



ZENDEH DEL
& ASSOCIATES, PLLC
GALVESTON LAWYERS

7 Costly Mistakes to Avoid After a DWI Arrest in Texas

Introduction

Being arrested for a DWI (Driving While Intoxicated) in Texas is a serious event that can shake up your life in many ways. The emotional stress of being taken into custody, the fear of facing legal consequences, and the uncertainty of what lies ahead can all leave you feeling overwhelmed. In moments like these, it's easy to make decisions in haste or out of fear that could hurt your case later. The truth is, the steps you take immediately following your DWI arrest are crucial and can significantly impact the outcome of your case.

Texas has some of the strictest DWI laws in the country. A conviction can lead to hefty fines, mandatory alcohol education classes, community service, possible jail time, and a suspended driver's license. On top of this, a DWI conviction may stay on your criminal record for years, making it difficult to find employment, travel, or even secure housing in some cases. That's why it's so important to avoid making mistakes that could hurt your future.

One of the most crucial things to remember is that the legal process doesn't begin and end with the arrest. There are numerous legal and administrative steps to take after a DWI arrest, and they can vary depending on the specifics of your case. Whether you've been arrested for the first time or have prior offenses, there are several pitfalls you need to avoid to protect your rights and your freedom.

In this guide, we will walk you through seven common and costly mistakes people often make after a DWI arrest. By understanding these errors and knowing how to avoid them, you will be in a much better position to defend yourself against the charges and minimize the potential consequences. It's not just about avoiding the worst-case scenarios, but also about making informed choices that will help you regain control of your life and your future.

Mistake # 1 - Failing to Request an ALR Hearing

After a DWI arrest in Texas, one of the most critical steps you must take is to request an Administrative License Revocation (ALR) hearing. Under Texas law, when you're arrested for DWI and either fail a breath or blood test or refuse to take one, the Texas Department of Public Safety (DPS) will initiate an automatic suspension of your driver's license. This suspension is separate from any penalties that might come from your criminal DWI case, and it can have a significant impact on your ability to drive, work, and even manage your day-to-day responsibilities.

However, you are not automatically stuck with the suspension. Texas law provides an opportunity for you to challenge the suspension through an ALR hearing. The ALR hearing is a legal proceeding where you can argue that the suspension should not be imposed, or at the very least, try to reduce the duration of the suspension. During this hearing, a judge will consider various factors, such as whether the arresting officer had a valid reason to pull you over and whether the chemical test was administered properly.

The important thing to remember is that you only have 15 days from the date of your arrest to request this hearing. If you fail to make this request within the 15-day window, your license will be automatically suspended, and it will be much harder to reverse or challenge the suspension later. Once that suspension begins, it can last for 90 days to up to two years, depending on factors such as whether this is your first DWI offense or if you refused to take a chemical test.

For many individuals, failing to request the ALR hearing on time is one of the most costly mistakes they make. It's an oversight that can complicate the legal process and limit the chances of reducing the penalties associated with a DWI charge. The suspension can leave you without the ability to drive to work, take care of family obligations, or even attend appointments, creating significant disruptions in your life.

To avoid this mistake, it's critical that you act quickly. As soon as you are arrested for DWI, you should contact an attorney who can help you submit the request for the ALR hearing. Your lawyer will guide you through the process, making sure you meet all the necessary deadlines and increase

your chances of keeping your driver's license or minimizing the suspension period. This proactive approach is crucial in fighting the consequences of a DWI arrest and should be one of the first steps you take.

Mistake #2 - Not Hiring a Lawyer Immediately

After being arrested for a DWI in Texas, one of the most important steps you can take is to hire a lawyer without delay. Many people mistakenly think they can handle their DWI case on their own, especially if it's their first offense or they're unsure of the severity of the charges. However, trying to navigate the complex legal system without an attorney is a dangerous gamble that can lead to costly mistakes.

DWI laws in Texas are intricate and often involve several moving parts. The penalties for a conviction can include hefty fines, possible jail time, mandatory alcohol education programs, and a lengthy driver's license suspension. Additionally, a conviction can remain on your criminal record for years, affecting your personal and professional life. Without a lawyer, you may not be fully aware of the available defenses or opportunities to reduce or dismiss the charges against you.

