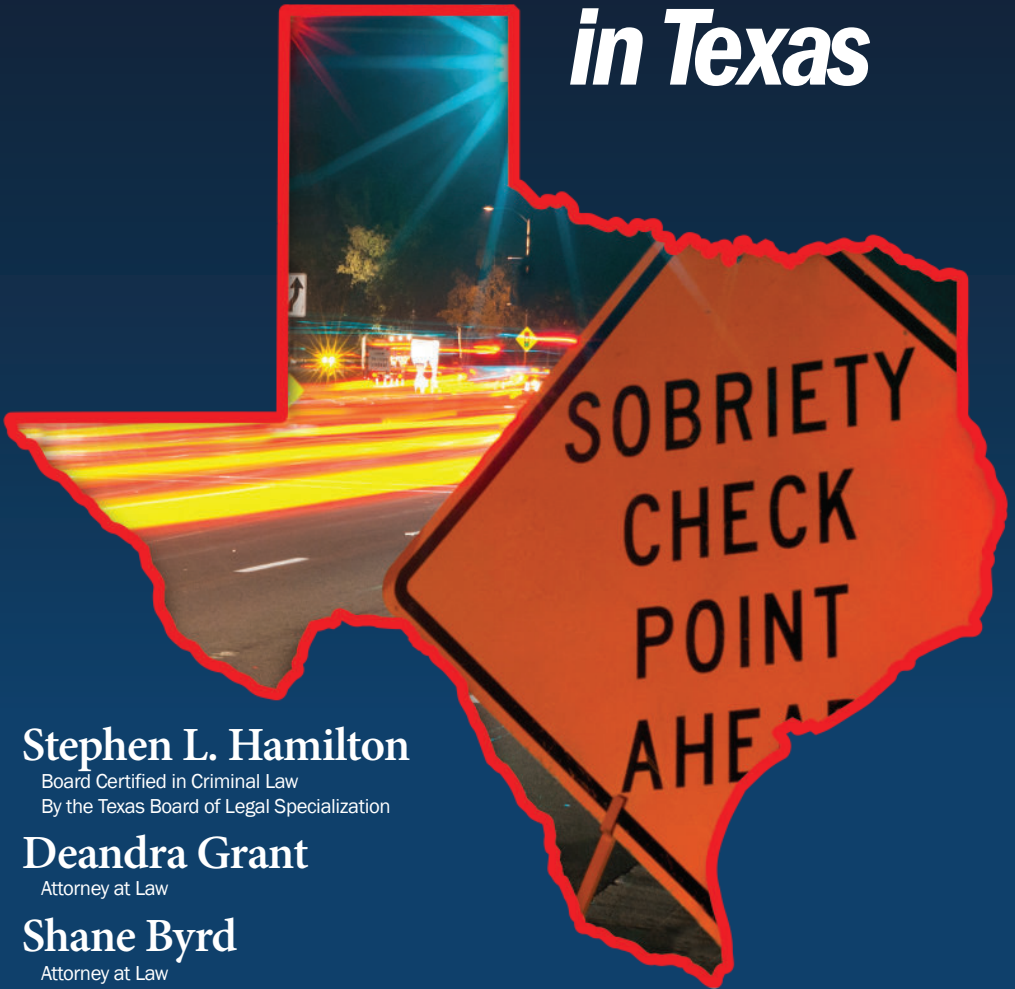


**PROTECT YOUR FUTURE**  
**KNOW YOUR RIGHTS**

# **A Citizen's Guide to a DWI Arrest** *in Texas*



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By the Texas Board of Legal Specialization

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*If you have been arrested and would like  
a free consultation, contact us at  
833-Texas-Justice (833-839-2758)*

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# Introduction

Driving while intoxicated is essentially an issue of public safety. The current policies and procedures that address the risks associated with drunk driving reflect an emotional response, not a practical one. Unfortunately, emotional responses fan the flames instead of addressing the problem from a practical perspective.

DWI convictions ruin lives and risk a whole host of consequences, some obvious, others not so obvious.

Hefty fines, driver's license revocation, mandatory drug and alcohol classes, community service—sometimes even jail time—might only be the tip of the iceberg. Add to that having to pay insurance surcharges, plus foot the bill for the installation and rental fees for interlock and surveillance systems in your car, which basically means you must pay for the privilege of being monitored every time you get behind the wheel of your car.

In fact, a 2006 study conducted by the Sherry Matthews Advocacy Marketing Commission, based in the greater Austin area, found that typical first-time DWI convictions—and these are ones with no associated collision or injury—***cost defendants anywhere from \$5000 to nearly \$24,000.***

Yes, you read that right. That is for first-timers, those who were not subject to enhanced charges from prior convictions, and those who did not suffer or cause any damage or injury as a result of driving while intoxicated.

Capping all this off is the lifetime conviction record that will rise up to haunt you every time you look for a job or a place to live or apply for a professional license.

Ninety-five percent of all DWI defendants are found guilty—not just because they plead guilty but also because many lawyers don't know how to effectively defend against a DWI conviction.

If you've been charged with DWI, you do not have to be one of the doomed 95%. You need not resign yourself to the possibly devastating consequences that face you. There are competent lawyers who are experienced and successful in defending DWI cases and you deserve one, no matter what your circumstances. You just need to know how to find one.

We're talking a potential *Titanic* here, but you don't have to be one of the many who go under. This book could very well be the life preserver you need to pull you to safety.

# PART I

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## **IF YOU'RE STOPPED FOR DWI**



# I Got a DWI—What Do I Do?

DWI can happen to anyone. There's no profile for a DWI offender—anyone and everyone who drinks and gets behind the wheel risks a DWI arrest.

Just because you're arrested for DWI does NOT mean you are guilty of DWI. In fact, drinking and driving isn't illegal, as long as:

1. You're age 21 or older;
2. You're not on probation; and
3. Your blood/breath alcohol level is below 0.08.

So, you went out and had a few drinks with your buddies, didn't feel intoxicated, got behind the wheel, and ended up in the drunk tank. It happens.

What do most people do? They panic. They don't think. They just want to get out. So they plead guilty. Big mistake.

When you plead guilty, you've now got a DWI on your record. *Forever!*

This means they'll suspend your license and you'll get hit with surcharges, probation, and drug and alcohol classes.

Need a license for your job? A DWI conviction is bad news for anyone with a CDL (a commercial driver's license) or who needs security clearance to keep their job. In fact, a DWI conviction is bad news for anyone who needs to work for a living, period.

If you get pulled over for DWI when you have already been convicted of a DWI in the past, it gets worse. It gets worse fast.

*Wait! There's hope!*

If you've made one mistake, don't make the mistake of making another.

That's right. Just because a breath or blood test indicates you were over the legal limit does NOT mean you were. And just because an officer claims you were intoxicated does NOT mean you actually *were* intoxicated.

There are a number of different ways to defend against DWI charges. Blood tests and breath tests aren't always administered correctly, or the machine they used wasn't actually evidentiary, meaning it isn't valid as evidence.

Maybe your stop was illegal, and maybe the officer made false threats and promises in order to coerce your breath sample.

Were you intoxicated? Or did you merely stumble on the walk-and-turn test because you were nervous, or the road was cracked, or you stepped on a loose stone?

