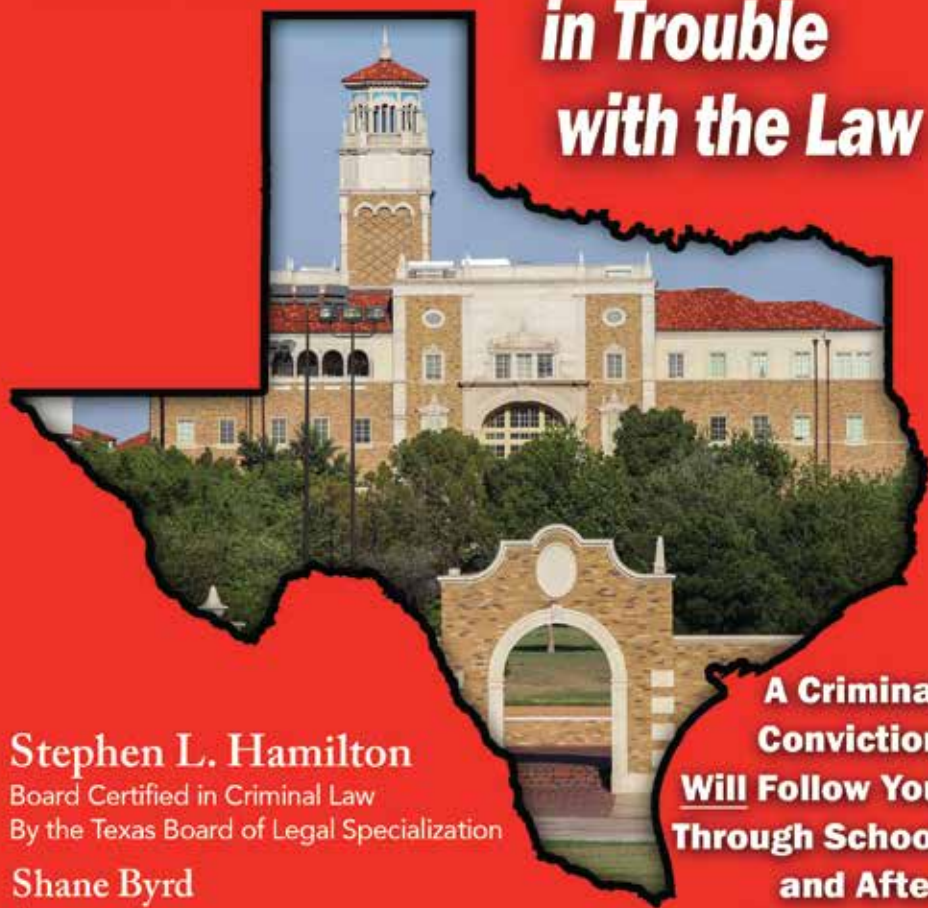


**PROTECT YOUR FUTURE
KNOW YOUR RIGHTS**

What Every Texas Tech Student Should Know *if They Get in Trouble with the Law*



Stephen L. Hamilton

Board Certified in Criminal Law
By the Texas Board of Legal Specialization

Shane Byrd

Attorney at Law

**A Criminal
Conviction
Will Follow You
Through School
and After
Graduation**

PROTECT YOUR FUTURE ★ KNOW YOUR RIGHTS™

**PROTECT YOUR FUTURE
KNOW YOUR RIGHTS**

What Every Texas Tech Student Should Know *if They Get in Trouble with the Law*

**A Criminal Conviction Will Follow You Through
School and After Graduation**

Offices Conveniently Located in

**Amarillo | Austin | Dallas | Denton | Fort Worth | Houston
Lubbock | McKinney | Midland/Odessa | San Angelo | San Antonio**

***If you have been arrested and would like a free
consultation, contact us at the numbers listed above.***

Stephen L. Hamilton
Board Certified in Criminal Law
By the Texas Board of Legal Specialization

Shane Byrd
Attorney at Law

DISCLAIMER

The information in this book does NOT constitute legal advice. You can only obtain sound legal advice from a lawyer who has been given the specific facts of your case. Every case is different. This book covers many of the various types of drug charges. Not all will apply to your situation.

Please note that our lawyers are happy to consult with you if you do decide to obtain legal advice. However, please understand that simply reading this book does not form an attorney-client relationship with our firm or with the author.

Copyright © 2025 Texas Criminal Defense Group.

All rights reserved. No part of this book shall be reproduced, stored in a retrieval system, or transmitted by any means—electronic, mechanical, photocopying, recording, or otherwise—without the written permission of the author, Stephen L. Hamilton.

Cover design and layout by zinegraphics.com.

