

If you had been arrested for DWI in Lubbock, a **DWI attorney in Lubbock** can help remember what happens next and what's at stake. A DWI arrest can have effects on your motive force's license, your prison list, and in a few situations your freedom if the price ends in jail time or criminal time. Just as fantastic, there is a quick time limit to protect your license. Under Texas legislation, you normally have 15 days from receiving word of suspension to request an ALR hearing, and in lots of blood try situations the time limit is 20 days from the mailing date of the notice (Tex. Transp. Code §§ 524.031, 724.041). That time limit starts from notice, no longer from the date of arrest.

Texas Criminal Defense Group supplies a unfastened session for persons arrested for DWI in Lubbock County. If you choose transparent answers approximately your license, the can charge, or the evidence, name **(806) 542-3513**.

What Happens After a DWI Arrest in Lubbock

After a DWI arrest, you are on the whole booked into prison, taken previously a magistrate, and released as soon as bond is posted if liberate is authorized. In Lubbock County, people arrested inside the county are booked into the **Lubbock County Detention Center, 3502 N. Holly, Lubbock, TX 79403**, that is run by means of the Lubbock County Sheriff's Office.

Texas legislations requires an **look ahead of a magistrate** without useless extend and inside 48 hours of arrest (Tex. Code Crim. Proc. Art. 15.17). The Sheriff's Office says those hearings are held as a minimum twice day after day and are are living-streamed. Bond will also be published at the detention center bond window or as a result of a bail bond enterprise.

Many DWI arrests within the space contain the Lubbock Police Department, the Lubbock County Sheriff's Office, the Texas Department of Public Safety, or the Texas Tech University Police Department. The prosecutor for misdemeanor and prison DWI cases in Lubbock County is the Lubbock County Criminal District Attorney's Office.

You may also receive documents tied for your motive force's license. If an officer asks for a breath specimen or blood specimen after a DWI arrest, Texas implied consent regulation applies (Tex. Transp. Code § 724.011). The officer reads the **DIC-24 statutory warning** (Tex. Transp. Code § 724.half). In many cases, the officer additionally serves a **DIC-25 Notice of Suspension**, and is the reason the license suspension activity.

It also enables to separate three exceptional degrees:

- **Arrested** potential law enforcement took you into custody.
- **Charged** potential a prosecutor filed a offender case.
- **Convicted** ability there was a to blame discovering, in charge plea, or assured other outcome well-known by using law.

Those ranges will not be the related. An arrest for DWI does not mean a conviction.

How Texas Law Defines DWI

In Texas, DWI approach operating a motor automobile in a public position whilst intoxicated (Tex. Penal Code § 49.04). That definition is broader than many other people be expecting.

The State has **two self sustaining ways** to attempt to end up intoxication less than Texas law (Tex. Penal Code § forty nine.01(2)). The first is that you did now not have the popular use of your mental or actual schools owing to

alcohol, a controlled substance, a drug, a unsafe drug, a mix of these components, or another substance. The 2d is that your alcohol attention was 0.08 or greater.

That things on account that an individual is also arrested and charged however a try outcomes is lower than zero.08. If the State claims your time-honored use of mental or physical schools was affected, it might proceed beneath that theory.



Texas rules additionally makes clean that drug treatments and prescription drugs is also portion of a DWI case. A legitimate prescription is not very, via itself, a protection to DWI (Tex. Penal Code § forty nine.10). In plain phrases, if a substance influences your basic use and the State believes you have been operating in a public vicinity, a DWI charge can practice.

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“Operating” is most likely an necessary obstacle in a case considering that the State still has to show you have been operating the vehicle. “Public region” is usually broader than a dual carriageway. Under Texas law, a public region comprises locations corresponding to parking hundreds and residence established regions (Tex. Penal Code § 1.07).

