THE TIME TO ADDRESS SOME OTHER ISSUE IN YOUR LIFE?



THERE ARE ALSO 10,000+ FREE ONLINE CLASSES BEING OFFERED ON THE INTERNET NOW.

THESE ARE CALLED MASSIVE OPEN ONLINE COURSES (MOOC).

MANY ARE TAUGHT BY THE BEST PROFESSORS FROM IVY LEAGUE SCHOOLS.

EVERY TYPE OF SUBJECT IS AVAILABLE.



IN OTHER WORDS, IF THERE IS SOME TOPIC YOU ARE INTERESTED IN, THERE IS NO EXCUSE WHATSOEVER THAT PREVENTS YOU FROM LEARNING ABOUT IT.



**THIS ALSO MAY BE A GOOD OPPORTUNITY TO  
EXAMINE YOUR RELATIONSHIP WITH ALCOHOL.**

**I'M NOT A  
TEETOTALER OR  
A PROHIBITIONIST.**

**BUT, AFTER DOING  
THIS JOB FOR SO  
LONG, I UNDERSTAND  
BOTH POSITIONS.**

**I'VE LEARNED THIS -  
"YOU NEVER REGRET  
NOT DRINKING."**

**SINCE IT IS IMPOSSIBLE  
TO BUILD A TIME MACHINE  
AND GO CHANGE THE EVENTS  
OF THE PAST, THE BEST  
THING TO DO IS TO USE THE  
EVENT AS AN OPPORTUNITY  
TO IMPROVE YOUR LIFE.**



**TRY TO MAKE POSITIVE  
IMPROVEMENTS TO YOUR LIFE  
THAT OUTWEIGH THE NEGATIVES  
OF A DWI CHARGE.**

**"THERE ARE ONLY TWO MISTAKES ONE CAN MAKE ALONG  
THE ROAD TO TRUTH, NOT GOING ALL THE WAY, AND NOT  
STARTING" - BUDDHA**



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