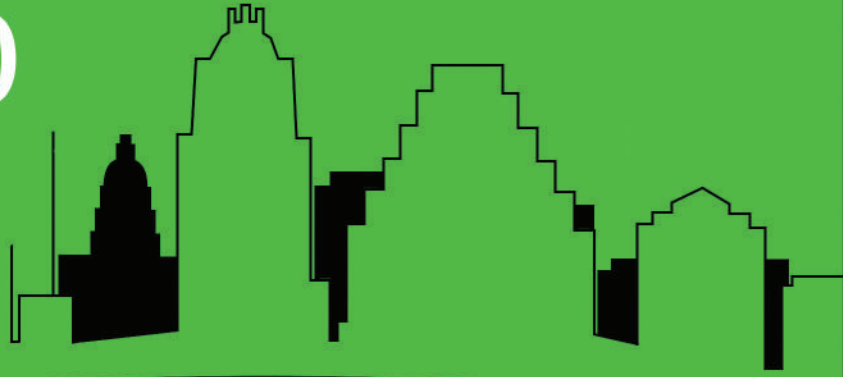


# An Insider's Guide to Austin



# DWI Charges

By CHARLIE ROADMAN

WRITTEN BY CHARLIE ROADMAN  
ILLUSTRATED BY GINA SHELLIE

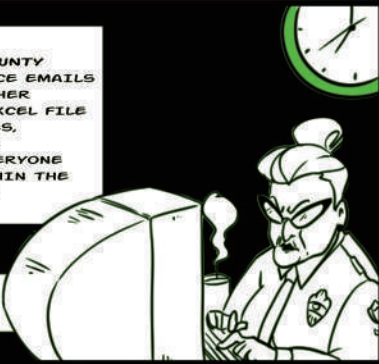
# THE LIST

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.

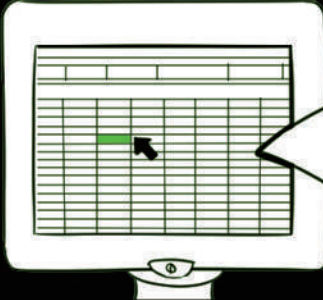
WE PAY A FEE TO THE TCSO.



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 INFORMATION TO ANYONE WHO REQUESTS IT. WHILE THIS IS EMBARRASSING TO YOU AT THE MOMENT, I ASSURE YOU THAT IT IS IN THE BEST INTEREST 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.



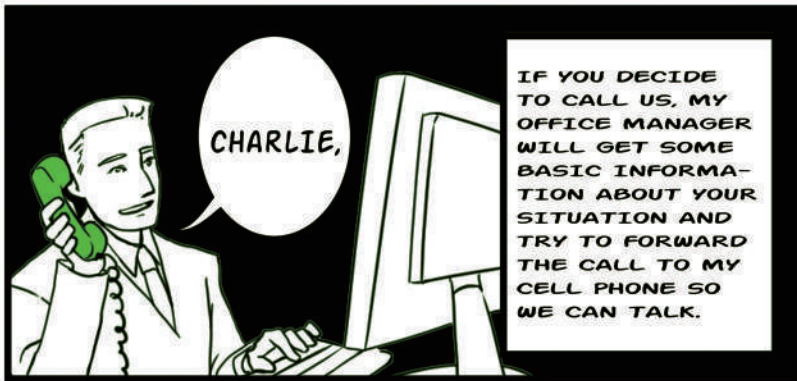
HAS BEEN RECEIVED PLEASE REVIEW THE

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

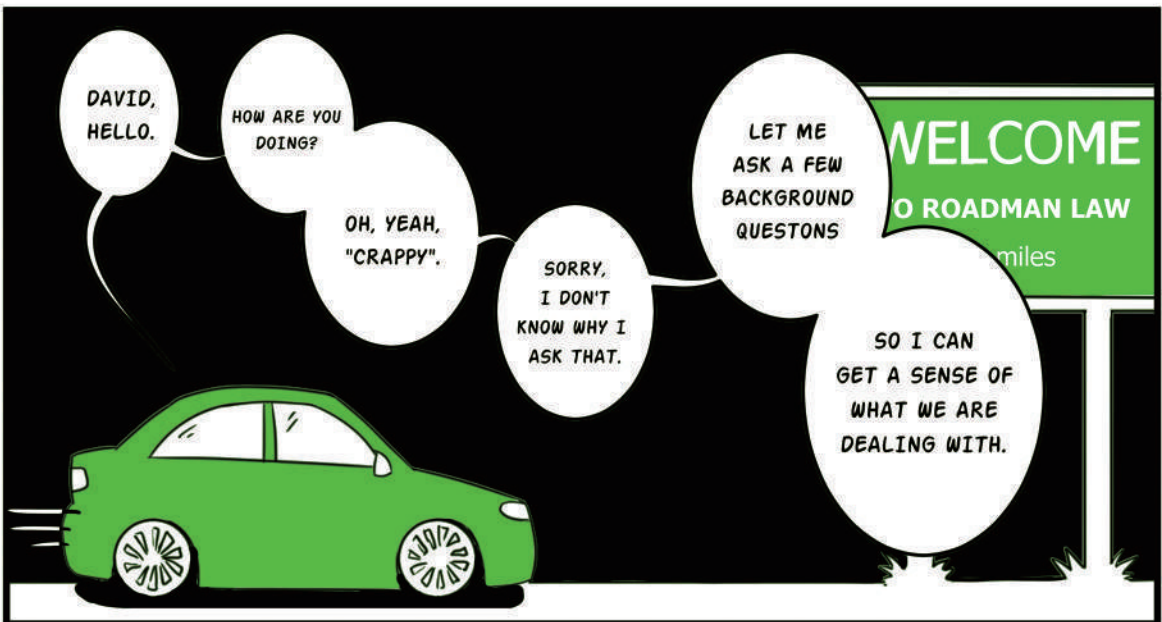
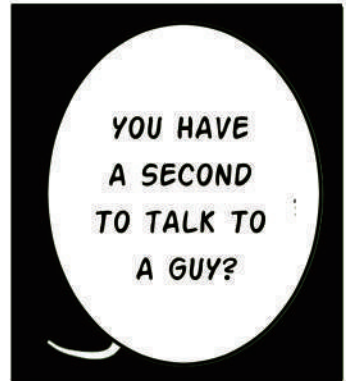
- YOUR ADVERTISEMENT IS APPROVED
- YOUR ADVERTISEMENT WAS REJECTED BECAUSE:
  - YOU CLAIM THAT YOU HAVE NEVER LOST A CASE. (WITHOUT PROOF)
  - YOU CLAIM THAT YOU ARE A BETTER LAWYER THAN JOHNNIE COCHRAN. (WITHOUT PROOF)
  - YOU CLAIM THAT YOU KNOW THE JUDGE AND CAN GET A CASE THROWN OUT. (THIS IS PURE CORRUPTION!)