Texas additionally has a separate below-21 offense often known as **DUI by means of a minor**. That offense applies to drivers lower than 21 with any detectable quantity of alcohol (Tex. Alco. Bev. Code § 106.041). It is a Class C misdemeanor. It shouldn't be a lesser edition of DWI, and adults are not able to be charged with it. A driving force below 21 can nevertheless be charged with complete DWI if the facts enhance it.

Texas DWI Penalties, Current as of September 2026

Texas DWI consequences depend upon the info, your document, and whether or not a person was injured or a little one become involved. The table lower than summarizes the offense levels listed within the Texas Penal Code and Transportation Code.

Offense	Statute	Offense Level	Confinement	Maximum Fine
First DWI	Tex. Penal Code §§ forty nine.04(b), 12.22	Class B misdemeanor	Minimum 72 hours, as much as one hundred eighty days in county penal complex	\$2,000
First DWI with open field in speedy ownership	Tex. Penal Code § forty nine.04(c)	Class B misdemeanor	Minimum 6 days, up to 180 days in county penal complex	\$2,000
DWI with alcohol focus of 0.15 or greater at time of evaluation	Tex. Penal Code §§ forty nine.04(d), 12.21	Class A misdemeanor	Up to 12 months in county detention center	\$4,000
DWI in tuition crossing sector whilst decreased university speed restrict applies	Tex. Penal Code §§ 49.04(e), 12.35	State jail legal	one hundred eighty days to 2 years in kingdom prison	\$10,000
DWI with passenger youthful than 15	Tex. Penal Code § forty nine.05	State penitentiary legal	one hundred eighty days to two years in nation detention center	\$10,000
Second DWI	Tex. Penal Code § 49.09(a)	Class A misdemeanor	Minimum 30 days in county detention center, up to at least one 12 months	\$four,000
Third DWI	Tex. Penal Code §§ 49.09(b)(2), 12.34	Third-diploma prison	2 to 10 years in penal complex	\$10,000
Intoxication assault	Tex. Penal Code § forty nine.07	Third-degree legal	2 to 10 years in prison	\$10,000
Intoxication manslaughter	Tex. Penal Code §§ forty nine.08, 49.09(b-2)	Second-diploma felony, or first-level criminal in precise conditions	2 to 20 years in reformatory for 2nd-diploma variety	\$10,000
Boating at the same time intoxicated	Tex. Penal Code § forty nine.06	Class B misdemeanor	Minimum 72 hours, up to 180 days in county penitentiary	\$2,000

A closing conviction can also set off a separate **country fine** below Texas Transportation Code § 709.001. The amount is \$3,000 for a first conviction inside a 36 month era, \$four,500 for a 2d or next conviction inside of 36 months, or \$6,000 if the alcohol concentration used to be 0.15 or greater. The court docket have to waive that country wonderful if the adult is came upon indigent.

Protecting Your Driver's License

Protecting your license in most cases starts off with the ALR program, that's a separate suspension manner from the legal case. Texas legislations affords most other folks a short time to act when they get hold of understand (Tex. Transp. Code §§ 524.031, 724.041).

The ALR listening to and suspension lengths

You normally have **15 days from receiving the attention of suspension** to request an ALR listening to. In many blood try out situations, DPS mails the attention later, and the request is due **20 days from the mailing date**. If no listening to is asked, the suspension ordinarily starts on the 40th day after word. If a timely request is made, the suspension does no longer leap except the executive law decide later upholds it.

ALR hearings are taken care of via the **State Office of Administrative Hearings**, routinely known as SOAH, earlier an administrative legislations judge. The protection can subpoena the arresting officer, which can also deliver your lawyer a terrific early have a look at the evidence.

Here are the grownup ALR suspension periods:

ALR quandary	Suspension size
Failed test	ninety days
Failed check with previous alcohol-associated or drug-linked enforcement contact inside 10 years	12 months
Refused check	a hundred and eighty days
Refused look at various with previous alcohol-relevant or drug-connected enforcement contact inside 10 years	2 years

These suspension lengths come from Texas Transportation Code §§ 524.022 and 724.1/2. ALR suspensions won't be probated. The reinstatement payment is \$one hundred twenty five (Tex. Transp. Code § 724.046).