An experienced DWI lawyer can help keep a DWI conviction off your record.

Whatever you do, ***don't plead guilty to DWI***. We can help you to protect yourself and your future.



# What Is DWI?

When you're arrested for DWI, Driving While Intoxicated, the state of Texas alleges that you were intoxicated while operating a motor vehicle in a public place. The key is how one defines "intoxicated."

In Texas, it's in two ways:

1. You have a blood alcohol content of 0.08 or higher,  
or
2. You are judged as having lost the normal use of your mental or physical faculties.

In either case, you're viewed as being dangerous behind the wheel.

The first definition is technical, or quantitative, meaning it's objective—it can be scientifically measured.

The second is qualitative, meaning it's subjective, based on the observations of someone, however accurate.

It's important to understand that even if you are below the legal limit of 0.08, if an officer believes you have lost the normal use of your mental or physical faculties, the state of Texas deems you to be intoxicated regardless.

To prove that you meet one or both of these two definitions, they'll attempt chemical tests, field sobriety tests, and by noting anything else that you allegedly did "wrong" at the time you were pulled over or any time after that.

To protect yourself against this, it's imperative that you pick up the phone and call a lawyer as soon as you're arrested. The sooner you talk to a lawyer who specializes in DWI defense, the sooner they can begin building a case based on the things you did *right*, as well as any of the reasons you may have made mistakes, reasons that have absolutely nothing to do with intoxication.

Yes, there are reasons why people fail field sobriety tests that have absolutely nothing to do with being intoxicated. You're nervous. It's dark. It's cold. You're on the side of the road. You're scared because you've been pulled over and you realize they're looking to prove you're legally drunk. Maybe you have medical conditions, balance issues caused by an inner ear infection or even medication you've been prescribed, or you have bad knees or a bad back.

## **Were you truly intoxicated?**

Police officers insist they have the necessary training and experience to gauge whether you were intoxicated. What they don't tell you is that this "expertise" comes from taking one three-day class.

In reality, when they don't know you personally, they can't possibly claim to know what your normal mental and physical faculties are, even outside such stressful, unusual circumstances as a traffic stop. And unless this was the first time you'd ever consumed alcohol, you are in a far better position to gauge whether you were intoxicated than a stranger.

## **Taking medication**

Under Texas law, you can be driving while intoxicated from *anything* you put in your body, namely alcohol or drugs, and it doesn't matter whether they're legal—prescription or over the counter—or illegal.

With drugs, there's not a set number, like the 0.08 blood alcohol content, that can quantitatively prove you were DWI. You may pass a breath test but fail field sobriety tests, and so your arresting officer may insist on a blood test. This blood test will check for various types of drugs, legal and illegal.

*If you've been arrested for a DWI because of a prescription drug, time is of the essence in terms of proving your innocence!*

***Call us or another qualified DWI defense lawyer immediately!***

The longer you wait to talk to a lawyer after being arrested, the less physical evidence you have to work with, and the less precise memory recall you and

witnesses will have. The truth of the situation won't matter if you can't prove it. It's critical that you get a lawyer working on your case *immediately*.

# Intoxicated Assault Charge

Intoxicated Assault is a felony. That means it's a serious charge, not one to take lightly.

Intoxicated Assault means there's been an accident, the driver charged was judged to have been intoxicated, *and* somebody was physically injured.

In Texas, to be guilty of Intoxicated Assault, you must be the **ONLY** party involved in the accident who's guilty. So, if another driver broke any traffic laws or had alcohol or drugs in their system, even if they're the one injured, you cannot be found guilty of Intoxicated Assault.

***If charged with Intoxicated Assault, we urge you to remain silent, refuse consent to any and all testing, and to contact a lawyer IMMEDIATELY!***



# Breath and Blood Tests

Texas has an implied consent law: if you drive a vehicle on a public road in Texas, you automatically consent to submit to either a breath or blood test if stopped for DWI. This applies to out-of-state drivers as well.

Your arresting officer is required to inform you that you must submit a blood or breath sample and that to refuse to consent is breaking the law.

Now, does that mean you *must* submit to a breath test?

*No.*

Can a police officer *force* you to give a breath test?

*No.*

However, if you choose to refuse, understand there are legal consequences, especially if you hold a CDL/commercial driver's license, and that you will be arrested on the spot. But you still have the right to refuse.

When the police stop you, they are obligated to read to you verbatim the DIC-24 statutory warning that

explains what the implied consent laws are in Texas and what the penalties are for you if you refuse to consent.

Can a police officer take your blood by force? If this is your first DWI and you have no criminal record, the answer is: **NO!**

However, if you have two prior DWI convictions, or a child under the age of 15 was in the car with you, or if there was an accident or anyone was injured or killed in the incident, your arresting officer can legally force you to take a blood test, and do so without first obtaining a warrant.

That doesn't mean the arresting officer is going to whip out a syringe on the spot and do it themselves though! The test must be performed under sanitary conditions by a licensed medical professional.

It's important to be aware that emergency medical personnel are not automatically considered qualified technicians according to Texas state law. Only physicians, chemists, registered or licensed vocational nurses, or a qualified technician are permitted to physically draw your blood.

It should also be noted that not every blood test is necessarily accurate, and that samples can be subject to contamination. If the proper protocol is not followed, and followed precisely, any results can potentially be disputed by a skilled DWI attorney. You are also

entitled to have your blood sample retested by an independent lab.

If you are convinced that you are not intoxicated and are subjected to a blood draw and you or your attorney have concerns about how that blood draw was administered, you are within your rights to obtain an independent sample ***as long as it's performed within two hours of your arrest.***

In Part II, we discuss how HamiltonGrant Attorneys at Law contests attempts to coerce their clients into taking such tests against their will. For now, let's look at blood draws in general.



# Changing Laws on Blood Draws

In recent years, Texas has been coming down hard on those suspected of driving while intoxicated. With about half of suspected drivers refusing field sobriety and Breathalyzer-type tests, police have sought search warrants to permit them to obtain a blood sample in order to determine a suspect's blood alcohol content.

Blood tests are far more accurate, but they are also far more invasive than a breath test.

Instances where police seek search warrants signed by judges to obtain blood samples are markedly on the rise. Nowadays, however, law enforcement has gotten even more creative at circumventing the need for a warrant altogether. It's called the No Refusal Weekend.

## **No Refusal Weekends**

One of the more innovative approaches in Texas is the institution of "No Refusal Weekends." Through the cooperation of police, prosecutors, and judges, and frequently funded by MADD (Mothers Against Drunk Driving), national holiday weekends when the instances of DWI offenses have typically been noticeably higher

have been dubbed “No Refusal Weekends,” meaning you can’t legally refuse to provide a sample.

During these weekends—Memorial Day, Fourth of July, Labor Day, Halloween, Thanksgiving, Christmas, and New Year’s “weekends”—magistrates are available 24 hours a day to speedily sign search warrants permitting police to draw blood from suspects.

### **Must I consent to a blood draw?**

Absolutely not. In fact, it is our advice that, no matter what, never give up your right to refuse consent. Even if the blood draw is inevitable, you should still wait until the police have obtained a search warrant.