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

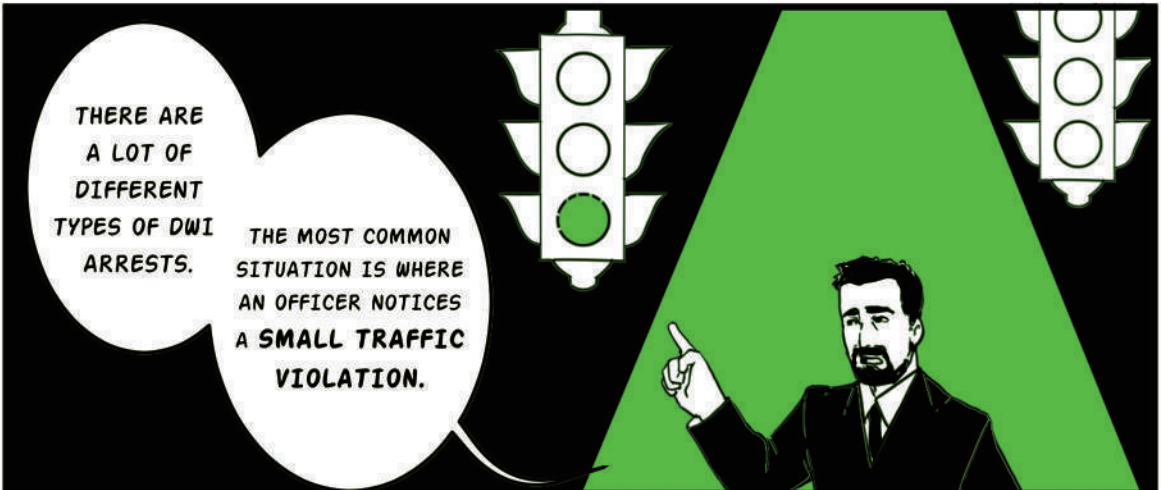
WHICH IS A GOOD THING!



IF YOU DECIDE TO CALL US, MY OFFICE MANAGER WILL GET SOME BASIC INFORMATION ABOUT YOUR SITUATION AND TRY TO FORWARD THE CALL TO MY CELL PHONE SO WE CAN TALK.