A first DWI conviction may additionally carry a separate license suspension of ninety days to one 12 months (Tex. Transp. Code § 521.344(a)). That potential the license subject does not regularly give up with the ALR strategy.

Occupational driver's license

An occupational motive force's license, also also known as an quintessential need license, can even enable restrained driving at some point of a suspension (Tex. Transp. Code § 521.2421). For an ALR-solely suspension, the petition goes to a court docket within the county wherein you dwell or in which the arrest occurred. For a suspension after conviction, the petition have to be filed with the court of conviction.

Texas removed the previous needed waiting durations in 2023. The courtroom ought to order alcohol-dependence counseling except it reveals tremendous cause no longer to (Tex. Transp. Code § 521.245). By default, riding is limited to four hours a day, however the court can enable as much as 12 hours on a exhibiting of need (Tex. Transp. Code § 521.248(b)).

The courtroom order works as a short-term license for forty five days (Tex. Transp. Code § 521.249). An **SR-22** is needed. No occupational license is ever issued for riding a business motor motor vehicle (Tex. Transp. Code § 521.2424).

Ignition interlock and SR-22

An ignition interlock machine might also was component to a DWI case at a couple of levels. Texas legislations most commonly [DWI lawyer](#) calls for an interlock as a bond situation for repeat DWI premiums and for DWI with a newborn passenger, intoxication assault, or intoxication manslaughter fees (Tex. Code Crim. Proc. Art. 17.441).

An interlock is additionally required as a condition of group supervision for instances regarding an alcohol concentration of 0.15 or more, repeat offenders, and drivers lower than **[lubbock dwi defense lawyer](#)** 21 (Tex. Code Crim. Proc. Art. 42A.408). It is also required for DWI deferred adjudication network supervision until waived after an evaluate.

An **SR-22** seriously is not an insurance coverage. It is a Financial Responsibility Insurance Certificate that your coverage enterprise info with DPS.

How a DWI Defense Lawyer Challenges the Evidence

A **dwi safeguard lawyer** looks closely at how the forestall, arrest, trying out, and forms were handled. The obstacle is absolutely not even if an arrest took place. The quandary is no matter if the State can prove the fee with risk-free, lawful proof.

The traffic stop

A visitors discontinue will have to be supported by using good value suspicion, and an arrest need to be supported via in all likelihood rationale lower than the Fourth Amendment. That normally makes the first short while of the come across imperative.

An attorney might also evaluate the officer's report, dash-cam pictures, body-cam photos, and the said purpose for the cease. If the discontinue turned into unlawful, or if the proof do no longer toughen possibly intent for arrest, that will influence what proof is perhaps used.

Field sobriety tests

Field sobriety checks should not be required via Texas statute, and declining them does no longer lead to an ALR suspension. The standardized exams evolved through NHTSA are the horizontal gaze nystagmus test, the stroll-and-flip, and the single-leg stand.

These checks are usually challenged on how they were defined, how they were scored, and whether or not outside motives affected functionality. Footwear, climate, lighting, roadway conditions, injury, fatigue, and anxiety can all rely while a jury or decide considers what the exams truthfully prove.

Breath tests

Breath checking out in Texas is carried out on the **Intoxilyzer 9000** less than the DPS Breath Alcohol Testing Program, by way of licensed operators (Tex. Transp. Code § 724.016). A DWI protection attorney would possibly review preservation history, calibration documents, and operator files.

A breath test effect is awesome proof, but it will never be the finished case. The timing of the scan, the surrounding observations, and regardless of whether accurate systems had been observed can all topic.

Blood tests and seek warrants

Police broadly speaking desire a seek warrant or true emergency circumstances to take blood with out consent, even in circumstances the place a specimen is or else essential (Tex. Transp. Code § 724.012(e)). Blood will have to be drawn by certified employees in a sanitary vicinity (Tex. Transp. Code § 724.017).