This is particularly true because even if the likelihood is that they will obtain the warrant, there is always the possibility that something might prevent them from obtaining one. So never give up your rights willingly.

We strongly advise that you stay silent, refuse all tests, and make the arresting officer responsible to obtain enough evidence against you in order to secure a warrant.

To obtain a warrant, the officer must prepare and swear in an affidavit to all the facts they obtained that have led to their alleged probable cause to suspect you of DWI, and swear that they’ve properly read you the DIC-24 statutory warning and that you refused consent, and present this affidavit to the local magistrate.

It's not your job to make their job easier. At the very least, it makes it a bit easier to challenge a warrant if you have refused any and all tests—breath, blood, and field sobriety tests.

There is also the possibility that an officer might make a mistake if hastily performing their duties, and that is where a skilled DWI attorney can argue that the procedure was done improperly and possibly get the search warrant deemed defective and all related evidence tossed.



# Field Sobriety Tests

You are NOT required to consent to field sobriety tests. Remember, even if you passed the Breathalyzer test, you can still be arrested for DWI if an officer feels she or he has probable cause to suspect that you have lost control of your physical and mental faculties.

You cannot lie to the police officer, but you do have the right to remain silent. Don't tell them *what* you had to drink or how much. While you are legally required to submit a breath or blood test at this point, again, you CAN refuse to give a sample. If you *don't* consent to field sobriety tests, you may be arrested anyway, but it will be much harder to prove there existed probable cause to arrest you.

Even if you *do* consent to field sobriety tests and are arrested based on your performance, a lawyer trained in these tests knows that they don't actually work to test for intoxication, and can prove why.

## Three intoxication tests

Let's look at the three ways in which an officer can attempt to test your mental and physical faculties:

1. the HGN
2. the Walk-and-Turn
3. the One-Leg Stand

If you don't perform up to the officer's standards in these tests, they can claim you were intoxicated.

These so-called "tests" do not actually prove anything. There is no scientific evidence to demonstrate that someone whose eye twitches, who cannot walk and turn perfectly, or who cannot balance on one leg has lost control of their normal mental and physical faculties.

Why do we say this? Because at every single DWI trial where we're defending a client, we subpoena the police officer to bring their training manual and ask them to show us exactly where it says that if someone makes a mistake on their walk and turn, or any of the other tests, that it means they've lost control of their normal physical and mental faculties.

They can't do it. Why not?

***Because it's not in there!***

DWI is the only situation in which a criminal court allows someone with a paltry three days' training to testify as an expert. This evidence would be inadmissible in civil court. And we'll tell you why.

## **HGN—Horizontal gaze nystagmus**

This is typically the first test an officer will perform, and it is meant to test for an involuntary jerking of the eye. The officer moves a pen back and forth in front of your face to see if your eye moves at certain angles

when the pen is held at certain distances. If your eye twitches horizontally, the officer will claim it's a sign that you're intoxicated. There are several problems with this.

If this test is used as evidence against you, the first thing to do is to look at the video to see whether your arresting officer conducted this test correctly. But even if the test was conducted correctly and detects HGN, there is no way to guarantee that it was from alcohol intoxication.

## **Walk-and-Turn and One-Leg Stand**

These are balancing and dexterity tests. Essentially, this is about a police officer who has known you only minutes while under very stressful circumstances, with no knowledge of your medical history, making a judgment call about your normal physical faculties of balance and dexterity. There are several fairly obvious problems with these tests.

From a bad back or bad ankles to an old sports injury to a temporary ear infection, and anything in between, factors unrelated to intoxication can affect your balance and dexterity. Chronic pain can affect the way someone walks, and what looks to a stranger like a drunken swagger or a stumble may just be the limited way in which you can move.

Were these tests conducted on a smooth surface? What were the road conditions? Was it raining or snowing at

the time of your test? Was the road dotted with potholes or loose gravel, making the surface unstable?

How did the officer conduct the test? How long did they make you walk away before instructing you to turn and come back? Sometimes they tell you to not start the test too soon, or they will tell you to stay in a certain position until they say to start. If you start too soon because you're nervous or uncomfortable in that position, they'll count that against you.

## **The bottom line**

A DWI charge does not guarantee a conviction, not if you have a defense attorney trained in field sobriety and Breathalyzer tests, with extensive knowledge of the science behind these tests, and access to experts who know even more about them can make a huge difference.

Talk to your lawyer immediately so they can take photos of the location of your tests and look into any medical conditions you have that could affect your performance. The sooner you get started building your defense, the better.

# If You're Arrested

When you are arrested for DWI (or for any reason), **ALWAYS** exercise your constitutional right to remain silent. Anything—and I do mean **ANYTHING**—no matter how trivial you might think it is, can and will be used against you.

Identify yourself and then politely refuse to answer any questions or say anything else until you speak to your lawyer *in person*. (And never discuss anything over the phone with anyone, including your lawyer—every single call from jail is recorded and the contents available to use against you.)

Even if something you say doesn't sound incriminating, you can't control how well the police officers remember what you said or what they write in their report. Don't give them anything. Keep your mouth shut.

The same goes when you're being held. Don't discuss your case or situation with anyone except your lawyer, no matter how sympathetic they seem. Fellow prisoners are just waiting for anything valuable that they can trade to save their own skin.

Even when you get out of jail, what you say and what you do in the days, weeks, and months following your

arrest will weigh heavily into the outcome of your case. That includes not sharing any details on social media.

## **What to expect when arrested**

Once you've been arrested, you'll be transported to jail, where you will be booked.

Invariably, your first question is going to be: "When can I make a phone call?"

That depends on the booking process. You may have dozens of people ahead of you, all waiting to be booked. I have clients who tell me they were in jail for upwards of 48 hours before being booked or allowed to telephone anyone. Generally, once you're booked, you should be able to make at least two phone calls. You might even be permitted to make your phone calls before being booked.

Don't hesitate. It's critical that you call an attorney at your first opportunity.

## **After booking**

Once you've been booked, you go before a magistrate, a judge who examines the police report and decides whether or not there's enough evidence (probable cause) to hold you. If the magistrate decides there is, your bail or bond will then be set.

# Finding the Right Lawyer

How long can you wait to find a lawyer?

***You need a lawyer immediately.***

Why? Because, for starters, your lawyer has only 15 days from the date of your arrest to request an ALR hearing to save your license from being suspended.

Also, the first 30 days following your incident are critical to conduct the investigation and collect the information necessary to build a solid case. Your attorney must act immediately to gather the necessary evidence, footage, police reports, and any witness statements.

**Will any lawyer do?**

No. Do you really think a real estate or divorce lawyer has the critical DWI science training necessary to defend you? Their practice isn't even focused on criminal law and DWI. So how can they possibly do you justice?

You want a lawyer who specializes in DWI defense and has a strong scientific background. All lawyers graduate law school and pass the bar. All lawyers permitted to

practice law in Texas are licensed to do so. But that's where the similarities end.

Look at their qualifications before you decide. See what their past clients have to say.

Have they been through field sobriety training? Do they know how to correctly administer a Breathalyzer test and recognize when it hasn't been properly done? Do they possess the certified skills to analyze breath and blood test results themselves?

This is not a time to take shortcuts or skip doing your homework.