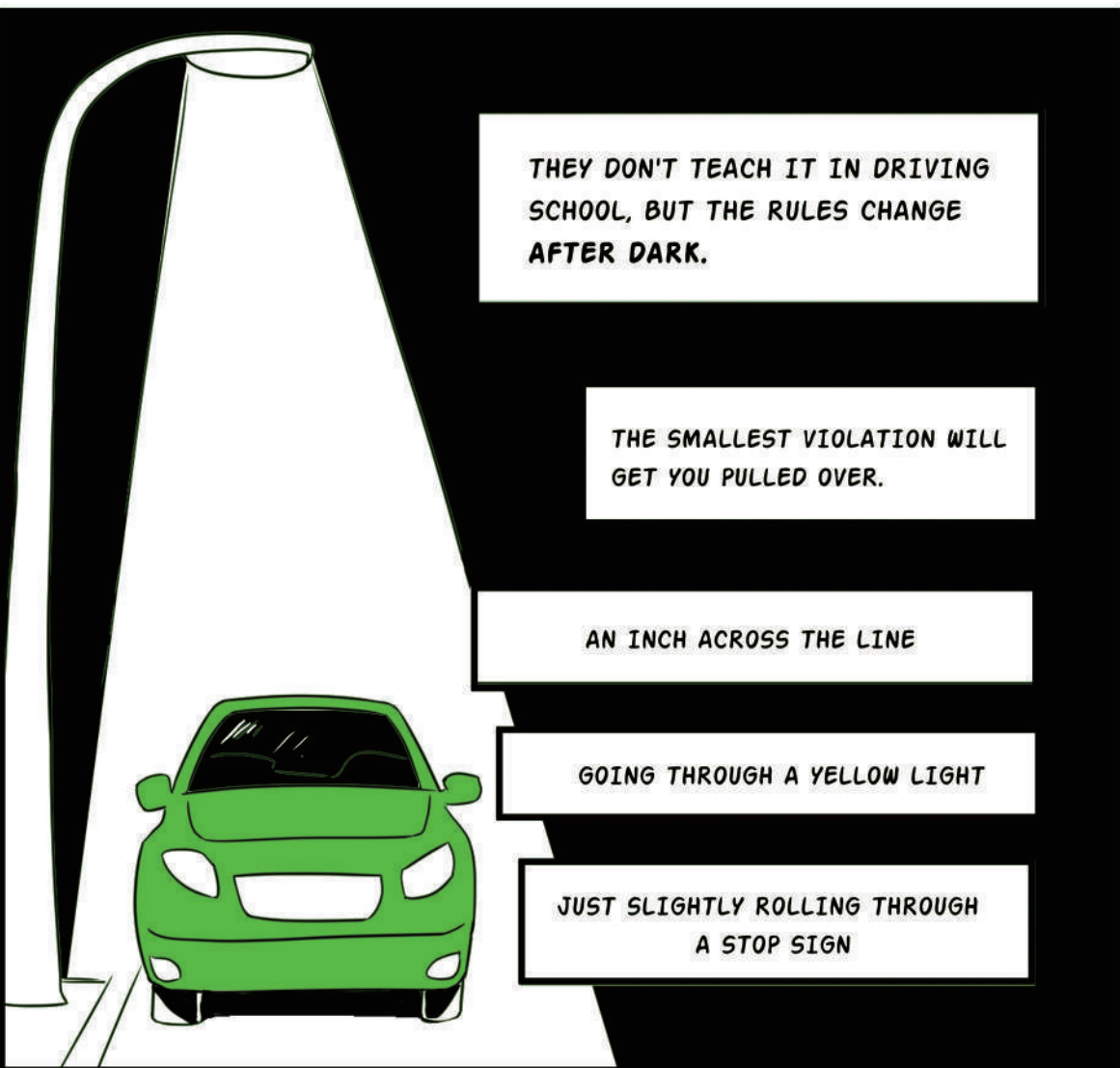


**WHY DID THE POLICE PULL YOU OVER?**



THERE ARE  
A LOT OF  
DIFFERENT  
TYPES OF DWI  
ARRESTS.

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



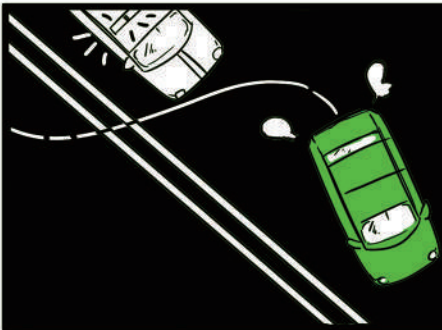
THEY DON'T TEACH IT IN DRIVING  
SCHOOL, BUT THE RULES CHANGE  
AFTER DARK.

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



$1x - 5x^2$   $a^2 + b$   
HFT  
HYPOTHETICAL FUTURE TRAGEDY  
30/4

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

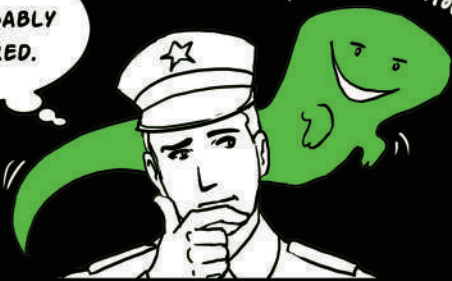


I'M NOT SURE IF THIS GUY IS INTOXICATED.

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.

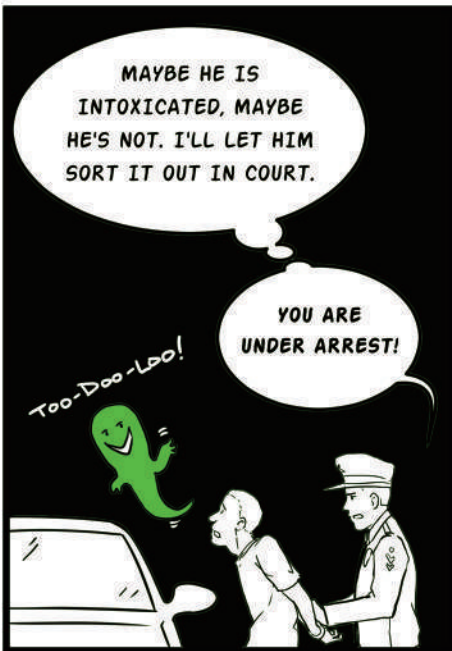
You never know!



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



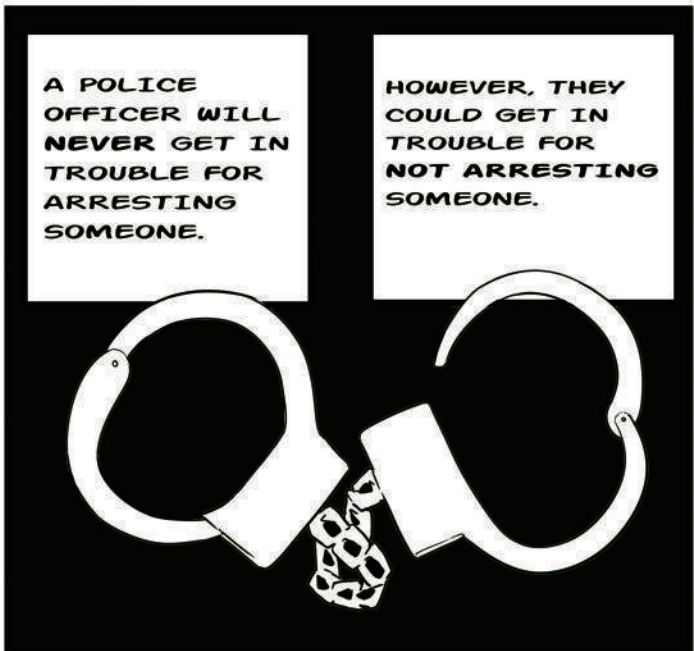
AND POLICE OFFICERS SEE HORRIBLE CRASHES ALL THE TIME...



MAYBE HE IS INTOXICATED, MAYBE HE'S NOT. I'LL LET HIM SORT IT OUT IN COURT.