An experienced DWI lawyer knows the ins and outs of the Texas legal system and can identify weaknesses in the prosecution's case. For instance, a skilled lawyer will scrutinize the arresting officer's conduct, the accuracy of breathalyzer or blood test results, and whether proper procedures were followed during your arrest. They can challenge any errors or inconsistencies in these procedures, which might result in the charges being reduced or even dropped altogether. On the other hand, trying to represent yourself could mean missing these critical details, which could have made a significant difference in the outcome of your case.

In addition to challenging the evidence, a lawyer can help you navigate the Administrative License Revocation (ALR) hearing. As mentioned earlier, this is a separate process from your criminal case, and without legal representation, you may miss important deadlines or fail to present an effective argument to prevent your license from being suspended.

Hiring a lawyer immediately also means you don't have to face the anxiety of

dealing with the legal system on your own. Legal proceedings can be stressful, and without guidance, it's easy to make impulsive decisions, like accepting a plea deal without fully understanding the consequences. A lawyer will help you understand all your options and the potential outcomes of each. Whether it's negotiating a reduced sentence, pursuing a plea bargain, or fighting the charges in court, a lawyer will help you make informed decisions that protect your best interests.

Moreover, hiring an attorney early in the process gives them ample time to prepare your case, investigate the facts, and develop a solid defense strategy. Rushing into a decision without legal counsel can limit your options and reduce your chances of achieving a favorable outcome.

While hiring a lawyer may involve legal fees, it's a crucial investment in your future. The potential cost of a DWI conviction—financially, emotionally, and socially—far outweighs the cost of hiring a knowledgeable attorney who can guide you through the process and help protect your rights.

Mistake #3 - Ignoring Court Deadlines

After being arrested for a DWI in Texas, one of the most important things you must do is stay on top of your court deadlines. This might seem like a simple step, but many people fail to realize the gravity of ignoring or missing scheduled court appearances. Court dates are part of the legal process, and not attending them can have severe consequences. In fact, failure to show up to court can make an already difficult situation much worse, adding more complications and stress to your case.

When you're arrested for a DWI, you will typically be given several court dates, including your arraignment, pre-trial hearings, and, if applicable, the trial itself. These dates are set by the court, and they represent important steps in your case that need to be addressed in a timely manner. Ignoring or failing to show up to these court dates is considered a violation of the court's orders and can result in significant legal consequences.

The most immediate consequence of missing a court date is the issuance of an arrest warrant. When you don't appear for a scheduled hearing, the judge can issue a bench warrant for your arrest. This means law enforcement will

actively search for you, and you may be taken into custody at any time. The arrest warrant alone can create new legal problems for you, even if you haven't been convicted of the DWI charges yet.

Beyond the threat of arrest, failing to appear in court may also result in additional charges. If you miss a court date, the court can charge you with contempt of court or failure to appear. These charges are serious, and in many cases, they come with additional fines, penalties, and even jail time. Essentially, you could face even more legal trouble because of a missed court date, making it even harder to defend yourself against the original DWI charge.

In addition to these immediate legal consequences, missing court dates can harm your credibility and make it harder for your attorney to negotiate on your behalf. If the court sees that you're not taking your case seriously, it could influence the judge's perception of you, potentially leading to harsher penalties if you're convicted. Courts expect defendants to comply with legal requirements and respect the process. By missing a court date, you may appear uncooperative, which could negatively impact any future discussions about reducing or dismissing charges.

Staying on top of your court dates also ensures that you don't miss important opportunities to challenge the DWI charges. If you don't attend hearings, you may miss critical discussions or motions that could help your case. For example, pre-trial hearings often provide a chance for your attorney to negotiate with the prosecution, present evidence, or argue for a dismissal. By missing these dates, you're cutting off opportunities to resolve your case favorably before it even reaches trial.

To avoid these consequences, it's essential to stay organized and aware of all your court dates. As soon as you're given the court schedule, make a note of each date and set reminders for yourself. If you're unsure about a date or if you need assistance, your attorney can help ensure that you understand and are prepared for each step in the process. In some cases, your lawyer may even be able to attend hearings on your behalf, but it's crucial to follow the rules and attend the required hearings unless otherwise advised by your legal counsel.

Mistake #4 - Agreeing to Field Sobriety Tests Without Asking Questions

During a DWI stop in Texas, one of the first things an officer may ask you to do is perform field sobriety tests (FSTs). These tests are typically used by law enforcement to assess whether a driver is impaired by alcohol or drugs. Common field sobriety tests include walking in a straight line, standing on one leg, or following a pen with your eyes. While many drivers believe these tests are mandatory, it's important to understand that you have the right to refuse them. However, many people aren't fully aware of how agreeing to these tests can potentially hurt their case later on. Before you consent to any field sobriety tests, it's crucial to consider the possible consequences carefully.