*A DWI on your record is a life sentence.*

This conviction will follow you for the rest of your life unless you find someone who can aggressively and discreetly defend you.

## **What does my lawyer need to have?**

- The same training as the police officer who arrested you: in field sobriety tests and the same breath test machine used against you. And they must understand in what ways these tests can be unreliable.
- A complex understanding of the blood tests used, which means extensive training in test issues that result in unreliable evidence—someone who can

distinguish between an inconclusive hospital test and an evidentiary test (see “D.A. access to hospital records” further on).

- Additional training by the Texas Board of Specialization.

That’s what your lawyer needs to have in order to competently defend you.

*It’s not cookie-cutter law.*

What works for one client may not apply to another.



# If You're Convicted

Penalties for a first-timer who has never been in trouble with the law before will differ from those for a repeat offender. Also, a third DWI is an automatic felony.

It also depends on whether property was damaged, or if someone was injured or killed.

And it will vary if you're under the age of 21, or if there was a passenger under the age of 15 in the car at the time of your arrest.

If you are an adult and this is your first offense, and your blood or breath alcohol content tests between 0.08 and 0.15, you're looking at a Class B misdemeanor. You now face a minimum of three days and up to 180 days of jail. However, if you were driving with an open container within reach, then you face from six to 180 days behind bars.

If you're an adult *and* you blew between 0.08 and 0.15 *and* it's your second offense, you're automatically looking at a Class A misdemeanor.

The same goes if it's your first offense but you blew 0.15 or higher—that's a Class A misdemeanor, which can get you up to a year in jail as a first offender.

A third offense is a felony, which carries the possibility of significant jail time, two to 10 years, and a fine of up to \$10,000. We're talking about a permanent felony record now.

It's also a felony, regardless of whether it's your first offense, if you're stopped and there is a child age 15 or younger in the vehicle with you. That carries a punishment of six months to two years in state jail, plus a fine of up to \$10,000.

## **What happens to your driver's license**

When you are convicted of your first offense, your driver's license is automatically suspended for 180 days. If you have priors, it's a full year.

**If you're a minor, you face a 60-180-day license suspension if you've had anything at all to drink—no limits apply.** That suspension period rises if your blood or breath alcohol content clocks in at over the legal limit for an adult, at 0.08 or higher.

If you carry a valid commercial driver's license (CDL) because your job requires one, even if you're stopped for DWI in your personal non-commercial vehicle, you will lose your CDL as well. If it's your first offense, you will lose it for an entire year; if it's not your first offense, you risk losing it for good—a lifetime ban.

## What the BAC/BrAC numbers mean

If you submitted to a breath or blood alcohol test and the results were 0.15 or higher, what would otherwise be a Class B misdemeanor is automatically upgraded to a Class A misdemeanor, and the surcharge you have to pay over three years will likely rise from \$3000 to \$6000. You'll also have to rent an ignition interlock device.

Every DWI is different, but every DWI defendant's goal should be ultimately the same: *to keep a DWI conviction off their record.*

## Consequences

As a first-timer, you can expect, at minimum:

- Probation, including reporting periodically to a probation officer, and possible periodic urine tests
- Alcohol classes
- Having to pay court fines and court costs
- A civil (administrative) surcharge on your driver's license of \$1000–2000 that you must pay every year, for three years
- Potentially being ordered to install an ignition interlock in your vehicle, at your expense, which runs about \$100–200, plus an additional monthly rental charge of \$70–100; if this is your second or

a felony DWI, or if you're under 21, the interlock installation is mandatory

- Restrictions on travel
- Being barred from going to clubs and bars

## **Ignition interlock**

An ignition interlock requires you to pass a Breathalyzer test every time you start your car. The ignition interlock records the results every time you blow into it, so if you're too drunk to drive and the car won't start, you're not protected against being caught for trying to drive under the influence simply because your car won't start. The data of what you blow is downloaded after every instance and sent to the judge or probation officer.

## **Ankle monitors**

In some repeat offender cases, the court or your probation officer may require you to wear an ankle monitor device, which you cannot remove. It stays on your ankle 24 hours a day, 7 days a week, to track your whereabouts and identify whether you might be out drinking. The monthly cost to you to wear a unit like this reportedly can be more than \$400 per month.

## **Drug and alcohol awareness classes**

Another expense is being ordered to participate in drug and alcohol awareness classes. These are run by private

companies, not government agencies, and the price tag can be in the hundreds of dollars.

## **Community service**

Sentences to perform community service vary from case to case, but typically first and second offenses can run up to 100 or more hours, with felony-related sentences requiring you to perform as much as 500 hours. That's the equivalent of more than three months of full-time work, 40 hours per week.

## **No deferred adjudication**

Deferred adjudication (delaying judgment) is a common plea option for other first-time substance offenses, where a judge defers entering a guilty verdict. Instead, the defendant is sentenced to a probation period where the state checks up on them, tests their urine, and requires treatment or class attendance. If the defendant meets all of the requirements of probation, the case is dismissed.

Deferred adjudication, however, is NOT allowed under Texas law in DWI convictions. Instead, if you are given probation, you still have the guilty verdict on your record.

## **If you're under age 21**

Anyone under 21 can be charged if they have **any** detectable level of alcohol in their system, even just

from a single sip of beer. That charge is DUIM (driving under the influence by a minor), but depending on the circumstances they can still be charged with DWI as well. While DUIM is not as serious as DWI, it still carries heavy legal consequences, fines, and conditions guaranteed to negatively impact your life.

If you are convicted of DWI and you're under the age of 21, your driver's license will be suspended for one year, and you will be required to pay for an ignition interlock device to be installed in your vehicle.

## **Additional fallout**

Keep in mind that these are just the *legal* consequences. A DWI conviction in Texas will be on your record forever. Your next DWI charge will likely leave you facing jail time if convicted.

With the risk of having your license suspended, you could lose your job. And finding work can be hard with a DWI on your record. These days, background checks are performed by employers, landlords, lenders, licensing bureaus—you name it. Many employers won't hire you with a DWI on your record. Some employees risk immediate termination for a DWI conviction. Some professions will bar you, particularly ones requiring a commercial driver's license (CDL) or security clearance.

It can damage your immigration status if you're here on a green card, or lose you a college scholarship. If you're a college student, you might even find yourself expelled

if you're convicted, yet still obligated to pay off those college loans. And things you may view as entitlements, such as eligibility for government assistance, a license to possess a firearm, or even applying for a passport, may prove all but impossible once you have a DWI record.<sup>1</sup>

If not handled correctly, a DWI really can haunt you for life. And it's not just one case you're defending—it's two court cases. (More about this in chapter 11.)

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1 For more information on the consequences, legal and otherwise, of a DWI conviction, call us at 833-Texas-Justice to request your copy of *What Plea Lawyers Won't Tell You: the Real Consequences of a Texas DWI Conviction*.



# Your Driving Privileges

If your driver's license was valid at the time of your arrest, you can keep on driving until it is officially suspended. If you were arrested for testing over the legal limit on a breath test and you have a Texas driver's license, your arresting officer will confiscate your driver's license on the spot and give you a temporary permit.

