

Travis County DWI Guide

THESE ARE OUR SUGGESTIONS FOR GETTING
THROUGH THIS...

BY CHARLIE ROADMAN
Austin Defense Attorney

ROADMAN & ESPIRITU
ATTORNEYS AT LAW

TRAVIS COUNTY DWI GUIDE



READERS POLL: BEST DWI LAWYER
MARY ANN ESPIRITU



"ABLE TO DELIVER AN AMAZING RESULT"
- J.G.



"KIND, SYMPATHETIC, HARDWORKING TEAM"
- J.N.



"BEST POSSIBLE OUTCOME!"
- C.S.



"EXTREMELY PROFESSIONAL"
- S.S.



"QUICK TO RESPOND"
- K.S.



"I HIGHLY RECOMMEND"
- N.K.



"EXCEPTIONAL SKILLS"
- L.P.

“

We're here to help you get
through this.

”

- Your Team at Roadman & Espiritu

DWI GUIDE

FOLLOW YOUR BOND CONDITIONS

What is a bond?

The bond is the paperwork that allows the sheriff to release you from jail. It may be a “personal bond” or a “surety bond” (used by bail bondsmen). Either one can have bond conditions.

What bond conditions are you talking about?

In addition to going to court when required, judges occasionally add conditions to the bond – such as the installation of an ignition interlock device (IID) or getting an alcohol and drug evaluation (CES). Make sure that you have read and understand all the paperwork you were given when you were released from jail. If you have a question about something, call us at 512-472-1113.

How do the judges decide whether to add conditions?

Judges usually add conditions to a bond if you have been arrested before or if the allegations surrounding the arrest (which they can see from the probable cause affidavit) are unusually dangerous. A high blood alcohol content, collision, or exceptionally bad driving will usually cause the judge to include conditions.

Do I have to pay for the personal bond?

Yes. The amount will be written on the little yellow “coupon” that is attached to the bond paperwork. Here is a [video and FAQ](#) about Travis County personal bonds.

DWI GUIDE

DO YOU HAVE BOND CONDITIONS?

Master# []		MNI# []		Booking# []		F/M []	
Name RICHARDS KEITH				Date 9/30/20			
Address 12345 HARLEN AVE. City/State/Zip AVSTW, TX 78701				Cause No. CICR 20-701345			
How Long 20 YEARS County []				Bond 4000			
Phone 512-666-1234 Type C Phone 2 [] Type []				DOB 2/12/1950 HWT UK			
Email KEITH.RICHARDS@GMAIL.COM				Race W Sex M Age 76			
Mailing Address HALE OF FAME City/State/Zip []				Hair GREY Eyes BLU			
Nearest Relative MICK JAGGER Relationship BAND Phone 512-666-7890				Height 5'10 Weight 150			
Address HALE OF FAME City/State/Zip []				DL No. UK			
Employer ROCK & ROLL Position EVITARIUS How Long 60 YEARS				Record No. []			
Address [] City/State/Zip []				Bkg Date 9/30/20			
Phone [] Cellular []				Other Charges []			
Interviewed by [] Recommendation OK Presented to Mag/Jdg []				[]			
Attorney of Record CHARLIE ROADMAN Phone 512-472-1113				[]			
TRAVIS COUNTY PRETRIAL SERVICES P.O. BOX 1748 AUSTIN, TX 78767 (512)854-9381							
THE STATE OF TEXAS COUNTY OF TRAVIS		PERSONAL BOND				CAUSE NO. CICR 20-701345	
KNOWING ALL MEN BY THESE PRESENTS							
THAT I, KEITH RICHARDS , charged with the offense of (Misdemeanor) felony , to wit,							
POSSESSION OF A CONTROLLED SUBSTANCE							
am held and firmly bound unto the State of Texas in the penal sum stated below for the payment of which sum well and truly to be made, and in addition all necessary and reasonable fees and expenses that may be incurred by peace officers in re-arresting me in the event the conditions of the bond are violated, I do bind myself, executors and administrators, jointly and severally by these presents.							
The condition of the above obligation is that I swear that I will appear before the Room 1.218 CJL at the							
Blackwell - Thurman Criminal Justice Center, 509 W. 11th Street, Austin, Travis County, Texas, on the 23RD day of DECEMBER							
20 20 at 9:00 A.M. or pay to the Court the principal sum of \$ 4000 plus all necessary and reasonable expenses incurred in any arrest for failure to appear.							
I further swear that I will appear before any court or magistrate court before whom this cause may hereinafter be pending at any time and place as may be required.							
Now if I shall well and truly make said appearance before the said Court, and there remain from day to day and term to term of said Court, until discharged by due course of law, then and there to answer said accusation against me, and further shall well and truly make my personal appearance in any and all subsequent proceedings that may be had relative to said charge in the course of the criminal action based on said charges, this obligation shall become void. Otherwise to remain in full force and effect.							
I further understand that all or part of the information collected in the Pretrial Services Report is available to persons associated with law enforcement, criminal justice, and other agencies including, but not limited to, the judge or Magistrate hearing the case, the District Attorney's Office, and the defense attorney of record in this case.							
Personal Bond Fee \$20 if Bond Amount is < \$1334.00							
Personal Bond Fee \$40 if Bond Amount is > \$1334.00							
Personal Bond with Ignition Interlock Fee Equals (3% of bond amount) \$ []							
<input checked="" type="checkbox"/> See attached Conditions Order form				Signature of Defendant KEITH RICHARDS			
SWORN TO AND SUBSCRIBED BEFORE ME, this _____ day of _____, 20__.							
NOTARY PUBLIC IN AND FOR TRAVIS COUNTY, TEXAS							
THIS PERSONAL BOND IS APPROVED, effective only after arresting agency has completed its booking process, and the defendant at such time is ordered released on the conditions of this bond.							
I certify that I am the attorney of record representing this defendant in this matter:				APPROVED this 30 day of SEPT , 20__ 20			
Signature / Print CHARLIE ROADMAN 123456789 SBN []				Signature of Magistrate/Judge JUDGE STEADMAN			
Revised 5/2016 White - Original Yellow - Defendant Copy Pink - Pretrial Services Copy							