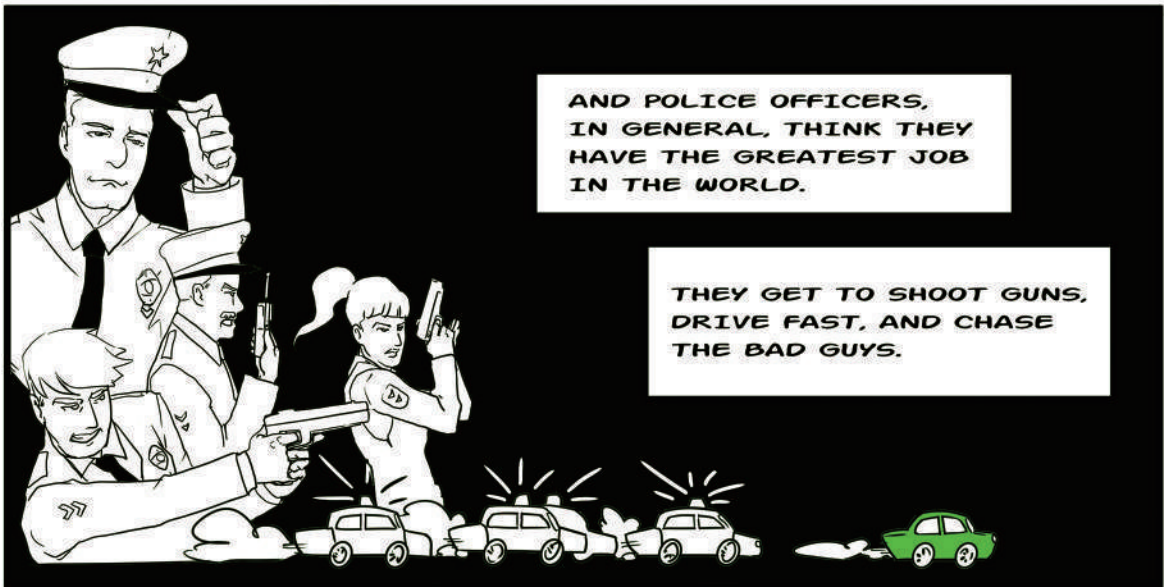
YOU ARE UNDER ARREST!

Too-Doo-Loo!



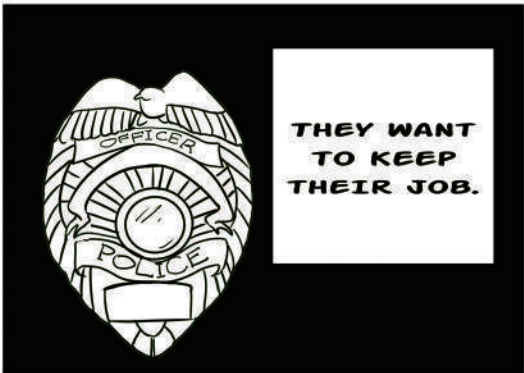
A POLICE OFFICER WILL NEVER GET IN TROUBLE FOR ARRESTING SOMEONE.

HOWEVER, THEY COULD GET IN TROUBLE FOR NOT ARRESTING SOMEONE.



AND POLICE OFFICERS, IN GENERAL, THINK THEY HAVE THE GREATEST JOB IN THE WORLD.

THEY GET TO SHOOT GUNS, DRIVE FAST, AND CHASE THE BAD GUYS.



THEY WANT TO KEEP THEIR JOB.



THEY WILL NEVER, EVER GET IN TROUBLE IF THEY ARREST YOU.

CONGRATULATIONS!

CLAP CLAP CLAP



# 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?

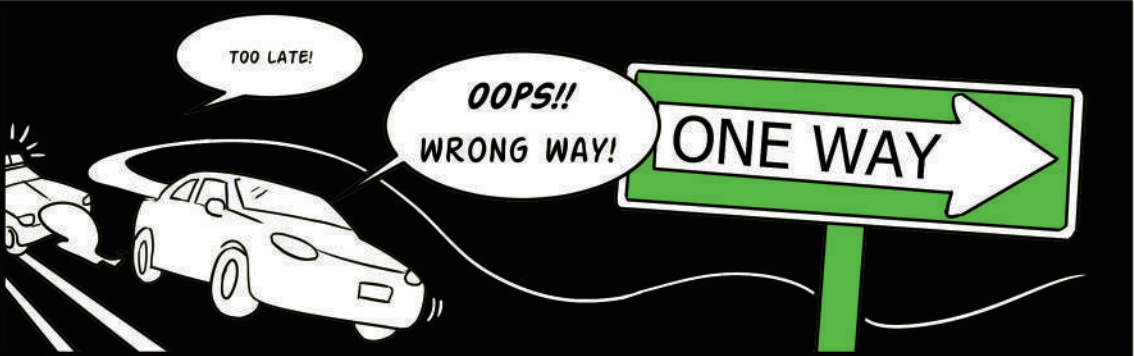
HMMM... HAVE YOU BEEN DRINKING TONIGHT, SIR?



TOO LATE!

OOPS!! WRONG WAY!

ONE WAY



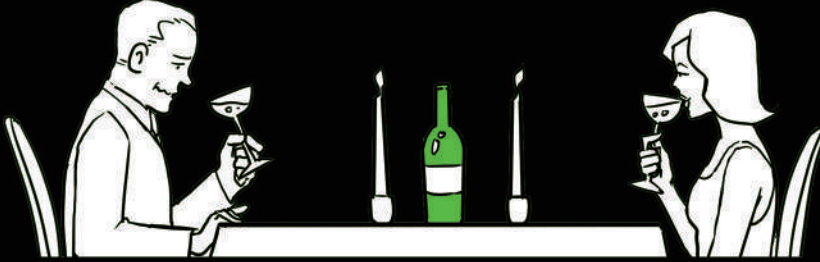
HELLO, 911? THERE'S A GUY PASSED OUT IN OUR DRIVE-THROUGH...AGAIN.