Blood pattern handling might also be reviewed. The safety could analyze chain-of-custody records, lab parts, and the retained pattern. Texas legislation allows for an individual to request full assistance about the research (Tex. Transp. Code § 724.018). A character who gave the requested specimen may additionally, inside of 2 hours of arrest, arrange another self sustaining blood experiment by using a certified man or women of their deciding upon, youngsters police do now not must shipping them (Tex. Transp. Code § 724.019).

People also hear the phrase "No Refusal." That is not very a separate legislation. It traditionally skill officials may search a pass judgement on-signed blood search warrant if anyone refuses, and a refusal nonetheless triggers the ALR suspension.

The zero.15 timing question

The 0.15 enhancement is measured at the time the sample is analyzed, not at the time of driving (Tex. Penal Code § 49.04(d)). That can bring up questions on timing and retrograde extrapolation.

In a few instances, the security may perhaps investigate how plenty time passed among using, arrest, and checking out. That timing can count if the State is making an attempt to turn out a Class A cost stylish on a later evaluation outcomes.

Possible Outcomes for a First DWI

A first DWI case would end in countless totally different tactics, relying at the facts, the evidence, and your report. No attorney can ethically promise a selected end result, however it is helping to recognise the fluctuate of feasible effects.

Dismissal can show up in some instances if the facts is weak, key proof is excluded, or the State chooses no longer to proceed. A dismissal does not erase facts through itself.

Reduction would occur in some instances. One relief occasionally considered in Texas is **Obstructing Highway or Other Passageway** (Tex. Penal Code § 42.03). Whether this is obtainable relies on the statistics and the prosecutor.

Deferred adjudication network supervision has been to be had for a primary DWI on account that September 1, 2019 (Tex. Code Crim. Proc. Art. 42A.102). If you entire it correctly, there may be no conviction. But it seriously isn't conceivable if the alcohol focus was once zero.15 or extra at the time of the offense, whenever you maintain a industrial driver's license or learner's enable, if a boy or girl passenger changed into worried, or if the charge is superior. A DWI deferred adjudication nonetheless counts as a previous conviction while you are ever charged with DWI lower back (Tex. Penal Code § 49.09(g)).

Community supervision (repeatedly generally known as probation) is yet one more probable effect (Tex. Code Crim. Proc. Art. 42A.053). Straight network supervision is a conviction with a probated sentence. For a misdemeanor, neighborhood supervision is capped at 2 years, though it may possibly be prolonged after a contravention.

Conditions by and large count number. A first perpetrator on community supervision probably have to total the **DWI Education Program**, that's 12 hours beneath TDLR rules and in the main have got to be achieved within 180 days of being positioned on neighborhood supervision (Tex. Code Crim. Proc. Art. 42A.403). Repeat offenders attend the **DWI Intervention Program**, not less than 30 hours under TDLR principles (Tex. Code Crim. Proc. Art. 42A.404).

Trial remains an selection if the case does no longer remedy on ideal phrases. At trial, the State nonetheless has the burden to prove guilt beyond a reasonable doubt.

Records, nondisclosure, and expunction

A DWI rfile does not disappear on its very own. A Texas DWI conviction stays on a criminal record permanently unless a specific criminal remedy applies.

An **order of nondisclosure** may also seal many first DWI history from public view if the case qualifies (Tex. Gov't Code §§ 411.0726, 411.0731, 411.0736). Waiting durations range:

- 2 years after discharge from deferred adjudication
- 2 years after finishing community supervision if an interlock became required for not less than 6 months, differently five years
- 3 years after a conviction devoid of supervision if an interlock used to be required for a minimum of 6 months, otherwise 5 years

Nondisclosure will never be plausible for a 0.15 or extra conviction. It might also be denied if the State proves the offense caused a collision concerning an additional consumer. Even whilst sealed, regulation enforcement and licensing agencies can nevertheless see the checklist.