There is a “see attached conditions order form” checkbox on the personal bond. If it is checked, there will be additional things you need to do. In this example, it is checked.

DWI GUIDE

WHAT CONDITIONS DO YOU HAVE?

State of Texas
vs.
Name: KEITH RICHARDS
Cause # CICR 20-701345
PT # _____
(One form per cause/charge)

ORDER SETTING CONDITIONS OF PERSONAL BOND OR CASH DEPOSIT BOND RELEASE

As a condition of his/her release on Personal Bond or Cash Deposit Bond in the above styled cause, this Court finds that the interest of justice and the safety of the community require that the defendant shall be subject to and shall comply with the following conditions as ordered by the Court:

Substance Abuse Counseling Conditions

<input type="checkbox"/>	TCCEs Misdemeanor Drug Evaluation – Submit to an assessment by TCCEs & follow treatment recommendations
<input type="checkbox"/>	TCCEs Felony Drug Evaluation – Submit to an assessment by TCCEs & follow treatment recommendations
<input checked="" type="checkbox"/>	TCCEs Alcohol Evaluation – Submit to an assessment by TCCEs & follow treatment recommendations
<input type="checkbox"/>	Drug Court Screening – Review information related to participation in a Drug Diversion Court

Violence Counseling Conditions

<input type="checkbox"/>	TCCEs Family Violence Evaluation (for Intimate Partner Violence Cases) – Submit to an assessment by TCCEs & follow counseling recommendations
<input type="checkbox"/>	TCCEs Violence Evaluation (for Non-Intimate Partner Violence Cases) – Submit to an assessment by TCCEs & follow counseling recommendations
<input type="checkbox"/>	Anger Management (for Non-Intimate Partner Violence Cases) – Enroll in & complete an 8hr Anger Management program as directed by Pretrial Services

Safety-Related Conditions

<input type="checkbox"/>	No Contact with Complaining Witness – Do not make contact with complaining witness by phone, written, digital communication or in person
<input type="checkbox"/>	200 Yard Stay Away from Complaining Witness – Do not go within 200 yards of the complaining witness
<input type="checkbox"/>	No Contact with Co-Defendants – Do not contact co-defendant(s) by phone, written communication or in person
<input type="checkbox"/>	Stay Away from _____ (insert specific address)