THIS HAPPENS MORE OFTEN THAN YOU WOULD THINK!

SIR, YOUR ORDER. SIR. SIR?!

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



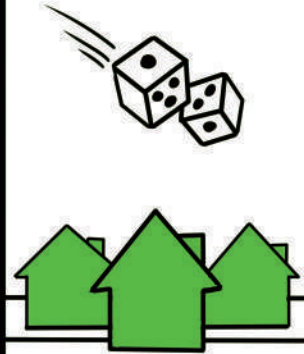
**OFFICER, I CAN SEE  
MY HOUSE FROM HERE!  
IT'S RIGHT  
THERE!!!**

**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.

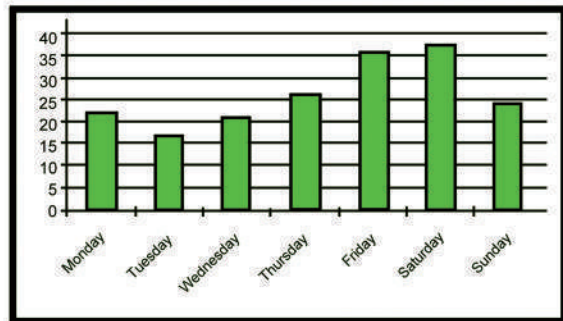
WE HAVE NOTICED THAT THE NUMBER OF ARRESTS DURING "NO REFUSAL" WEEKENDS (WHEN PEOPLE ARE DRINKING MUCH MORE) IS NOT SIGNIFICANTLY HIGHER THAN A NORMAL WEEKEND. THIS IS BECAUSE THE POLICE HAVE LIMITED RESOURCES AND THEY ARE MAXED OUT REGARDLESS OF THE WEEKEND.

## Travis County DWI Arrest Averages

Average # Per Week: 167

Average # Per Day: 24

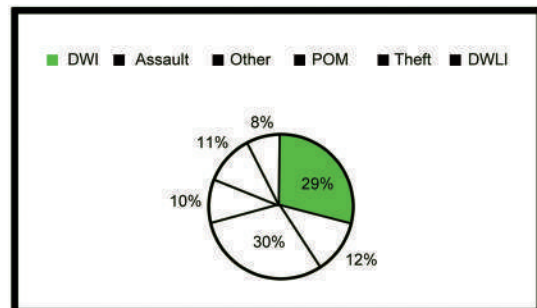
Monday	22
Tuesday	17
Wednesday	21
Thursday	26
Friday	35
Saturday	37
Sunday	24



## Travis County Arrests in 2014

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

## Travis County Arrests in 2014



\*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.

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

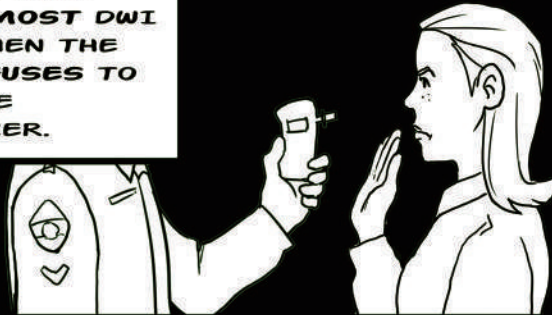
# CAN THEY TAKE MY BLOOD?

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.



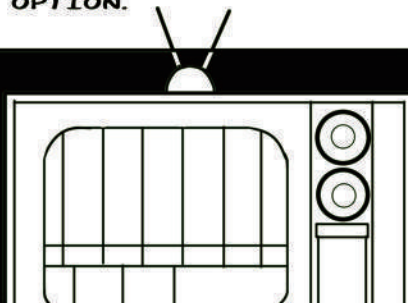
THIS IS TRUE EVEN IF IT'S NOT A "NO REFUSAL" WEEKEND.

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

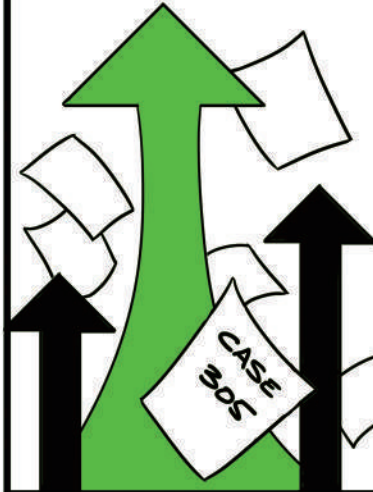
TOTAL:  
\$

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.



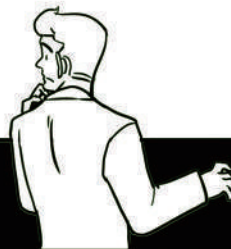
DEAL



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.

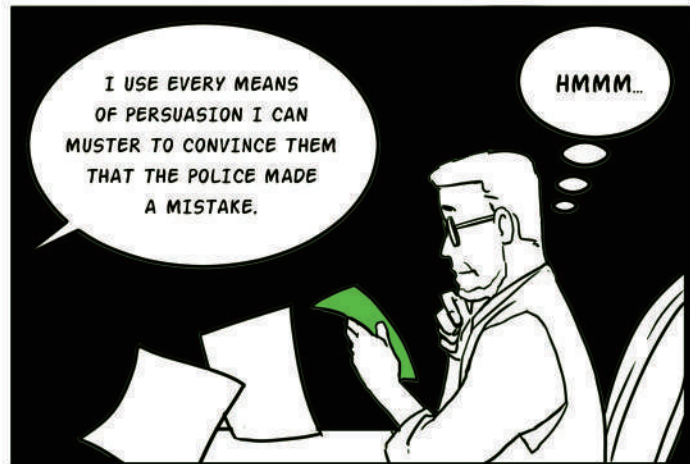
THEY WILL LOOK AT  
THE EVIDENCE AND  
LISTEN TO OUR  
SIDE OF THE STORY.