Expunction is various. It is ruled through Chapter 55A of the Code of Criminal Procedure. Expunction would follow after an acquittal, after confident dismissals consisting of of completion of a pretrial intervention application lower than Government Code § seventy six.011, or when charges are not at all filed and ready classes go. A dismissal does not erase records by itself. An expunction petition is still required. A conviction that stands won't be able to be expunged, unless in infrequent situations including a pardon or accurate-innocence relief.

Repeat and Felony DWI Charges

Repeat and criminal DWI expenditures hold a whole lot greater danger. Texas law helps prior intoxication offenses to adorn a new case, and those priors rely despite how previous they are (Tex. Penal Code § forty nine.09(c)).

There is **no 10-12 months washout** for DWI enhancements in Texas. Out-of-country priors can rely. Prior convictions for boating, flying, and amusement ride intoxication offenses may matter.

A 2d DWI is a **Class A misdemeanor** with at least 30 days confinement (Tex. Penal Code § 49.09(a)). A 0.33 DWI is a **0.33-degree felony** punishable by way of 2 to ten years in penal complex and a first-class as much as \$10,000 (Tex. Penal Code §§ 49.09(b)(2), 12.34).

Some circumstances are felonies even with no earlier DWI convictions. DWI with a passenger more youthful than 15 is a state detention center felony (Tex. Penal Code § forty nine.05). DWI in a tuition crossing zone even as the diminished tuition speed restrict applies may be a country reformatory felony less than contemporary legislations (Tex. Penal Code § forty nine.04(e)).

Bond conditions can emerge as stricter because the stakes upward push. Texas rules as a rule requires an ignition interlock as a bond circumstance for repeat DWI prices, baby passenger situations, intoxication attack, and intoxication manslaughter (Tex. Code Crim. Proc. Art. 17.441).

If an alternative particular person become significantly injured, the State could record **intoxication assault**, a third-level prison (Tex. Penal Code § forty nine.07). If a dying is alleged, the can charge is also **intoxication manslaughter**, usually a second-degree legal punishable by using 2 to 20 years in penal complex (Tex. Penal Code § 49.08). Since September 1, 2025, it could actually be a primary-diploma criminal in specific cases, consisting of when more than one grownup dies inside the comparable felony transaction (Tex. Penal Code § 49.09(b-2)).

CDL Holders, Texas Tech Students, and Drivers Under 21

Some drivers face further outcomes external the fundamental DWI penalty fluctuate. CDL holders, faculty students, and drivers below 21 all have specific considerations to take into account.

For **CDL holders**, a 0.04 or greater alcohol attention at the same time running a business motor auto brings a 1-year advertisement license disqualification as an administrative movement, no longer a legal payment (Tex. Transp. Code § 522.081(b)). A first DWI conviction in any automobile, or refusing or failing a try, additionally brings a 1-year CDL disqualification, or 3 years if hauling placarded hazardous substances. A 2nd brings a lifetime disqualification (Tex. Transp. Code § 522.081). CDL and business learner's enable holders are usually not eligible for DWI deferred adjudication (Tex. Code Crim. Proc. Art. 42A.102).

For **Texas Tech students**, the criminal case is absolutely not all the time the simplest technique. A institution behavior method also can run individually from the crook case.

For **drivers under 21**, Texas has the separate offense of **DUI by using a minor**, which applies to any detectable quantity of alcohol (Tex. Alco. Bev. Code § 106.041). But underneath-21 drivers may also be charged with full DWI if the proof enhance it. If a young driver gets community supervision for DWI, Texas legislation requires an ignition interlock as a situation (Tex. Code Crim. Proc. Art. 42A.408).

A DWI Lawyer Near You in Lubbock

If you have been arrested in Lubbock County, help is accessible on the brink of the regional strategy. Texas Criminal Defense Group is found at **1001 Texas Ave, Lubbock, TX 79401**.