Supervision/Case Management Conditions

<input type="checkbox"/>	Supervision – Report to Pretrial Services as directed & follow rules of program
<input type="checkbox"/>	Mental Health Supervision – Report to Pretrial Services as directed & follow rules of program

Surveillance Conditions

<input type="checkbox"/>	EM – House Arrest (Electronic Monitoring) – Install electronic monitoring device, report to Pretrial Services as directed & follow rules of program
<input type="checkbox"/>	EM – House Arrest – In Jail Install – Install electronic monitoring device, report to Pretrial Services as directed & follow rules of program
<input type="checkbox"/>	GPS (Global Position System) – Pay for services to install and maintain operations of GPS monitoring device, report to Pretrial Services as directed and follow rules of program
<input type="checkbox"/>	GPS - In Jail Install – Pay for services to install and maintain operations of GPS monitoring device, report to Pretrial Services as directed and follow rules of program
<input type="checkbox"/>	SCRAM (Secure Continuous Remote Alcohol Monitoring) – Pay for services to install and maintain operation of transdermal alcohol monitoring device and follow rules of the program
<input type="checkbox"/>	SCRAM - In Jail Install – Pay for services to install and maintain operation of transdermal alcohol monitoring device and follow rules of the program
<input type="checkbox"/>	IID (Ignition Interlock Device) – Pay for services to install within 21 days and maintain operation of Ignition Interlock device, report to Pretrial Services as directed and follow rules of the program
<input type="checkbox"/>	PAM (Portable Alcohol Monitoring) Device – Pay for services to obtain Portable Alcohol Monitoring device, provide breath samples as directed, report to Pretrial Services as directed and follow rules of the program

Other Conditions

<input checked="" type="checkbox"/>	Random Urinalysis with Supervision – Submit to urinalysis (UA) as directed by Pretrial Services
<input type="checkbox"/>	No Driving without Valid Driver's License – Do not operate a motor vehicle without a valid driver's license
<input checked="" type="checkbox"/>	Curfew – You must be home by <u>midnight</u> , and you may not leave home before _____.
<input type="checkbox"/>	Phoenix Court Referral – Review information related to participation in a Phoenix Court.

Other Conditions (Write-in legibly — PLEASE PRINT)

Ordered, this 20th day of Sept, 2020

KEITH RICHARDS Defendant's Signature Date _____
JUDIE SILVERMAN Magistrate/Judge

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If the “bond conditions” box is checked on the personal bond, you will need to do whatever is checked on this page. On this sample bond, Mr. Richard’s bond conditions include random UAs, a curfew, and an alcohol evaluation.

DWI GUIDE

FOLLOWING YOUR BOND CONDITIONS

What happens if I don't follow my bond conditions?

Pretrial Services will notify the judge of your non-compliance. The judge can raise/revoke your bond and issue a warrant for your arrest.

Can an attorney get the judge to change my bond conditions?

Sometimes. However, the judge is unlikely to remove any alcohol monitoring requirements without a good reason.

I was ordered to get an IID. What if I don't have a car?

The judge will likely require you to get a portable alcohol monitor (which must be blown into 4 times a day – and is therefore harder to use than the IID). There are situations where the judge may remove an alcohol monitoring requirement after 3-6 months (if there have been no violations). Your attorney will have to ask the judge to agree to the removal before you can stop using the device. [Here is a video I made about putting the IID in my car for 2 months.](#)

DWI GUIDE

THE PERSONAL BOND FEE

Master#		MNI#		Booking#		F/M	
Name	RICHARDS KEITH			Date	9/30/20		
Address	12345 HARLEM AVE. City/State/Zip AVSTW, TX 78701			Cause No.	CICR 20-701345		
How Long	20 YEARS County			Charge	POCS		
Phone	512-666-1234 Type C Phone 2 Type			Bond	4000 ⁰⁰		
Email	KEITH.RICHARDS@GMAIL.COM			DOB	2/18/1950B HENT CZ UK		
Mailing Address	HARLE FANE City/State/Zip			Face	W Sex M Age 76		
Nearest Relative	MICK JAGGER Relationship BAND Phone 512-666-7890			Hair	GREY Eyes BLU		
Address	HARLE OF FANE City/State/Zip			Height	5'10 Weight 150		
Employer	ROCK & ROLL Position EVITANCIST How Long 60 YEARS			DL No.	UK		
Address				Record No.			
Phone				Big Date	9/30/20		
Other Charges							
Interviewed by	Recommendation OK Presented to Mag/Jdg						
Attorney of Record	CHARLIE ROADMAN Phone 512-472-1113						

