

Ten Very Common Mistakes With DWI Cases In Texas

ALL LAWYERS ARE NOT THE SAME

Every professional regardless of their occupation has different abilities. This is ever so true with attorneys. The Texas DWI laws and the science theories involved are complex and always changing with the ever changing Texas Legislature. It is imperative that when an allegation of DWI has been made that the best defense and protection against loss of rights is a DWI lawyer.

NOT REQUESTING THE ADMINISTRATIVE HEARING TO KEEP YOUR DRIVER'S LICENSE

One of the most beneficial discovery items with a DWI Case is the Administrative License Revocation (ALR) Hearing. The ALR Hearing could potentially be the difference in winning or losing a DWI case. The current Texas statute only allows for the request to be made within 15 days from the date of your arrest.

A DWI CHARGE IS NOT A SIMPLE CASE

A DWI charge in Texas is NEVER an open and closed case for the prosecution or defense. A conviction of DWI unfortunately will remain on your record for the rest of that individual's life. Texas DWI laws are complex and always changing. A Texas DWI conviction may result in large fines and surcharges to the State of Texas and probably thousands of dollars in increased insurance premiums. Individuals who have been convicted of a Texas DWI may lose employment, not get a promotion or maybe not even get the job offer.

JUST PLEADING GUILTY TO GET IT OVER WITH

Unfortunately, there are too many individuals alleged of driving while intoxicated who want to quickly resolve a pending DWI. These individuals do not look at the future ramifications of a quick resolution. Many times police and DWI investigators make mistakes and errors. There are a variety of Federal and Texas laws which make these errors and mistakes an great avenue for allowing the DWI case to be dismissed. Without a proper investigation being completed prior to any discussion with the prosecution, errors and mistakes may be thrown to the side. DWI attorneys can provide the necessary assistance with locating errors and mistakes which could result in the DWI case being dismissed.

PRICE ALONE SHOULD NEVER BE THE DETERMINING FACTOR FOR CHOOSING A LAWYER

The old saying "You Get What You Pay For" has never rang so true. Generally, the least qualified attorney comes with the lowest fee. Additionally, there are plea bargain attorneys and trial attorneys. Generally, the plea bargain attorney will not spend significant amounts of time into investigating the DWI or researching the validity of the prosecution's case. Plea bargain attorneys, most of the time, produce a high amount of business thru volume so as to move cases quickly. A DWI conviction will result is extremely long-term costs such as fees, surcharges, fines, and higher insurance costs). It will cost an alleged individual more in the long run to use the cheapest attorney when dealing with a DWI case.

UNFORTUNATELY - OFFICERS DO NOT ALWAYS FOLLOW THE RULES

There are always very good individuals and then there are always some individuals who are not so good. Specific rules regarding DWI test and specific laws in DWI cases must be followed for the prosecutor to prove your guilt beyond a reasonable doubt. There are hugh numbers of cases where the rules and laws were not followed by police officers. The failure to follow these rules and laws will not automatically result in a dismissal of a DWI charge. As such, a retained attorney can properly investigate whether or not the police followed the rules and laws.

THINKING THE INTOXI -- LIE -- ZER MACHINES ARE NOT BEATABLE

The Intoxilizer Breath Test Machine is just that – it is a machine. Remember that the prosecution has to prove beyond a reasonable doubt that you were above the legal limit at the time you were operating your vehicle. All machines make mistakes and if you provide a breath sample, the breath sample is always at a later time. Additionally, as with every machine, there has to be maintenance records kept and maintained by the testing agency to show any problems with the machine. The prosecution does NOT automatically win the case if you provide a breath sample with the iintoxlyzer machine.

NOT VERIFYING THE VALIDITY OF THE STOP UNDER THE CONSTITUTION

In most criminal cases and especially in DWI cases, police are required to have a valid and reasonable basis for the initial stop. A lot of times, the police do not have any basis for the stop. Furthermore, generally police may be mistaken on the law. These questionable actions are dealt with by a motion to supress based on an invalid stop. This challenge under the Constitution may lead to the DWI case being dismissed.

OPERATING A VEHICLE WITH A SUSPENDED LICENSE

Driving a vehicle on a public roadway with a suspended license is a big deal. If the police stop a vehicle while the operator is driving on a suspended license; the police will take the operator directly to jail. Now getting a suspended license charge while dealing with a DWI charge will make the DWI case much more difficult. Additionally, operating a vehicle with a suspended license charge may result in large fines, surcharges, and other penalties.

HOLDING OFF ON GETTING A DWI LAWYER

Remember, there is only a 15 day window to request an Administrative License Revocation (ALR) Hearing. If the 15 days goes by and there is not a request for the ALR hearing, that failure could be the difference between winning or losing the DWI case. DWI attorneys will take the weight off your shoulders and make the court stuff more simple. A DWI attorney will speak to the prosecution, the judge, and answer questions you may have about the whole process.