If you were arrested based on the results of a blood test, the officer cannot legally confiscate your license at the time the blood test is administered because the test results must come in first.

If you were arrested driving on an out-of-state license, the arresting officer is not legally permitted to confiscate your license and Texas has absolutely no right to suspend your driver's license. Texas can, however, request that the other state enforce your license suspension.

That's right. A DWI or driver's license suspension in Texas can affect your driver's license, even if you live in a different state. The consequences vary depending on what state you live in. You have **15 days** from the day of your arrest to request a hearing on your driver's license, even if it's out of state.

If you don't request an ALR hearing in the first 15 days following your arrest (or within 20 days of the date on the letter from DPS once they receive your blood test), it will be suspended automatically on the 40th day following your arrest. The date is typically set for 90 to 120 days after the request is put in.

Even if you can't save your license, an ALR hearing permits you to continue to drive until the date of your hearing, even if the date is past the 40-day limit, and to make arrangements in case your license gets suspended.

If you don't request an ALR hearing, you automatically lose your license in 40 days.

The ALR hearing is also an investigative opportunity for your lawyer and any private investigator to gather information for your criminal case. Your defense attorney can subpoena your arresting officer to answer all the necessary questions under oath, and get those answers transcribed. If this transcript differs from the police report, your case is now stronger. And if the officer is forced to admit under oath that they did not have probable cause to stop you in the first place, your case has just become stronger.

## **The ALR driver's license hearing**

This is a *civil* case, NOT a *criminal* case, which means the DPS is only required to show a preponderance of evidence to suspend your license, not prove it beyond

a reasonable doubt. Typically, this means they have to prove three things:

1. The initial stop was legal (meaning you did something illegal)
2. There was probable cause to arrest you
3. You were given a statutory warning to give a breath or blood sample and you either refused or you consented and tested above the legal limit

If your defense lawyer can disprove any of these three things, they can usually save your license.

If not, the next thing your lawyer should do is to claim that you qualify for an occupational or essential need license.

If you have a job that requires you to drive, that you need to drive to, or that requires you to be on call, you may be eligible for this. You may be restricted to driving only in particular counties or up to a set number of hours each day.

You are not automatically eligible for this license, particularly if this is not your first DWI. This license can also take some time to obtain, which is why it is critical to start preparing the paperwork right away.

One of the worst things you can do if you have a DWI is to drive on a suspended license. If you're caught, you'll go to jail.



# Two Possible Court Cases

DWI is both a criminal case and a civil case. This means two sets of court dates, two sets of court fees, and two sets of requirements to prove your innocence, held independently and concurrently, not consecutively, so you need to focus on both during the same period. (A civil case is always brought by the DPS, the Dept. of Public Safety.)

The **criminal case** is the DWI case itself, and is handled by the district attorney's office or a county attorney. In criminal court, we simply have to show that there is reason to doubt your guilt.

The same cannot be said of the civil (administrative) court case.

Since putting in your request for the ALR hearing is your first important date, let's talk about the civil case first.

## The civil court case

While in criminal court, defendants are presumed innocent until proven guilty, and so guilt beyond a reasonable doubt is required in order to convict.

However, administrative consequences are civil, not criminal, in nature. So, the DPS attorney only need show a *preponderance of evidence*, not guilt beyond a reasonable doubt. And that's enough to suspend your driver's license.

Also, implied consent laws in Texas are such that refusing to submit to a BAC/BrAC test will lead to your arrest. In the criminal proceeding, the prosecutor will suggest you refused because you knew you would be over the legal limit.

This will also be raised in the administrative hearing, because the implied consent law states that you agreed, when you got your license, that, if requested, you would take a chemical (breath and/or blood) test.

If your charges were based on a blood test, the Department of Public Safety will send you a letter, once they have the results, stating you have **20 days** from the date on the letter to request an ALR hearing. These are hard deadlines that **MUST** be met.

## **The criminal court case**

The first criminal court date is for your arraignment, when you go before a judge to enter your plea: guilty or not guilty. The judge will ask clarification questions like, "Is your name spelled correctly?" and "Do you understand what you're charged with?" Once that's done, you enter your plea.

## **Never plead guilty!**

### **You should always plead “Not guilty” to DWI at your arraignment.**

Ideally, if you’ve hired a lawyer, they will file for a waiver of arraignment to save everyone time. Skilled defense attorneys prefer to enter a plea of not guilty without an arraignment so they can otherwise spend that time working on your case and enter into negotiations with the District Attorney’s office. Some counties call these plea negotiation conferences; other counties call them dockets. Regardless, they should arrange to sit down two or three times with the District Attorney to resolve your case.

If an agreement can’t be reached, it’s time to prepare for trial, starting with a pre-trial hearing, during which the defense and prosecution present all evidence and a list of witnesses they intend to call so there are no surprises. After this hearing, a date will be set to try your case before a judge or jury.

### **Strengths, weaknesses, and decisions**

Now it’s time to sit down with your attorney and make some important decisions about your upcoming trial date. You’re going to go over the strengths and weaknesses of your case, and the case against you.

- Should you testify?
- If you don't testify, how can that help or hurt your case?
- If you do testify, what questions will your lawyers ask? What questions will the prosecutor ask?
- What are the strengths and weaknesses of your case?
- What will the D.A. try to push?
- How will your lawyers show the jury you weren't intoxicated?

Let's take a closer look at how we work with our clients.

# PART II

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## WHAT WE ADVISE



# What Not to Do If Arrested

There are three key things you must NEVER do if you've been arrested for DWI:

1. **Don't drink and drive again**
2. **Don't drive on a suspended license**
3. **Don't post anything about it online**

Let's look at each of these.

1. **Don't get another DWI.** Believe it or not, it happens all too frequently that while a lawyer is representing a client on a DWI case, the client is arrested again, on another DWI. Don't do it. It's just not worth the risk.
2. **Don't drive on a suspended license.** In most cases, especially with first DWI offenses where your record is otherwise clean, we can get you an occupational or essential need license. If, for whatever reason, they're not an option for you, we can arrange another means of transportation. Don't be tempted. The strength of your DWI defense is far too important to take this kind of risk.

- 3. Don't post anything online about your DWI.** That means nothing on Facebook, Twitter, Instagram, or any other form of social media. Don't even text about it. If you admit or confess to DWI online, that admission can and will be used against you. Also, don't post pictures of yourself partying online, and be sure to remove any old ones.

Don't post about the time you got so drunk that you can't even remember what even happened. The District Attorney's office is going to search for this stuff online in order to destroy you. When they find it, they'll think *bingo!* We've seen defense cases destroyed by social media. Please don't let yours be one of them.

## **What else to avoid**

While the above three are by far the worst mistakes to make following a DWI arrest, you need to avoid doing even more in order to protect yourself and your case. If your DWI arrest involved an auto accident or injury, this adds a whole new element to what can be used against you in a criminal case.

### **Avoid:**

1. Saying you're sorry.
2. Giving details to your own (or any) insurance company without getting legal advice first.
3. District attorney access to your hospital records

1. **Saying you're sorry.** You've been arrested for a DWI that involved an accident in which someone got hurt and you feel awful about it. You find yourself wanting to apologize. Well, while it might feel the morally right thing to do, in your situation it's without a doubt the **WRONG** thing to do.