TRAVIS COUNTY PRETRIAL SERVICES
P.O. BOX 1748
AUSTIN, TX 78767
(512)254-0281

THE STATE OF TEXAS
COUNTY OF TRAVIS

PERSONAL BOND CAUSE NO. CICR 20-701345
KNOWN ALL MEN BY THESE PRESENTS

THAT I, KEITH RICHARDS charged with the offense of (Misdemeanor) Felony, to wit,
POSSESSION OF A CONTROLLED SUBSTANCE

am held and firmly bound unto the State of Texas in the penal sum stated below for the payment of which sum well and truly to be made, and in addition all necessary and reasonable fees and expenses that may be incurred by peace officers in re-arresting me in the event the conditions of this bond are violated, I do bind myself, executors and administrators, jointly and severally by these presents.

The condition of the above obligation is that I swear that I will appear before the Room 1.218 CJC at the Blackwell - Thurman Criminal Justice Center, 509 W. 11th Street, Austin, Travis County, Texas, on the 23RD day of DECEMBER 2020 at 9:00 A.M. or pay to the Court the principal sum of \$ 4000.00 plus all necessary and reasonable expenses incurred in any arrest for failure to appear.

I further swear that I will appear before any court or magistrate court before whom this cause may hereinafter be pending at any time and place as may be required.

Now if I shall well and truly make said appearance before the said Court, and there remain from day to day and term to term of said Court, until discharged by due course of law, then and there to answer said accusation against me, and further shall well and truly make my personal appearance in any and all subsequent proceedings that may be had relative to said charge in the course of the criminal action based on said charges, the obligation shall become void; Otherwise to remain in full force and effect.

I further understand that all or part of the information collected in the Pretrial Services Report is available to persons associated with law enforcement, criminal justice, and other agencies, including the District Attorney's Office, and the defense attorney of record in this case.

Personal Bond Fee \$20 if Bond Amount is < \$1334.00
Personal Bond Fee \$40 if Bond Amount is > \$1334.00
Personal Bond with Ignition Interlock Fee Equals (2% of bond amount) \$

KEITH RICHARDS
Signature of Defendant

SWORN TO AND SUBSCRIBED BEFORE ME,
this _____ day of _____, 20__.

NOTARY PUBLIC IN AND FOR TRAVIS COUNTY, TEXAS

THIS PERSONAL BOND IS APPROVED, effective only after arresting agency has completed its booking process, and the defendant at such time is ordered released on the conditions of this bond.

I certify that I am the attorney of record representing this defendant in this matter: APPROVED this 30 day of SEPT 2020

CHARLIE ROADMAN 123456789
Signature / Print SBN

JUDGE SILVADILE
Magistrate/Judge

Revised 5/2018 White - Original Yellow - Defendant Copy Pink - Pretrial Services Copy

There is a \$20-\$40 fee for a personal bond (depending on the amount of the bond) or 3% of the bond amount if there is an ignition interlock device requirement. This fee can be paid online. The court wants you to pay it within 7 days of release.

DWI GUIDE

DON'T MISS YOUR COURT DATE

Master# [] MIB# [] Booking# [] F/M

Name: RICHARDS KEITH Date: 9/30/20

Last: RICHARDS First: KEITH Middle: [] Cause No: CICR 20-701345

Address: 12345 HARLEN AVE. City/State/Zip: AUSTIN, TX 78701 Charge: DWCS

How Long: 20 YEARS County: [] Bond: 4000.00

Phone: 512-666-1234 Type: C Phone 2: [] Type: [] DOB: 12/18/45 POB: HENT CZ: UK

Email: KEITH.RICHARDS@GMAIL.COM Race: W Sex: M Age: 76

Mailing Address: HAL OF FAME City/State/Zip: [] Hair: GREY Eyes: BLU

Nearest Relative: MIKE JACOB Relationship: BROTHER Phone: 512-666-7890 Height: 5'10 Weight: 150