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

HMMM...

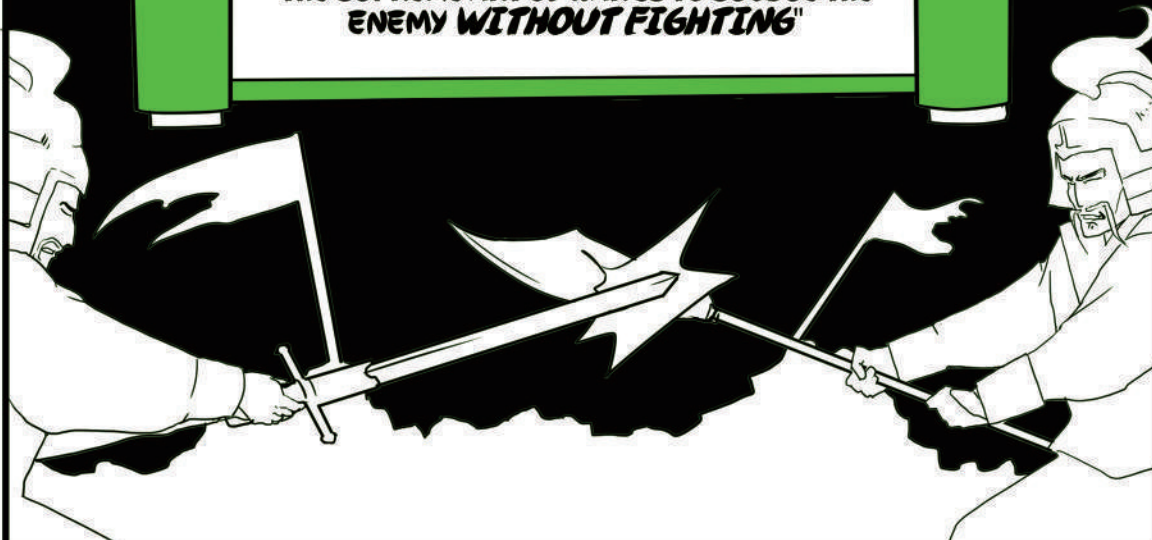
LET'S SEE.....

HOW TO PHRASE  
THIS.....

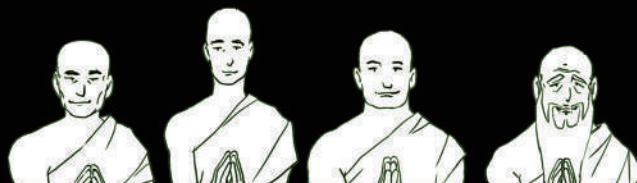


**SUN-TZU SAYS:**

**"THE SUPREME ART OF WAR IS TO SUBDUE 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**

+

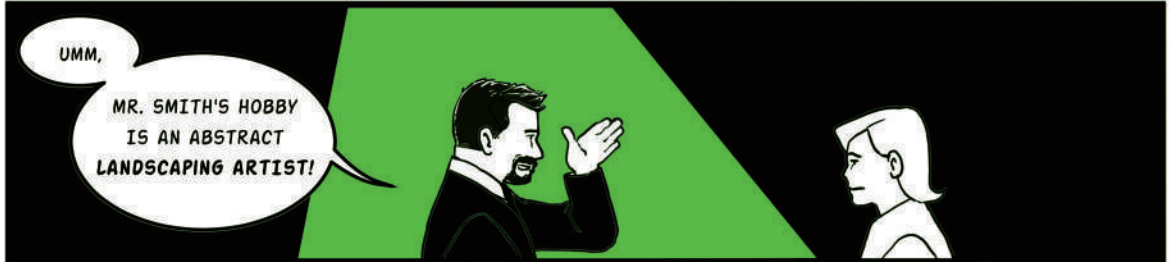
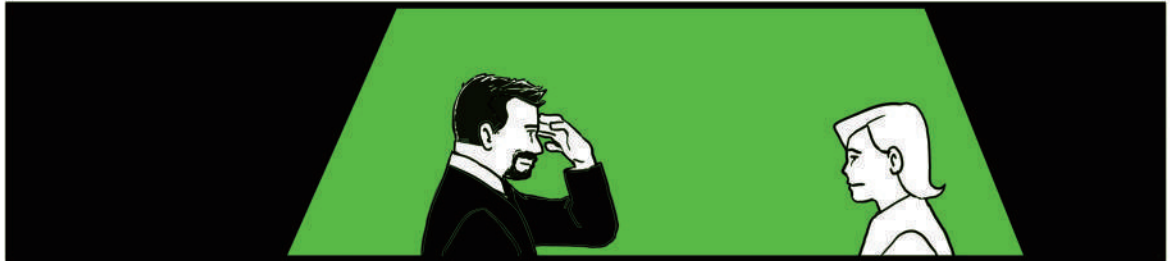
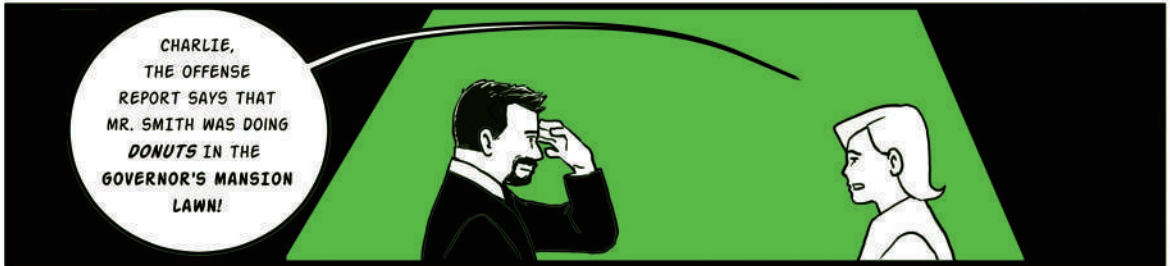
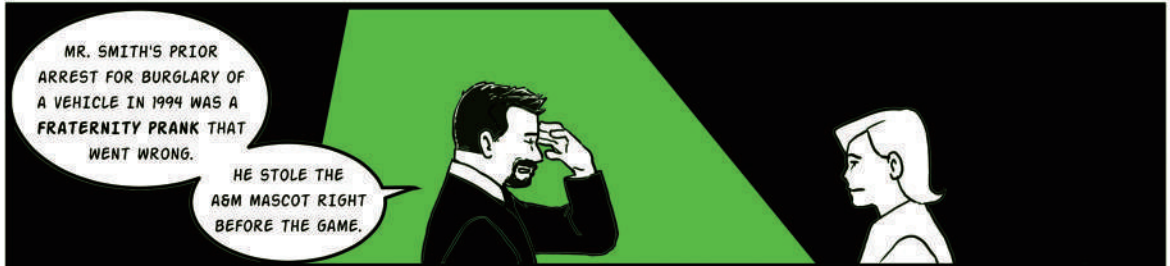
**Criminal History**