Field sobriety tests are not always reliable indicators of impairment. In fact, they can be influenced by several factors unrelated to alcohol or drug consumption, such as poor weather conditions, uneven ground, nervousness, or physical disabilities. Even if you aren't intoxicated, you could fail one of these tests due to external factors that have nothing to do with your ability to drive safely. When you agree to perform field sobriety tests, the results of those tests can be used against you in court, making it more difficult for your lawyer to defend your case later on.

One of the most important things to keep in mind is that refusing a field sobriety test cannot be used against you in court. Although an officer may still arrest you if they suspect you are impaired based on other factors (such as your behavior, speech, or appearance), a refusal to participate in these tests doesn't provide direct evidence of impairment. On the other hand, agreeing to perform these tests means that the officer can document and potentially use the results to support their case against you in court. The tests may show signs that suggest you are under the influence, which could lead to a stronger case for the prosecution. These results could potentially lead to convictions or harsher penalties in the future, depending on the specifics of your case.

Additionally, the way field sobriety tests are conducted can also be flawed. Officers are trained to look for specific signs of impairment, but these signs

are subjective and open to interpretation. The tests are not foolproof, and mistakes made by the officer, such as improper administration or incorrect scoring, could give your attorney grounds to challenge the validity of the results. However, if you willingly agree to these tests, you are essentially providing evidence that may be hard to dispute later, even if there were issues with how the tests were performed.

It's also important to recognize that these tests are not legally required in Texas. While the officer may suggest them as a way to determine if you're under the influence, agreeing to them is a voluntary decision. If you're unsure about your ability to pass or the potential consequences of taking the tests, it's important to remember that you can politely refuse to participate. Refusing the tests might lead to immediate arrest, but it won't provide additional evidence against you during the legal process. It's a decision that should be weighed carefully and one that you should feel empowered to make.

Keep in mind that officers are trained to make their own observations and conclusions based on their interactions with you. Even if you refuse the field sobriety tests, they can still arrest you if they have reasonable suspicion of intoxication based on their observations or the results of a breathalyzer or blood test. However, the key difference is that refusal to participate in field sobriety tests removes one piece of evidence that could otherwise be used against you.

The most important thing to remember is that field sobriety tests are not a definitive measure of impairment, and agreeing to them can provide the prosecution with evidence that may weaken your defense. If you're unsure about the tests or your ability to pass them, you should seriously consider your options before agreeing to participate. If you're unsure of what to do during a DWI stop, it's always best to consult an attorney to guide you through the process. Even if you cannot avoid an arrest, avoiding field sobriety tests could help reduce the evidence used against you and give your lawyer a better chance at building a strong defense.

Mistake #5 - Speaking Too Much to Police Officers

One of the most common mistakes people make after being arrested for a DWI is talking too much to police officers. In the heat of the moment, many individuals try to explain themselves, offer excuses, or argue with officers in an attempt to avoid the consequences of their arrest. However, anything you say during this time can be used against you in court. This is why it's crucial to understand that silence is often your best defense when interacting with law enforcement.

The reason for this is simple: police officers are trained to listen for incriminating statements. They may ask you questions to gather information that could strengthen their case against you. Even seemingly innocent remarks, like apologizing for your driving or admitting to having a drink before driving, can be used as evidence in your trial. In Texas, just like in the rest of the United States, you have a constitutional right to remain silent. This right is part of the Miranda warnings that are read to you during an arrest, which inform you of your rights. Exercising this right is important, as anything you say can be used against you in the courtroom.

When an officer pulls you over for a DWI investigation, they will likely ask a series of questions. Some of these questions may seem harmless, but the police may be trying to use your answers as evidence that you're intoxicated or impaired. For example, an officer might ask, "Have you been drinking tonight?" While it's tempting to deny or explain your actions, any answer you give could be interpreted as an admission of guilt. Even if you're completely innocent and just trying to explain your actions, your words can easily be twisted or misinterpreted. The officer may not always be on your side, and they may use your statements to bolster their case, even if you did not intend to admit to anything.

Beyond specific questions, many people inadvertently incriminate themselves by offering more information than is necessary. You might feel compelled to explain why you were speeding, where you were coming from, or how many drinks you had. These details may seem important at the time, but they can provide the officer with additional evidence that strengthens their case against you. Police officers are trained to listen for inconsistencies,

contradictions, or anything that could make you appear less credible in front of a judge or jury. By speaking too much, you might inadvertently offer up information that can be used against you in a trial.