Address: HAL OF FAME City/State/Zip: [] DL No: UK

Employer: ROCK & ROLL Position: EVILTRUCKS How Long: 60 YEARS Record No: []

Address: [] City/State/Zip: [] Bkg Date: 9/30/20

Other Charges: []

Interviewed by: [] Recommendation: OK Presented to Mag/Jdg: []

Attorney of Record: CHARLIE ROADMAN Phone: 512-472-1113

TRAVIS COUNTY PRETRIAL SERVICES
P.O. BOX 1748
AUSTIN, TX 78768
(512)854-9381

THE STATE OF TEXAS
COUNTY OF TRAVIS

PERSONAL BOND CAUSE NO: CICR 20-701345
KNOWN ALL MEN BY THESE PRESENTS

THAT I, KEITH RICHARDS, charged with the offense of (Misdemeanor/Felony), to wit, POSSESSION OF A CONTROLLED SUBSTANCE

am held and firmly bound into the State of Texas in the penal sum stated below for the payment of which sum well and truly to be made, and in addition all necessary and reasonable fees and expenses that may be incurred by peace officers in re-arresting me in the event the conditions of this bond are violated, I do bind myself, executors and administrators, jointly and severally by these presents.

The condition of the above obligation is that I swear that I will appear before the Room 1.218, CST at the Blackwell - Thurman Criminal Justice Center, 509 W. 11th Street, Austin, Travis County, Texas, on the 23rd day of December, 2020 at 9:00 AM, or pay to the Court the principal sum of \$ 4000.00 plus all necessary and reasonable expenses incurred in any arrest for failure to appear.

I further swear that I will appear before any court or magistrate court before whom this cause may hereinafter be pending at any time and place where I may be required.

Now if I shall well and truly make said appearance before the said Court, and there remain from day to day and term to term of said Court, until I am discharged by due course of law, then and there to answer said accusation against me, and further shall well and truly make my personal appearance in any and all subsequent proceedings that may be had relative to said charge in the course of the criminal action based on said charges, this obligation shall become void. Otherwise to remain in full force and effect.

I further understand that all or part of the information collected in the Pretrial Services Report is available to persons associated with law enforcement, criminal justice and other agencies including, but not limited to, the Judge or Magistrate hearing the case, the District Attorney's Office, and the defense attorney of record in this case.

Personal Bond Fee \$20 if Bond Amount is < \$1334.00
Personal Bond Fee \$40 if Bond Amount is > \$1334.00
Personal Bond with Ignition Interlock Fee Equals (3% of bond amount) \$

See attached Conditions Order form

Signature of Defendant: KEITH RICHARDS

SWORN TO AND SUBSCRIBED BEFORE ME,
this _____ day of _____, 20__.

NOTARY PUBLIC IN AND FOR TRAVIS COUNTY, TEXAS

THIS PERSONAL BOND IS APPROVED, effective only after arresting agency has completed its booking process, and the defendant at such time is ordered released on the conditions of this bond.

I certify that I am the attorney of record representing this defendant in this matter: APPROVED this 30 day of SEPT, 20 20

Signature / Print: CHARLIE ROADMAN 12378789 Signature: JUDGE SILVARENE
SBN Magistrate/Judge

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The court date is written in the middle of the bond (23rd of December 2020 at 9 AM). The first court date is almost always reset by the court without you having to go. You will likely receive a text message from the court with the new date.

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YOU WON'T NEED TO GO TO COURT (FOR AWHILE) IF YOU HAVE AN ATTORNEY

I won't have to go to court?

No, at least not for awhile (if you have an attorney). Your attorney will go to court for you while the administrative part of the case is completed by the court. This could take 3-4 months.

But I want to show the judge that I am taking the case seriously.

Going to court when it is not necessary will not impress the judge. The judge won't even be aware that you went. Any good attorney will let you know when going to court is required or benefits you.

I have more questions about the 1st court date.

[Check out this FAQ.](#)

DWI GUIDE

DON'T GET ARRESTED AGAIN WHILE THIS CASE IS PENDING

That's ridiculous. Why would you even say that to me?