=

**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 CONVINCING 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.



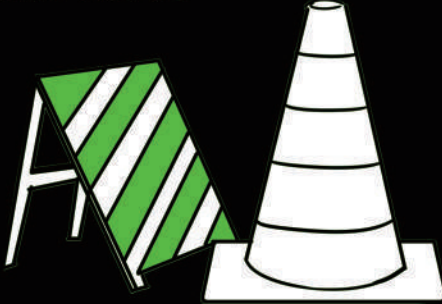
SOMETIMES WE ARE DEALT A LOUSY HAND OF CARDS. AND ALL I CAN DO IS TRY TO MINIMIZE THE PUNISHMENT.

# 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.

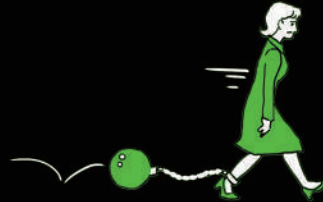


GETTING A REDUCTION IS CONSIDERED A MAJOR VICTORY IN MOST CASES BECAUSE THE DWI CHARGE IS DISMISSED.

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



SUCH AS PROBATION



COMMUNITY SERVICE



AND FINES.

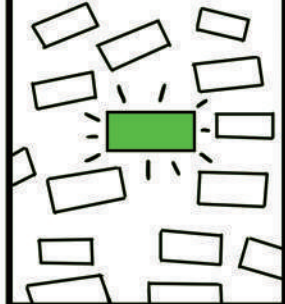


OCCASIONALLY, BETTER RESULTS CAN BE NEGOTIATED.

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.

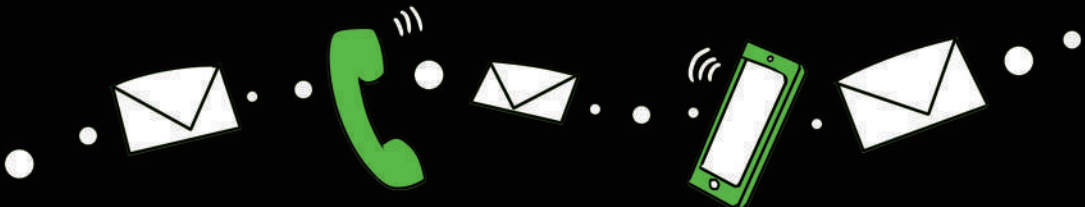




## **WHAT CAN YOU DO TO HELP YOUR CASE?**

*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.

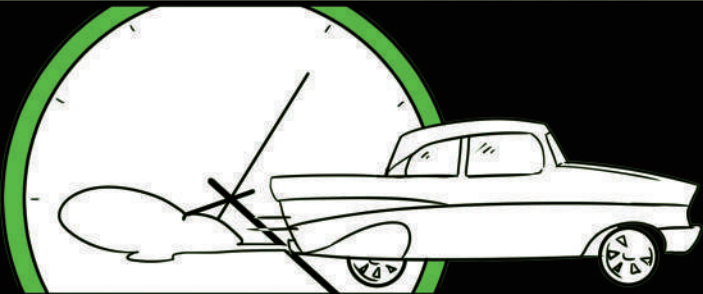


THE FIRST PROBLEM WITH THE BLOOD ALCOHOL CONTENT IS THAT ALCOHOL IS CONSTANTLY BEING ABSORBED (GOING UP)

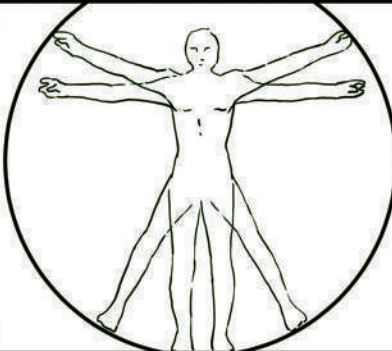
AND METABOLIZED (GOING DOWN).

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.



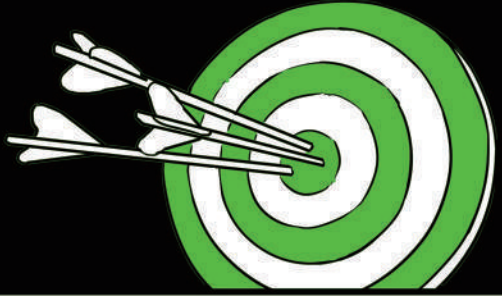
THIS CREATES AN AMBIGUITY IN THE B.A.C. - ALLOWING US TO ARGUE THAT YOUR B.A.C. WAS LOWER AT THE TIME YOU WERE OPERATING YOUR CAR.