You can call **(806) 542-3513** to agenda a loose session. The firm helps of us arrested for DWI in Lubbock County, which includes arrests tied to roads and regions which include I-27, Loop 289, Marsha Sharp Freeway, and Broadway. If you might be hunting on line for a **DWI lawyer** after an arrest, the instant matters are routinely your license closing date, bond prerequisites, and what the proof shows.

Frequently Asked Questions

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

You in most cases have 15 days from receiving the awareness of suspension to request an ALR listening to. In many blood take a look at situations, DPS mails the notice later, and the time limit is 20 days from the mailing date. If you miss the deadline, the suspension in general starts on the fortieth day after note.

Is my license suspended right away after a DWI arrest in Lubbock?

No, your license will never be mechanically suspended these days of arrest. The ALR application is a separate suspension activity. If you well timed request a hearing, the suspension does now not birth unless the administrative law decide later upholds it.

Can I get an occupational license after a DWI suspension?

Yes, many drivers can ask for an occupational driving force's license. For an ALR-solely suspension, the petition is going to a courtroom for your county of house or the county where the arrest came about. For a suspension after conviction, the petition should be filed with the courtroom of conviction.

Can a primary DWI be a legal in Texas?

Yes, a first DWI could be a legal in sure instances. Examples include DWI with a passenger younger than 15 and DWI in a faculty crossing zone when the diminished institution pace decrease applies. A first arrest does no longer consistently suggest a misdemeanor.

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

DWI and DUI are the several offenses in Texas. DWI is the grownup intoxication offense underneath the Penal Code. DUI by means of a minor is a separate under-21 offense for any detectable quantity of alcohol, this is a Class C misdemeanor, and adults won't be charged with it.

Does deferred adjudication for DWI depend as a conviction?

Usually, successful deferred adjudication for a primary DWI ability there's no conviction. But Texas regulation treats a DWI deferred adjudication as a previous conviction when you are later charged with DWI returned. That is why the lengthy-term influence nonetheless things.

Can I seal or expunge a DWI in Texas?

Sometimes, yet it is dependent on how the case ends. Many first DWI cases can even qualify later for an order of nondisclosure, which seals the checklist from public view. Expunction could be possible after an acquittal, [dwi lawyer lubbock](#) after distinct dismissals, or if expenses have been under no circumstances filed and waiting durations bypass.

What takes place if I refused a breath or blood take a look at?

A refusal can cause a longer ALR suspension, and the refusal will probably be used as evidence at trial. Police may even searching for a pass judgement on-signed blood seek warrant. The properly determination relies upon at the info, so it's miles wise to communicate with a legal professional as soon as plausible after an arrest.

Do I ought to do subject sobriety checks in Texas?

No Texas statute requires you to perform subject sobriety assessments. Declining them does not set off an ALR suspension. But officers might nevertheless make an arrest primarily based on different observations, and the prosecutor might also nevertheless place confidence in the relax of the evidence.

How lengthy does a DWI reside to your file in Texas?

A DWI conviction stays for your prison checklist completely unless a particular felony medicine applies. Texas does not mechanically get rid of a conviction after 7 or 10 years. In some first-offense instances, an order of nondisclosure may just later seal the record from public view.

Do I need a lawyer for a primary DWI offense?

A first DWI remains to be a legal rate with license and list penalties, so prison guidance will also be vital. People in general lookup a **lubbock dwi protection lawyer** or a **DWI legal professional close to me** by reason of the quick ALR deadline and the need to study the forestall, testing, and probable case effect early.

A DWI arrest can sense overwhelming, but the next steps are most commonly clear as soon as you have right counsel. Texas Criminal Defense Group is situated at **1001 Texas Ave, Lubbock, TX 79401**. To talk due to your arrest, your license closing date, and the evidence on your case, name **(806) 542-3513** for a unfastened session.

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