Unfortunately, I've had many clients get re-arrested while their first case is pending. I think the stress of getting arrested causes some people to seek relief in alcohol – which directly affects the judgment center of the brain. All I am saying is that you probably didn't expect to get arrested the first time either, right? Be super careful while this case is pending.

Why? What happens if I get arrested again?

If you are arrested again while your case is pending, the judge and prosecutor will think that you are a safety risk to the people of Austin. The judge will add every condition to your bond that they can think of – including an alcohol-detecting ankle monitor and an IID. Yes, both of them! You may even have to spend 3-7 days in jail before the judge will release you. Any probation that you ultimately receive would be severe, expensive, and include long-term counseling and continued alcohol monitoring.

I won't get arrested again, I promise.

Great.

This would be bad.

Master# [] MNI# [] Booking# [] F M

Name: RICHARDS KEITH Date: 9/30/20
Case No: CCR 20-701345
Address: 12345 HARLEM AVE. City/State/Zip: AUSTIN, TX 78701
Charge: POCS
Bond: 4000
DOB: 12/12/45 POB: HENT CE: UK
Race: W Sex: M Age: 76
Hair: GREY Eyes: BLU
Height: 510
DL No: U
Employer: ROCK & ROLL Position: EVITARIUS How Long: 60 YEARS
Record No: []
Booked: 9/30/20

Interviewed by: CHARLIE ROADMAN Recommendation: OK Presented to Mag/Jdg: []
Phone: 512-472-1113

TRAVIS COUNTY PRETRIAL SERVICES
P.O. BOX 173
AUSTIN, TX 78768
(512)854-9381

THE STATE OF TEXAS
COUNTY OF TRAVIS
PERSONAL BOND
I, KEITH RICHARDS, do hereby acknowledge the offense of (Misdemeanor/Felony), to wit, POSSESSION OF A CONTROLLED SUBSTANCE, and I am held and firmly bound into the State of Texas in full and true compliance with the conditions of this bond and to be made, and in addition all necessary and reasonable fees and expenses that may be incurred by the arresting agency, and I do bind myself, executors and administrators, jointly and severally by these presents.

The condition of the above obligation is that I swear that I will appear before the court on the 23rd day of DECEMBER 2020 at 9:00 A.M. or pass the Court on a social sum of 4000 plus all necessary and reasonable expenses incurred in any arrest for failure to appear.

I further swear that I will appear before any court or magistrate in this case when this cause may hereinafter be pending at any time and place as may be required.

Now if I shall well and lawfully make said appearance before the court and there remain from day to day and term to term of said Court, until discharged by due course of law, then and there to stand as aforesaid against me, and further shall well and truly make my personal appearance in any and all subsequent proceedings that may be had relative to said charge.

I further certify that all or part of the information reflected in the Pretrial Services Report is available to persons associated with law enforcement, criminal justice, and other agencies including, but not limited to, the District Attorney, the District Judge, the District Attorney's Office, and the defense attorney of record in this case.

Personal Bond Fee: 20 if Bond Amount is \$24.00
Personal Services Fee: 24.00
Personal Services Fee Equals (3% of bond amount)

See Attached Conditions Order form

Signature of Defendant: KEITH RICHARDS
SWORN TO AND SUBSCRIBED BEFORE ME, this ___ day of ___, 20__.

NOTARY PUBLIC IN AND FOR TRAVIS COUNTY, TEXAS

THIS PERSONAL BOND IS APPROVED, effective only after arresting agency has completed its booking process, and the defendant at such time is ordered released on the conditions of this bond.

I certify that I am the attorney of record representing this defendant in this matter: APPROVED this 30 day of SEPT 20 20
Signature / Print: CHARLIE ROADMAN 123456789 SBN JUDGE SIGNATURE Magistrate/Judge

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If you get arrested again while you are out on this personal bond, the court will likely revoke your bond and not give you another one for the new charge.

DWI GUIDE

DON'T MISS THE 15 DAY WINDOW TO REQUEST AN ALR HEARING

What is the ALR hearing?

It is the *Administrative License Revocation* hearing – which is a type of court date for your Texas driver's license. The ALR hearing only happens if you request it within 15 days of your arrest.

What happens if I don't request the ALR hearing?

Your license will be suspended automatically 40 days after your arrest (if you blew .08 or over on the breathalyzer at the police station or you refused to blow and/or give blood).

