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Subsequent DWI: The First Step is to Admit You Have a Problem

Under New Mexico law, a second DWI carries mandatory minimum jail time of 96 hours. It gets worse with increasingly severe consequences for subsequent offenses. Worse yet, the courts are growing increasingly reluctant to order the minimum sentences. In fact, the courts have a great deal of latitude between the minimum and maximum jail sentences.

The first step to minimizing jail time is to admit that you have a drinking problem. This is remarkably hard for some DWI offenders. Instead, they will argue that they don't have a problem, they only drink socially, occasionally, with dinner and so on. Some can be surprisingly resistant to an admission of a drinking problem despite their legal predicament.

These folks should understand that the court sees things very differently. The fact that an offender has more than one DWI is sufficient in itself to suggest a drinking problem. This is often evident to all but the offender. And unfortunately, the offender will often have a lot of time in jail to mull over his or her stubbornness.

There are others that will admit to the problem only once they get to court at sentencing. This is too late with the judge often viewing it as an empty gesture to minimize jail time. In fact, this late admission with no evidence of addressing the problem sometimes seems to antagonize the judge.

So, again, step one is to admit a problem. Second, a multiple DWI offender should be doing everything possible to address both the drinking problem and the problem of drinking and driving. At a minimum, this means regular and frequent AA meetings. Better yet, it means serious alcohol counseling and even in-patient rehab if necessary to address the problem. It means doing these things from day one of the arrest, not a week before sentencing.

A defendant in this situation should understand that it does not matter what he or she thinks about the problem. The courts view it very seriously and it is the court that has the power to put a DWI driver in jail for a long time. It is also the court that can minimize jail time for those offenders that it believes to be taking the matter seriously and insuring that it never happens again.

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Those that fail to take the matter seriously on their own will soon recognize the gravity of the situation as they are led off to jail. At some point, one must admit that this is a problem!

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