As in any criminal case, a statement of apology is an admission of wrongdoing. No matter how well intended, it will come back to haunt you. Before you make any statement to anyone about anything regarding your DWI incident, always clear it with your lawyer first.

2. **Giving details to your insurance company.** If your DWI arrest involved an accident, your insurance company, as well as the insurance companies of any other parties involved, will want to talk to you.

Why is this a problem? Because even if it's just about damage to your own car, when you talk to any insurance adjuster, your call is typically recorded and the district attorney's office will try to get a copy of everything you said on that recording to use against you, such as names of witnesses and whether you admit to having been drinking or even how much you had to drink.

We're not advising you to avoid talking to your insurance adjuster. We advise our clients to simply

inform the adjuster that you wish to take the call in our office, with your lawyer present, and to make the necessary arrangements. We insist on controlling who is recording the conversation and limit any potential criminal liability.

- 3. D.A. access to any hospital records.** If you were taken to the hospital for care (outpatient or inpatient) immediately following your DWI incident, there will be a record of your treatment, including any lab tests to screen for alcohol, drugs, or anything else in your system. This is not as accurate as an *evidentiary blood test*, one a police department would administer. However, it will record any blood alcohol content (BAC).

While your medical records privacy is generally protected, in most cases Texas law allows the district attorney to bypass your right to privacy when investigating a criminal case. And you can bet the D.A. is going to want to see that BAC number.

It's not within your power to stop them accessing your records yourself. There are, however, several measures to prevent this.

A skilled DWI attorney will step in, knowing that a hospital blood test is nothing more than a "dipstick" test and could be compromised by treatment you've already received, such as certain IVs.

That's yet another reason why retaining a lawyer who's specifically skilled in these areas is so important, one who possesses a strong understanding of the science and procedures of the blood and breath tests the District Attorney's office will try to use against you.



# What We Do for You

At HamiltonGrant Attorneys at Law, we start by establishing right away what's important to you. Is it your driver's license? Are you concerned about losing your job? Your immigration status? Your education? Custody of your kids? Tell us what your priorities are.

If you prefer to negotiate a plea bargain with the District Attorney that suits your longterm life goals, we will do this. If the District Attorney won't cooperate, we'll go with you to trial. This decision is 100% up to you. Once you make it, however, there is no turning back. The next step is to prepare.

At that point we swiftly launch our investigation of the facts of your case. Our private investigator—yes, you need a PI for the best defense possible—will canvass the scene of your arrest, track down and interview witnesses, examine police reports, and conduct an investigation independent of the police investigation.

Meanwhile, you sit down with us and together we assemble a “mitigation package” designed to show the DA who you really are—how responsible you are, how well thought of, how community-minded, your past good deeds, etc., and the measures you propose to take

to better yourself and make up for your mistake. We'll discuss with you all the possible options to make the best impression on the court.

Sometimes, a DWI arrest is a wakeup call for persons who have an alcohol problem. We might get you into counseling or a support group, which can strengthen your case.

### **Visiting the scene of the "crime"**

We also visit the scene of your arrest a.s.a.p. to photograph where you did your field sobriety test before conditions change. Road construction and weather, for example, cause changes. If you are arrested in February, when the road is cracked or icy and snow is drifting, it's going to look different than when it's dry and sunny and the road's been repaved come spring.

### **Witnesses**

We need to talk to witnesses in those first 30 days. Memories fade and people move away. If someone was with you on the night of your arrest, we want their testimony. Bartenders, waiters, and waitresses can prove critical in a DWI defense. If we wait too long, they won't remember how many drinks they served you, or how intoxicated you appeared to be. The longer you wait to retain a lawyer, the weaker your defense risks being.

## **Evidence footage**

We also make sure we have every video, every audio, every last bit of footage covering the night you were arrested, including footage transcripts. Our PI examines all of the police records, takes photographs of the location of your arrest and where any field sobriety tests were administered, and collects any physical evidence available.

## **Reviewing ALL the evidence**

During the discovery hearing, we insist on seeing all of the evidence and witnesses the prosecution intends to use against you. We look at your blood and breath tests, your field sobriety tests, your traffic stop, and whether or not there was actually probable cause to arrest you. Remember your ALR hearing? We'll have that transcript from your arresting officer's testimony.

## **Investigating the arresting officer**

That's right. We investigate your arresting officer. If the officer who stopped and arrested you is not credible, we'll uncover that. And we'll start by getting our hands on the TCLEOSE report.

## **TCLEOSE**

This report, the Texas Commission of Law Enforcement Officer Standards and Education, lists every class and training that the officer who judged you to be intoxicated

and arrested you has taken. We examine how long the officer has been a certified police officer, how many DWI arrests they have made, what drug and alcohol training they have, and what specialized training—if any—have they undergone to qualify as a credible expert.

When called to testify in a DWI case, one thing an officer will almost always say is: *I have training and experience in this area.* The TCLEOSE report tells us exactly what this “training” consists of. While there are occasional officers who are seasoned veterans who instruct field sobriety training, yours could also be the first arrest your officer has ever made.

It’s important, too, to review the officer’s personnel record. Are they in the DWI squad? Do they make a lot of DWI arrests? Did your officer earn overtime pay as a result of the time spent arresting you? (When an officer makes a DWI arrest, they are paid time and a half for the investigation, the driver’s license hearing, and the criminal case.)

## **Tackling field sobriety tests**

We insist on examining the field sobriety tests conducted. These days, dashboard cam and other video recordings are taken to protect you as well as the officer stopping you. For example, with the HGN test, there are certain points an officer has to stop moving the pen, and specific frames they have to make. If they move the pen incorrectly, the test can be shown to be invalid if you know just what to look for. We know what to look for.

If the test was conducted correctly, we investigate whether the HGN detected was from something else, like a medical condition, caused by nicotine or caffeine, or a level of alcohol in your system that falls below the legal limit of 0.08.

## **Tackling breath/blood tests**

If your arresting officer neglects to give you a statutory warning, meaning you weren't explicitly told it's required by law and illegal to refuse, and you refused to submit a breath or blood sample, we will contest this at your ALR hearing, *even if you were later forced to submit a blood sample that tested above the legal limit.*

If the arresting officer made you a promise in exchange for your consent, we contest that as well. For example, if an officer tells you that if you take a Breathalyzer test and test above the legal limit, not to worry because he will take you home, this is an illegal promise to make that we will contest at trial.

If the arresting officer says, "If you don't give me a breath test, I'm just going to take your blood," we will use that statement as grounds to contest any subsequent blood tests.

What if your breath or blood test was obtained legally and you tested above the legal limit? Even if this is your situation, you should NOT just plead guilty. Just because you tested above the legal limit on a blood or breath test does not mean you are guilty of DWI.

## **Contesting blood test results**

We possess the necessary training, certifications, and intimate knowledge of what's involved in administering these tests, what can invalidate them, and how to interpret the data, in order to effectively challenge flawed results when building your defense.

Most people don't realize just how many things can go wrong, things that can adversely affect and skew the results. The integrity of the sample itself can be compromised between the time the sample is taken and when the analysis is performed.