Can I request the ALR hearing myself?

Yes, but it is safer to have an attorney do it for you. If you decide to do it yourself, the instructions are on the Temporary Driving Permit that you likely received when you were released from jail. There is more you need to do after you request the hearing (which is why using an attorney is recommended).

I have more questions.

[Here is a video and FAQ about the ALR Hearing.](#)

DWI GUIDE

REPLACE YOUR DRIVER'S LICENSE

I can get a replacement driver's license?

The police are required to take your driver's license if you are arrested for DWI and refuse or fail a breath/blood test. However, if there are no other issues with your license, you can go to DPS and get another one (until any suspension from the DWI kicks in). Just tell DPS that you lost your license – which you did... to that police officer. Here is a [video](#) I made about replacing your driver's license in Austin.

Won't DPS know that I was charged with a DWI. Will I get arrested for trying to get another one?

DPS won't know or care that you were charged with DWI. They should happily process your request for a new license (as long as it is not suspended for some other reason). They will give you a temporary driver's license on the spot and mail you the hard copy in a couple of weeks. No, they will not arrest you.

That sounds a little sketchy...

It isn't. Look at it this way – having possession of your actual driver's license is not proof that you are eligible to legally drive. Your eligibility is determined by DPS and your status is recorded in the DPS database. You could drive around with ten physical drivers' licenses in your pocket, but if the DPS computer says you are not eligible to drive, the police can arrest you for driving on a suspended license.

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WHY YOU SHOULD GET A NEW DRIVER'S LICENSE

But if having my license does not affect my eligibility to drive, why should I get another one? Won't the police or DPS give me back my license when this is over?

No, they will never give you back the driver's license that was taken from you when you were arrested. At the end of any suspension, DPS will tell you to go get another copy of your driver's license. So you might as well get another one right away. Drivers' licenses are used all the time for everyday stuff, and it can be very inconvenient not to have a physical copy in your possession.

Does getting a new physical copy of my driver's license mean that it won't be suspended?

No. Your driving privilege can be suspended even if you possess a physical copy of your driver's license.

Can I just order a new driver's license online?

Sometimes. You should certainly try. If the online system won't allow you to do it, you will have to go to DPS in person. I recommend that you do this within two weeks of being arrested.

DWI GUIDE

TAKE THE REQUIRED COUNSELING CLASSES

But I was only arrested – I haven't been convicted yet.

The prosecutors usually give you credit for taking the classes in advance. It shows that you are taking the case seriously. Almost every possible outcome requires that you take these classes, so you might as well get some credit for taking them quickly, right?

What is the D.W.I.E. class?

The 12-hour D.W.I.E. class is required for nearly every first time DWI arrest. The class is taught over three days for four hours a day, but each class provider has a different schedule of when the class is offered. The class is not allowed to be taught in a single day – three days is the minimum required by the State.

What is the D.W.I.E. class like?

The D.W.I.E. class curriculum was designed by the State of Texas. The class is like a group counseling session combined with 8th-grade health class. Nobody wants to take the class, but the majority of my clients end up saying that it wasn't that bad and that they actually learned something. While the curriculum could be improved (the videos and PowerPoint presentation are outdated), I think the class is very effective in creating an environment where people can self-reflect on their relationship with alcohol. Here's a short [video](#) about the class.

DWI GUIDE

GET LETTERS OF RECOMMENDATION

Who should I ask to write a letter of recommendation?

One or two letters from the most accomplished people that you know would be helpful. The person can be a current or former manager, co-worker, teacher, or anyone that has known you for a substantial period of time. Ideally, the letters would be written on letterhead and/or in a business format. Sometimes it is easier to get people to write the letter in an e-mail, and that is fine.

I don't want to tell anyone about my arrest.

You can tell the person writing the letter for you that you are looking for a character reference (for a job or education opportunity). The letter does not have to mention the arrest.

What should the letter say?

The letter should talk about your good qualities – honesty, integrity, reliability, hardships you've overcome, charity, etc. The more heartfelt and sincere the letter, the better it is for our purposes. Two to four paragraphs is a good length (though it can be longer if necessary).

DWI GUIDE

WHY SHOULD YOU GET LETTERS?