Remember, you are not obligated to speak to the police beyond identifying yourself and complying with their requests, such as providing your driver's license and registration. In fact, it's usually in your best interest to refrain from giving any additional information. Instead, politely invoke your right to remain silent and request an attorney. The statement, "I would like to remain silent and speak to my lawyer," is all you need to say to stop the flow of information that could harm your case.

If you're arrested, it's important to recognize that police officers may try to pressure you into talking. They might tell you that it will be easier for you if you just explain yourself or that cooperating will help you avoid further trouble. These tactics are often used to get you to say something that could be damaging to your case. Remember, the police are doing their job, and their goal is to gather evidence. By remaining silent and asking for a lawyer, you're protecting your rights and ensuring that any statements you make are made with proper legal guidance.

One of the most critical things to understand is that anything you say can and will be used against you in court. Even if you think you're just trying to explain what happened or clarify a misunderstanding, your words may be interpreted differently by the prosecution. Your attorney can help guide you through the legal process and ensure that your rights are protected. Until you have legal representation, it's best to avoid speaking to the police beyond the basic necessary information.

Additionally, it's important to note that law enforcement may also use your behavior during the arrest as evidence. If you're overly nervous, defensive, or argumentative, these actions could be perceived as signs of guilt, even though they may simply reflect your anxiety or frustration with the situation. By keeping quiet and remaining calm, you reduce the chances that your behavior will be misinterpreted in a way that harms your case.

Mistake #6 - Drinking and Driving Again While Your Case is Pending

One of the most significant mistakes you can make after a DWI arrest in Texas is to drive under the influence again while your case is still pending. The consequences of a second DWI offense can be far more severe than your first arrest, and being caught drinking and driving again while facing charges can lead to additional legal troubles that will only make things more difficult for you in the future.

First and foremost, it's important to understand that a second DWI offense is treated much more seriously under Texas law. If you are arrested for another DWI while your current case is still pending, you could face harsher penalties, including a longer driver's license suspension, larger fines, and potentially more jail time. The state of Texas has very strict penalties for repeat offenders, and the legal system tends to view someone who has been arrested for DWI once and continues to engage in that behavior as a higher-risk individual. This means that if you are caught drinking and driving again, the consequences are much more severe than if you had not yet been arrested for the first offense.

For example, a second DWI conviction in Texas can result in a mandatory minimum jail sentence of 72 hours, with the potential for up to a year in county jail, depending on the specifics of the case. The fines for a second offense can also increase significantly, and your driver's license could be suspended for up to two years. A second DWI conviction also typically results in the installation of an Ignition Interlock Device in your vehicle at your own expense, which is an additional financial burden and inconvenience.

Moreover, being arrested for a second DWI while your first case is still pending can severely impact the negotiation process with the prosecution. Your lawyer may have been working on negotiating a favorable plea agreement or seeking a reduction in charges for your first arrest, but the introduction of a second DWI offense could make those discussions much more difficult. Prosecutors are far less likely to offer leniency or reduced charges if they see that you have repeated the offense, and they may even push for harsher penalties based on the fact that you did not learn from the first experience.

Another serious risk is the cumulative effect on your criminal record. A second DWI offense can be classified as a Class A misdemeanor, which can remain on your permanent record and may impact your future employment opportunities, professional licenses, and overall reputation. If the case progresses into a third offense, you could even face felony charges, which carry even more severe consequences, including much longer prison sentences and permanent criminal records that are harder to overcome. In this situation, the stakes are much higher than simply dealing with fines and a license suspension. A felony DWI conviction can affect nearly every aspect of your life.

It's also essential to recognize that while your current DWI case is pending, the court may impose temporary restrictions on your driving privileges. These could include requirements like alcohol education programs or temporary driving permits. If you are caught drinking and driving again during this period, it will likely result in violating those conditions, which could lead to additional charges or the revocation of any privileges you were granted during your case. These additional violations not only complicate your legal situation but also show the court that you have not taken the process seriously.

The legal implications aside, there are also very real personal safety concerns that come with drinking and driving, especially if you are already facing charges for a previous offense. Drinking and driving puts yourself, your passengers, and everyone on the road at risk. Getting involved in a second alcohol-related traffic incident could result in a serious accident or injury, which would only make your situation far worse. The potential for a personal injury lawsuit or even worse, a wrongful death suit, could add even more stress to your already complicated legal situation.