### **How blood is drawn**

How your blood was drawn, and the skill level of the technician performing the procedure, each play a role in how accurate the findings are. There is a major difference between an experienced, licensed physician, for example, and a lab trainee with just one 40-hour training course under their belt and another 40 hours of on-the-job training. Errors in procedure can account for false positives up to nearly half the time.

### **Storing your blood sample**

We also examine the chain of custody of your sample, how the sample was stored and maintained prior to it being tested, as improper storage and delays can lead to false positives.

It comes down to the science. We look for risks where fermentation may have occurred while the blood was stored in the vial. Yeast, sugar, and bacteria, all of which are normally present in blood, contribute to the fermentation process, throwing off the results.

Fermentation is the process in which alcohol is formed in a substance, so undue fermentation of your blood can lead to a higher level of alcohol being present, alcohol that you did not ingest but instead naturally formed after the blood sample was drawn.

Even brief delays or improper storage where your blood sample is subjected to temperature changes contribute to potential fermentation.

## **How the test is performed**

Because we are skilled in the science of blood testing, namely gas chromatography, we know how various procedures can affect and potentially distort the findings. For example, this type of testing, which is the primary type of test used by law enforcement labs, can measure certain compounds that are not alcohol but behave in the same way that alcohol does under these conditions, thereby altering the findings.

## **Lab-reporting error rates**

Human error is always a factor in determining the accuracy of lab testing, and labs are not always as strict as they should be in establishing just what their error

rates are. We know what to look for and how to get this information.

## **How we contest breath tests**

We start by looking at which instrument was used to test you and who administered your breath test. Believe it or not, the breath test you took when you were pulled over is not admissible evidence if the machine your arresting officer used was not an “evidentiary” breath test machine. And very few counties actually have evidentiary-level devices out in the field.

Since the 1980s, the only evidentiary breath test machine admissible in Texas court has been the Intoxilyzer 5000. However, the State of Texas has begun to replace the old computer chip machine with the “new and improved” Intoxilyzer 9000. Sound state of the art? Well, it may sound like an improvement, but some of the same problems with how Texas tests breath remain. Not only that but there are now some new problems thanks to the State of Texas attempting to remove certain factory-installed safety procedures from the machine.

If your breath test was administered using the new Intoxilyzer 9000, you need to make sure your defense team is trained in its use. Ask them.

The portable breath test, the Breathalyzer, is nothing more than a preliminary screening device to see whether you’ve been drinking at all and it’s not sufficiently reliable for three reasons:

1. It's too easy to tamper with via a small screw on the side that can easily be manipulated, either deliberately or accidentally.
2. It screens for alcohol **and all substances that mimic alcohol**, so you can fail a portable breath test without having had a single drink because you have a substance on your blood with a similar chemical compound to alcohol.
3. Time—you might register above the legal limit initially, on a portable Breathalyzer, but fifteen minutes later pass the exact same test at the station using an Intoxilyzer—and the only result that matters is the Intoxilyzer's.

## How we contest blood tests

There are three basic areas that we look at when contesting your blood test, and all of these factors affect whether or not the results are admissible in criminal court:

1. Who took your blood? If taken at a hospital, the results are not evidentiary; they simply notify the hospital personnel what drugs and medicines they can and cannot give you based on how they interact with what's in your system. Does the person who took your blood have proper training? And was your blood taken correctly?

2. What kind of sample tube was your blood stored in and for how long? Your blood test sits in a test tube while going to a lab to be tested. Some test tubes don't have the right preservatives and chemicals to accurately preserve your blood. Blood ferments in the presence of alcohol, and unless the test tube has the right chemicals and preservatives, your blood is going to continue to ferment as it waits to be tested. By the time a lab actually tests your blood, the blood alcohol concentration will be much higher than it was when they actually administered the test.
  
3. Third, which lab tested your blood and what condition is that lab in? We look at the lab's certification and their track record. The Houston Crime Lab, for example, is notorious for inaccurate blood tests. If your blood sample was tested in a lab with a poor track record, we will contest the admissibility of the results. We will demand the raw data from your blood test and have experts review it to make sure absolutely everything was done correctly.

We never permit our clients to plead guilty to DWI based on blood or breath tests without our experts first examining the details of the actual procedure that produced those numbers. Test results alone are not proof you committed DWI. You need an attorney capable of scrutinizing the science behind the tests.

## **Do I really need an investigator?**

Yes. You need a private investigator to examine the facts and evidence on your behalf, and you need them to do it in the first 30 days following your arrest. Our private investigator has a background in law enforcement and knows how to identify the holes in their case against you. He examines all of the footage, police reports, and documentation of your arrest. He will go to the scene of your arrest, examine the terrain, and take photos. He conducts an investigation on top of the initial police investigation on your behalf.

Our private investigator tracks down witnesses—even the ones you may not realize were there—and interviews them to get the full story. For example, say you were out at the bar, had a drink or two, and then got pulled over for doing 35 in a 30 mph zone and ended up under arrest for DWI. You know you weren't intoxicated, but how can we prove it? By talking to the bartender or waiter who served you.

It's illegal for bartenders and wait staff to serve alcohol to someone who is intoxicated under penalty of being fined or even arrested. Interviewing these people as soon as possible is critical to your case. If you wait six weeks, or six months, even if they still work at the establishment, they aren't likely to remember who you were, much less whether or not you were intoxicated.

A skilled private investigator is independent of the case. That means the photos they take of the scene of

your arrest carry credibility and will stand up to cross-examination. Our investigator will also testify on your behalf to clear up any issues or discrepancies in the case or with conflicting witness testimonies because he works independently.

Witnesses disappear and change their stories. Our private investigator is the objective element you need to get the story straight, or at least expose an unreliable testimony. Don't waste time. Make the most of those critical first 30 days.

# If We Go to Trial

Before going to trial, we make a series of motions to suppress evidence, witnesses, and testimonies cited in the discovery hearing that the prosecution intends to use against you in your case.

A common pre-trial motion in a DWI case is a motion to suppress the traffic stop. For example, say an officer stops you for speeding while driving down the I-27 in Lubbock. You roll down your window, they smell alcohol on your breath, give you a Breathalyzer test, and take you in for DWI. When you're at the station, they give you an Intoxilyzer test and you are three times the legal limit.

Yes, you were drunk and driving. However, it turns out you weren't actually speeding. Because the officer didn't actually observe you breaking any traffic laws, the stop was illegal, so any evidence resulting from it can be suppressed. There goes the case against you.

If this is your first DWI arrest and you gave a breath test because the officer told you they would take your blood by force if you refused a breath test, we can move to suppress the breath test.

Any misconduct on behalf of the arresting officer is grounds for a pre-trial motion. Any prejudice that may

have influenced the way the officer treated you can be grounds for a pretrial motion.

For example, if your arresting officer was a part of numerous DWIs involving serious wrecks and fatalities, that could be grounds to claim that officer was prejudicial toward you for possibly speeding.

These motions help deter law enforcement from making illegal stops, exercising prejudice, or otherwise abusing their power.

## **Can you get me off?**

The question every defendant wants to know that absolutely no lawyer can ever ethically answer is “Will you win me my case?”

Every lawyer’s answer to that should be the same: “I don’t know.” Why? Because there are never any guarantees. There’s no way to know at the beginning of any case what the odds are, what the chances are of winning your DWI trial.

