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The Deferred Sentence in First Time New Mexico DWI Results in a Dismissal, BUT...

A deferred sentence in a first time DWI in New Mexico is pretty common in most courts around the state. A deferred sentence eventually results in a dismissal of the charges. However, the dismissal does not have the effect that most DWI offenders would wish it to have.

A deferred sentence in any case, including a first time DWI, requires a plea of guilty or no-contest. The deferred sentence does result in a finding of guilt. As such, even though the charges are eventually dismissed, the deferred sentence has important consequences for the DWI offender.

First and foremost, much to the chagrin of many repeat DWI offenders, the first time DWI counts as a prior despite the fact that there was a deferred sentence and the charges were eventually dismissed. As a result, even though the first time DWI is dismissed on the deferred sentence, a subsequent DWI comes with all the disastrous consequences associated with repeat DWI offenses. The most notable consequences of repeat DWI offenses are mandatory jail time and much stricter levels of probation.

Unfortunately, the deferred sentence is the best possible plea in most first time DWI cases. Gone are the days when the prosecutors offered pleas to lesser offenses. Neither will prosecutors any longer agree to conditional discharges on first time DWI. The conditional discharge to the lay observer would appear to be identical to a deferred sentence. However, there is one very big difference. Despite the typical requirement of a plea of guilty or no-contest for court approval of the conditional discharge, there is no adjudication of guilt.

Due to the seriousness and often tragic consequences associated with DWI in New Mexico, neither judges nor prosecutors will allow any disposition of even a first time DWI that will not later count as a prior for a subsequent DWI. In fact, there is mandatory DWI sentencing dictated by statute that disallows such an outcome.

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If you are charged with a first time DWI, you should understand all the possible consequences including mandatory sentencing. Because of the seriousness of a DWI conviction, it is wise to speak with an [experienced New Mexico DWI attorney](#). If you cannot afford a private attorney, there are many very experienced and capable public defenders, one of whom will be appointed to assist you.

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