Lastly, public perception should also be considered. If you are arrested again for a DWI while your first case is still pending, it will likely be seen as a failure to learn from your mistakes. The public image of someone who is arrested twice for DWI, especially in a short time frame, can be damaging and hard to repair. It reflects poorly on your character and decision-making, which could have a lasting effect on your personal and professional relationships.

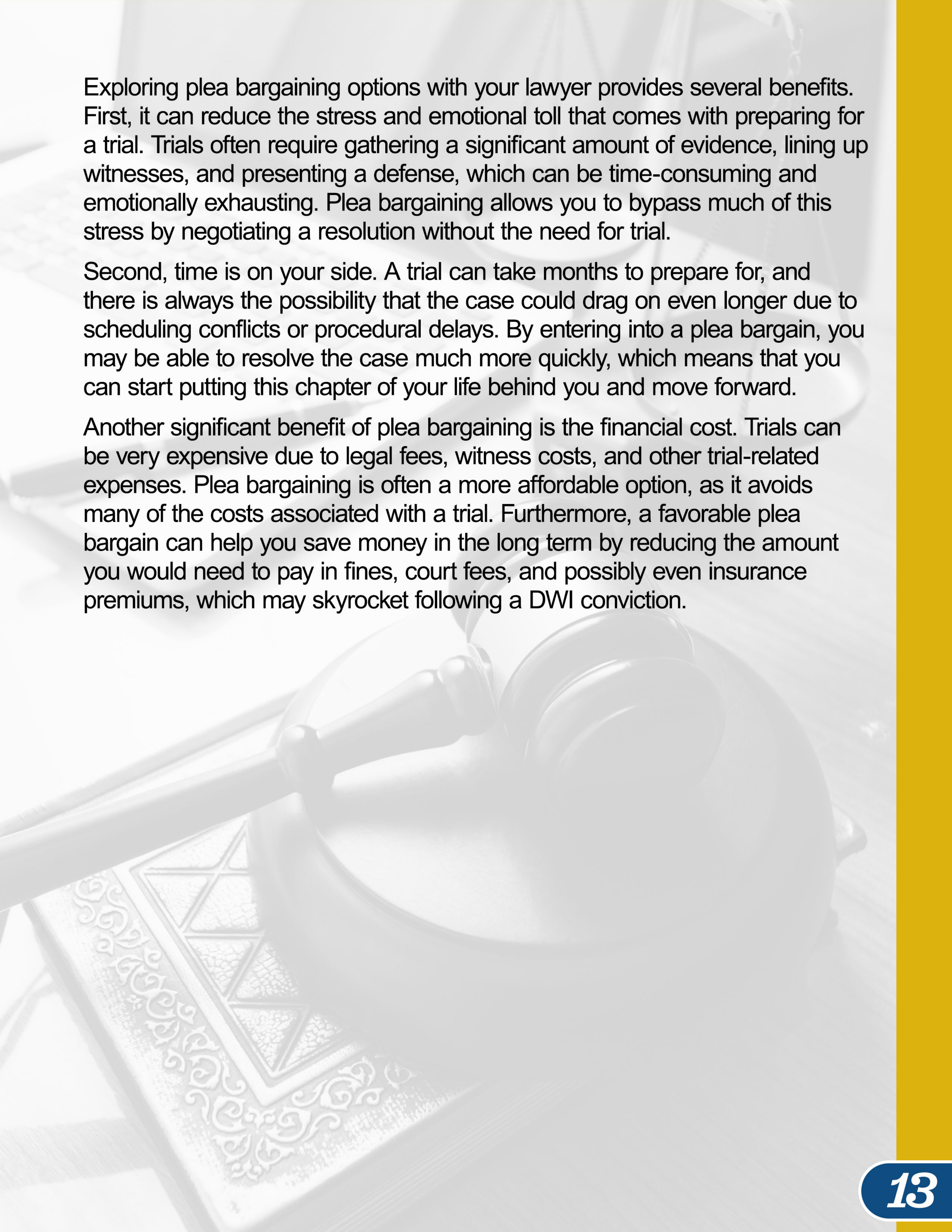
Mistake #7 - Not Exploring Plea Bargaining Options

After being arrested for a DWI in Texas, many people mistakenly believe that their only option is to go to trial. This can be a dangerous assumption, as a trial is often lengthy, stressful, and expensive. In many cases, pursuing a trial may not be the best choice, especially when alternative options, such as plea bargaining, may lead to a more favorable outcome.