What do these letters accomplish?

A good letter can make a difference in some cases. Letters of recommendation are almost always worth the effort it takes to get them.

Can a family member write a letter?

As a last resort, yes. Letters from family members are generally not given much credibility by the prosecutors. However, I've had some letters from family members over the years that were so powerful that they were persuasive.

Who should the letters be made out to?

The letters can be addressed to "To Whom It May Concern," or if the letter specifically addresses the arrest, "To: Travis County Attorney."

I have more questions.

Here is a [video and FAQ](#) about the basic guidelines for a letter of recommendation.

DWI GUIDE

CONSIDER PRIVATE COUNSELING

Do I really need to do this?

You don't have to, but this is the perfect opportunity to explore the possibility that you could benefit from talking to a professional counselor. Personally, I am a huge fan of counseling – which is primarily just talking about your life to a neutral party. I have had many clients see a therapist for the first time after their arrest and are very happy that they did.

How do I find a good therapist?

Get online. Read reviews. Go meet a few and see if you like them. If you are having trouble finding someone, call us.

Other than this lousy legal situation I'm in, I'm a pretty stable and grounded person. I don't think I need to see a counselor.

That's fine. I'm just saying that talking to a counselor is like getting a massage. Is there ever a time where a massage wouldn't be nice? One of life's great pleasures is talking about yourself to another person.

DWI GUIDE

CONSIDER NOT DRINKING FOR AWHILE

Do I have to?

If it is a condition of your bond, then yes. However, even if it is not a legal requirement, my recommendation is that you avoid alcohol for the entire time your case is pending.

That seems extreme.

Possibly. It may, however, be the smartest thing you can do at this time. What's the harm? You can still enjoy life. Try non-alcoholic beer, mocktails, and non-alcoholic wine. [Yes, all those exist.](#)

DWI GUIDE

CHOOSE A NEW LIFE GOAL

What are you talking about?

Is there something that you've always wanted to do? Go back to school? Get trained in something? Write a book? Start a blog? Get a better job? Now is the time to focus on that goal. Use this lousy experience to motivate yourself towards something positive. Even something indulgent can be valuable – like traveling somewhere you've always wanted to go.

I was actually considering delaying my life plans. Is that ok?

No! Now is not the time to stop your plans, it is the time to accelerate them. Think about it this way: getting arrested was lousy, don't make it worse by delaying your goals!!!

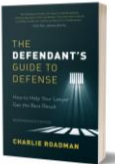
I have more questions about how this would help.

Watch this [video about our philosophy](#) on handling criminal cases (and what you should do while your case is pending).

DWI GUIDE

OTHER RESOURCES

I wrote a book – *The Defendant's Guide to Defense: How to Help Your Lawyer Get the Best Result (misdemeanor edition)*. It is [available on Amazon](#). I summarized everything I've learned from 20 years of criminal defense (and what you should do while the case is pending).



What about podcasts?

Here is a [4-part interview about Austin DWIs](#).



I wish you had a comic book about Austin DWIs.

We do! [Here it is](#). It sounds ridiculous, but it is super informative.



Do you have a video about all the different ways a DWI can be dismissed?

Yes. There are 9 types of dismissals. [Here it is](#).

Will you email me a copy of the PC for free?

Yes, [call, text, or email us](#). Here is a [FAQ and video](#) about the PC affidavit.

We hope that helped!



READERS POLL: BEST DWI LAWYER
MARY ANN ESPIRITU



"ABLE TO DELIVER AN AMAZING RESULT"
- J.G.



"KIND, SYMPATHETIC, HARDWORKING TEAM"
- J.N.



"BEST POSSIBLE OUTCOME!"
- C.S.



"EXTREMELY PROFESSIONAL"
- S.S.



"QUICK TO RESPOND"
- K.S.



"I HIGHLY RECOMMEND"
- N.K.



"EXCEPTIONAL SKILLS"
- L.P.

“

Call us if you have questions!
There is a lot more info on our
[website.](#)

”

- Your Team at Roadman & Espiritu

Do You Need an Attorney?

We are happy to help

We have 35+ years combined experience fighting
DWI cases in Travis County. We have litigated or
negotiated 830+ dismissals in Austin since 2013.

Let us help you.

Call 512-472-1113

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