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	A
FIRST AID	A	A		
ANATOMY		D	B	
PHLEBOTOMY			A	
PSYCHOLOGY				

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.

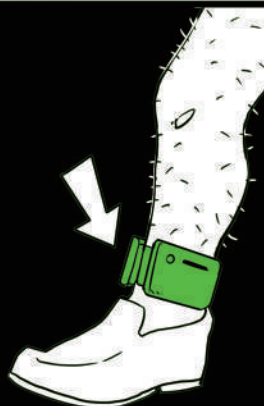
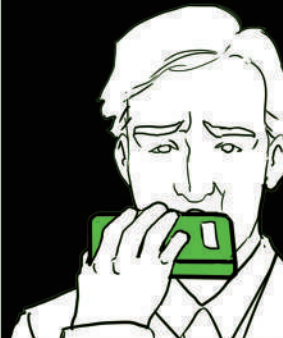


OR, MAYBE YOU WERE DRIVING SOMEONE ELSE'S CAR AND DON'T EVEN OWN ONE.

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



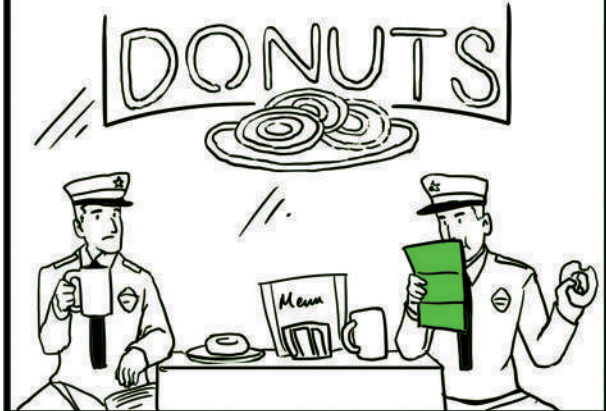
**SUSPENDED**

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

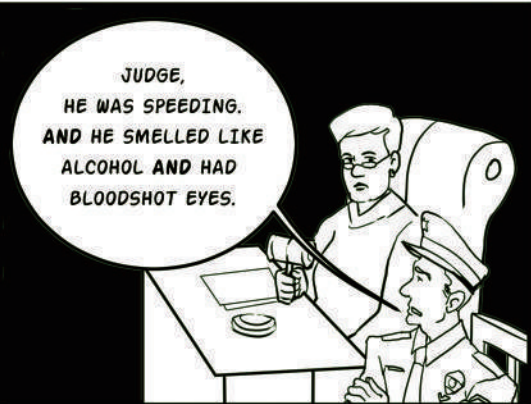
PROBABLE CAUSE

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 [REDACTED]

9 Class **C**

4a Iss [REDACTED]

4b Exp [REDACTED]

3 DOB [REDACTED]



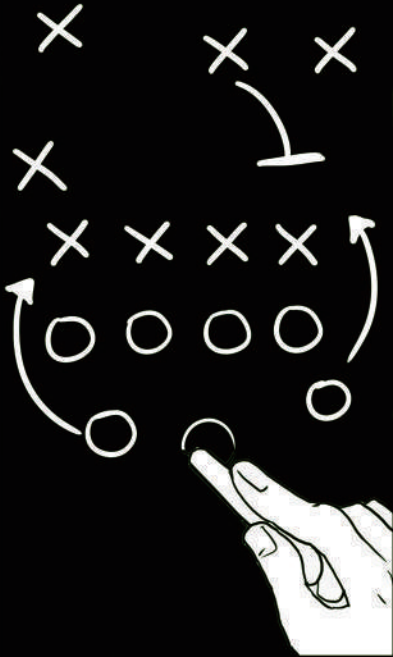
# CONTACTING US

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

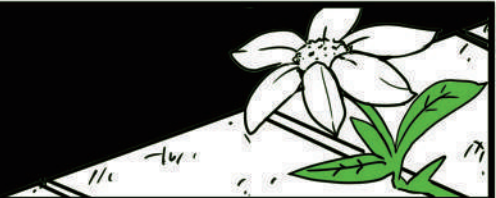
AND JOBS.

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?

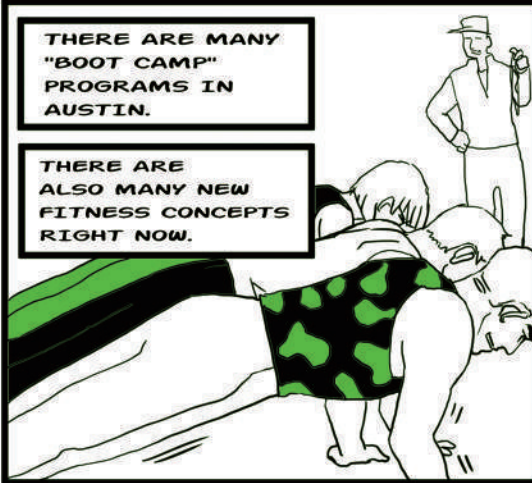


MY NUMBER ONE SUGGESTION IS TO START EXERCISING. BUY SOME NEW RUNNING SHOES, JOIN A SOFTBALL LEAGUE, PLAY INDOOR SOCCER, JUST START WALKING!



THERE ARE MANY "BOOT CAMP" PROGRAMS IN AUSTIN.

THERE ARE ALSO MANY NEW FITNESS CONCEPTS RIGHT NOW.

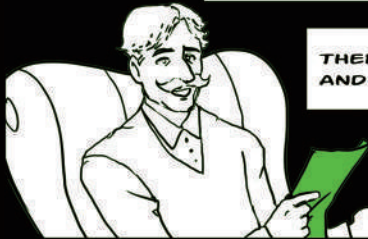


MY FAVORITE GYM IS KOKO FIT CLUB. THEY'VE DESIGNED A GREAT SYSTEM THAT FITS MY PERSONALITY AND LIFESTYLE.



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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