Plea bargaining is a legal process where the defendant agrees to plead guilty to a lesser charge or accepts a reduced sentence in exchange for a guilty plea. This is a common practice in criminal cases, including DWI cases, and is often a much more efficient and effective route than going to trial. If you do not discuss plea bargaining options with your lawyer, you may miss the opportunity to significantly reduce your charges or penalties, which could result in a much less damaging outcome for your future.

Plea bargaining allows a skilled lawyer to negotiate with the prosecutor to lower the severity of your charges or seek alternative penalties that can avoid some of the more serious consequences of a DWI conviction. For instance, rather than facing a full conviction for DWI with all the associated penalties, including a lengthy license suspension, large fines, or even jail time, your lawyer may be able to negotiate a reduced charge, such as reckless driving or obstruction of a roadway, which carries lighter penalties. In some cases, the prosecutor may even agree to a diversion program or a probationary sentence, which could result in a dismissal of the charges upon successful completion of certain conditions, such as alcohol education classes or community service.

By agreeing to a plea deal, you can also avoid the uncertainty of a trial. Trials come with risks, and there is no guarantee that the jury or judge will rule in your favor. Even if you believe you are innocent or that there is a chance to beat the charges, the legal process is often unpredictable. By pursuing a plea bargain, you can ensure a predictable outcome and minimize the potential for harsher penalties, especially if you are facing a first-time offense or certain mitigating circumstances that might influence the prosecution's decision.



Exploring plea bargaining options with your lawyer provides several benefits. First, it can reduce the stress and emotional toll that comes with preparing for a trial. Trials often require gathering a significant amount of evidence, lining up witnesses, and presenting a defense, which can be time-consuming and emotionally exhausting. Plea bargaining allows you to bypass much of this stress by negotiating a resolution without the need for trial.

Second, time is on your side. A trial can take months to prepare for, and there is always the possibility that the case could drag on even longer due to scheduling conflicts or procedural delays. By entering into a plea bargain, you may be able to resolve the case much more quickly, which means that you can start putting this chapter of your life behind you and move forward.

Another significant benefit of plea bargaining is the financial cost. Trials can be very expensive due to legal fees, witness costs, and other trial-related expenses. Plea bargaining is often a more affordable option, as it avoids many of the costs associated with a trial. Furthermore, a favorable plea bargain can help you save money in the long term by reducing the amount you would need to pay in fines, court fees, and possibly even insurance premiums, which may skyrocket following a DWI conviction.

Conclusion

A DWI arrest in Texas can feel like a daunting and life-changing event, but it doesn't have to define your future. The steps you take in the aftermath of your arrest play a crucial role in shaping the outcome of your case. Whether you are facing the possibility of fines, license suspension, or even jail time, the choices you make now can determine how severe those consequences will be. By avoiding these seven costly mistakes, you give yourself the best chance to protect your rights, minimize penalties, and move forward with your life.

One of the most important things to remember is that you don't have to face a DWI case alone. Hiring an experienced lawyer is critical in helping you navigate the legal complexities of DWI laws in Texas. A skilled attorney can provide guidance, help you understand your options, and ensure that you're not making decisions that could harm your case. They will advocate for you in court, negotiate with prosecutors, and protect your rights every step of the way.

Additionally, staying organized and on top of court deadlines is crucial to avoid more complications. Failing to meet court requirements or ignoring essential steps like requesting an ALR hearing could severely limit your ability to fight the case or even worsen the charges against you. By remaining proactive and committed to following the legal process, you'll put yourself in the best position for a positive outcome.

The aftermath of a DWI arrest is also an opportunity for reflection and growth. With the right legal support and a clear understanding of your rights and options, you can take the necessary steps to ensure that this setback doesn't become a permanent barrier to your future. Whether that means pursuing plea bargains, fighting the case in court, or simply making sure you don't make any additional mistakes, your decisions now will shape the road ahead.

If you've been arrested for a DWI, don't wait to take action. Reach out to Zende Del & Associates, PLLC, today to discuss your case. Our team is committed to helping you understand your options and develop a strategy

tailored to your specific circumstances. With the right legal support, you can navigate the challenges of a DWI charge and work toward a favorable outcome. Contact us now to begin protecting your future.



ZENDEH DEL
& ASSOCIATES, PLLC
GALVESTON LAWYERS

1813 61st Street Suite 101 Galveston, TX 77551

GalvestonJustice.com (409) 834-4423