Even when we know all the facts of your case, we still can’t predict whether you will win. We DO know what evidence and witness testimony will be suppressed and what will be used against you. We also know the strengths and weaknesses of the case against you. And we have a plan. What we don’t have is a guarantee to give you.

Always remember: a DWI charge is not a DWI conviction. Don't just plead guilty. Talk to a lawyer as soon as possible and get started working toward your goals to improve your situation.

Call us at 833-Texas-Justice. Come in, sit down, and let's start working on investigating your case.



# Meet the Team at HamiltonGrant Attorneys at Law

Attorney Stephen L. Hamilton, a partner at HamiltonGrant Attorneys at Law, has been awarded the highest possible AVVO rating (10) and his counsel is highly esteemed by his peers. Stephen ranks among the fewer than 1% of practicing criminal attorneys across Texas who have achieved coveted board certification in criminal law by the Texas Board of Legal Specialization. He is a lifetime legal member of the National Organization for the Reform of Marijuana Laws (NORML), the National Association of Criminal Defense Attorneys, the Texas Criminal Defense Lawyer's Association, and several other regional legal associations.



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Stephen L. Hamilton

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Scientific certifications include completing Blood Testing Gas Chromatograph training (used to test blood for alcohol and/or drug levels) and solid-state forensic drug testing (the legal requirement for Texas lab technicians to establish and identify substances by their precise drug composition).

Stephen has tried over 100 cases to a jury and has obtained not guilty verdicts in cases ranging from traffic tickets to those carrying a punishment range of 25 years to life in prison. He wins cases through all available means: motions, negotiations, trials, and appeals.



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Deandra M. Grant,  
JD, GC, MS

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AV-rated attorney Deandra Grant is a partner at HamiltonGrant Attorneys at Law and her practice is focused on DWI defense in Texas. A graduate of Trinity University in San Antonio and Southern Methodist University's School of Law, she is a national speaker on DWI law and science and the co-author of the annually updated book, *The Texas DWI Manual* (James Publishing), *Texas DWI: Truth & Consequences* and *Surviving Your Texas DWI*. Deandra

is a Standardized Field Sobriety Testing Instructor and has completed the Drug Recognition Overview course. She was the first attorney in Texas to pass the Forensic Sobriety Assessment Certification exam. In addition, she has completed coursework in DWI forensic blood and urine testing and is trained as an operator and maintenance technician of the Intoxilyzer 5000. Deandra has certificates in Forensic Chromatography: Theory & Practice (2011 & 2015), Forensic Analysis of Solid Drugs (2014) and Forensic Principles of DUID (2015) issued by Axion Labs and the American Chemical Society. In 2015, Deandra earned the distinction of being named an ACS-CHAL Forensic Lawyer-Scientist.

Deandra is a member of the Texas Criminal Defense Lawyers Association (Board Member 2011-2016), the Dallas Bar Association, the Collin County Criminal Defense Lawyers Association and the Dallas Criminal Defense Lawyers Association (Board Member since 2007). In addition, Deandra is a Charter Member and President-Emeritus of the DUI Defense Lawyers

Association. She is also a member of the American Chemical Society and the American Academy of Forensic Sciences.

*D Magazine* has named Deandra to its list of Best Women Lawyers and Best Lawyers in Dallas. She's been named a "Texas Super Lawyer" and one of Texas' Top Rated Lawyers. *Best Lawyers in Dallas* named her one of the Top 10 DWI Lawyers in Dallas. Deandra completed a Graduate Certificate in Forensic Toxicology from the University of Florida's College of Veterinary Medicine and a master's degree in Pharmaceutical Science – Concentration in Forensic Science from the University of Florida's College of Pharmacy in 2016. Axion Analytical Labs added Deandra to their faculty in 2019.

A former Texas prosecutor, Tommy Hull is a native Texan, raised in the Texas hill country. He attended the University of Texas at San Antonio with his high school sweetheart and eventual wife, Brittany. After graduation from Texas Tech Law School, he accepted employment with the Midland County District Attorney's Office as a misdemeanor prosecutor. In less than a year he was promoted to felony prosecutor, and within months of that, named trial team chief prosecutor for a Midland County district court. As a prosecutor, before becoming a partner at HamiltonGrant Attorneys at Law, he was responsible for supervising all aspects of preparing and trying misdemeanor and felony criminal cases.



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Tommy Hull

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Shane Byrd

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Before becoming a partner at HamiltonGrant Attorneys at Law, Shane had a solid history as a successful local businessman and owner of three bond companies, National Bonding of Lubbock, Lone Star Bail Bond, and American Bail Bond. Shane worked for more than three decades to assist clients and their families navigate their way through the criminal justice system, liaising with attorneys, judges, clerks, and the courts throughout Lubbock and most of Texas before deciding he wanted to help his clients beyond getting them bonded out of jail. With his undergraduate degree in criminal justice, he pursued his dream of becoming a criminal defense attorney and graduated with his J.D. from Charlotte School of Law, Charlotte, North Carolina. Returning home to Lubbock, he worked with the firm as of counsel and is now a partner at HamiltonGrant Attorneys at Law. He focuses his practice in the area of criminal defense. Shane's strong ties to the Lubbock community extend to ownership of a number of local businesses and the many events he has produced for Texas Tech students. As an active member of the community, he understands that good people make mistakes and is driven by his passion to protect the future of such persons and resolving their cases quickly and positively.

## Contact us

Call us at 833-Texas-Justice. There's always someone there to answer your call, 7 days a week, 24 hours a day. Try us.

# If you or a loved one ever find yourself arrested for DWI in Texas, this book is a must-read!

Attorneys Stephen Hamilton, Deandra Grant, Shane Byrd, and Tommy Hull believe in empowering people to make the best decisions when confronted with potentially life-altering events caused by a DWI arrest. Everyone is entitled to a strong and passionate defense. That is why they have written this book. It will arm you with information about DWI arrests in Texas and how to assemble the best defense possible.

## ABOUT THE AUTHORS

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### Stephen L. Hamilton

Attorney Stephen Hamilton is the founding partner and lead trial attorney at Hamilton+Grant. Stephen ranks among the fewer than 1% of practicing criminal attorneys across Texas who have achieved coveted board certification in criminal law by the Texas Board of Legal Specialization. He has been awarded numerous awards, and his counsel is highly esteemed by his peers. He is a lifetime legal member of the National Association of Criminal Defense Attorneys, the Texas Criminal Defense Lawyer's Association, and several other regional legal associations.

### Deandra M. Grant

Mass spectrometry. Headspace gas chromatography. Alcohol and drug pharmacodynamics. Defending a DWI in Texas requires in-depth knowledge of these advanced scientific principles, and, more importantly, how to use them for the benefit of clients in the courtroom.

It's critical to consult with an experienced attorney with the legal prowess and background in this area of the law, and Martindale-Hubbell AV-rated attorney Deandra M. Grant is here to help. A member of both the American Chemical Society and the American Academy of Forensic Science, her success in the field has resulted in the "Texas DWI Gal" being named to the Texas Super Lawyers list.

When law becomes science, call the lawyer that lawyers call.