Editing services by Siobhan Gallagher, yourbesteditor.com

Table of Contents

Introduction	v
What to Do First.....	1
Know your rights.....	1
Double trouble—two possible cases.....	2
The Student Code of Conduct	5
How it works at Texas Tech.....	6
You always have the right to an attorney	6
Once a complaint is filed.....	7
Protecting Texas Tech’s reputation	8
Off-campus incidents.....	9
Administrative vs. criminal proceedings.....	10
The Top Criminal Charges Students Face.....	11
Alcohol charges.....	11
MIC/MIP criminal penalties	13
DWI/DUIM charges.....	13
DWI/DUIM criminal penalties.....	14
DWI/DUIM civil proceedings.....	15
Public intoxication.....	16
Marijuana.....	17
Other drugs.....	19
Adderall, Ritalin & other “study” drugs.....	19
Sexual consent violations, harassment & assault	20
What Campus Carry Means for Texas Tech Students	23
On campus.....	23
Off campus	25
What to Do First If Investigated or Arrested.....	27
Your legal rights always apply.....	28
What Not to Do	33
Don’t go it alone.....	33
Check your attitude at the door.....	34
Stay off social media	35
Hearing Decisions & Appeals	37
Being found “responsible”.....	37
The appeal process.....	39
Expunction	39

How to Choose an Attorney.....	41
Specialized training.....	42
Guns Up for Your Future.....	43
About the Author	45
Texas Criminal Defense Group.....	47
FAQs.....	49

Introduction

You worked hard to get into college and now you're working even harder to graduate. The last thing you need is to get permanently sidelined for breaking the law or receive a Student Code of Conduct violation.

Don't let a Tech violation wreck YOU!

Getting kicked out of school is bad enough—you won't get your money back and you will have to still pay off your student loans, without a degree to show for it. But you also face carrying around a criminal record that can haunt you for the rest of your life.

If your fumble was made off campus, don't kid yourself—there's no keeping it secret. Texas Tech's Student Judicial Services will be notified.

It's no wonder that, when your fellow students find themselves suddenly face to face with criminal charges that violate Texas Tech's student code of conduct, their first instinct is to go for the Hail Mary and come clean. They blurt to the administration their side of the story, hoping that will clear the air and permit them to stay in school.

This is a grave mistake.

When confronted by Student Judiciary Services, panicked students under scrutiny let spill whatever they think might help them to stay in school. What most Texas Tech students don't know is that confessing will not save them—it will not keep them in school, protect them from a deferred

suspension, or shield them from being kicked out of their campus housing.

It's not the responsibility of the Texas Tech administration to teach you how to learn from your mistakes and move forward toward the goal line. They're not going to let you off with a slap on the wrist and send you back to class feeling embarrassed, vowing never to do anything like that again. You don't get to apologize, chalk it up to "live and learn," and put it behind you. They're the Monday morning quarterback, dissecting what you did and taking you apart for it.

What to Do First

You're an adult now. And that includes knowing how to handle yourself in situations like this. The problem? No one's probably ever told you the best way to handle yourself. This is uncharted territory. You need a map. This book is your map. You need a compass. We are that compass.

You need a skilled coach. Talk to us. We know how this game is played and how to come out ahead.

We share with you the rules and procedures and what lies ahead, what the other team may be planning, and point you in the right direction, the direction you need to go in order to protect your future.

Know your rights

This starts with you knowing your rights, and knowing that you have the right to insist on those rights, without fear of pushback or worrying that doing so will escalate the seriousness of your situation.

Whether on campus or off, your rights remain the same, and they remain inviolable, no matter what anyone else tells you. You have the right to:

- remain silent
- refuse to consent to unreasonable search and seizure
- representation by a competent attorney

That's right—all three apply on campus as well as off. So don't let anyone try to convince you differently. (We detail each of these three rights in the chapter "What to Do First If Investigated or Arrested.")

In most cases, it's those students who remain silent when confronted by the administration, who refuse to confess that they violated the student code of conduct, who successfully avoid getting kicked out of school. A confession will not only score academic and social sanctions against you on campus—it will also be used against you in any criminal case.

Double trouble—two possible cases

When you're a student at Texas Tech and you get into trouble with the law, you face two separate cases, one on campus and one in a real courtroom.

The on-campus case is the student code of conduct process, an internal investigation conducted by student judiciary services. It affects your school record and incurs academic and social sanctions, such as being kicked out of your campus housing, suspended, or expelled. You're effectively benched.

The off-campus case is a criminal case to address any criminal charges brought against you by the state. It doesn't just mean you get kicked off the team. It can land you in prison.

The most common violations are drinking, drugs, theft, cheating, sexual harassment, assault, and stalking, but any activity that violates the law and/or the student code of conduct puts you at risk.

So, while underage drinking, for example, may boot you off campus, you could also find yourself serving a jail sentence

and saddled with fines, community service, and a criminal record. Game over.

Navigating these two concurrent cases can be tricky. Even if the state drops criminal charges, Texas Tech can still kick you out.

If you are a Texas Tech student and find yourself in trouble, take a moment and remind yourself of the rights we mentioned above.

Call a lawyer immediately. Don't talk to the police, don't talk to the student code of conduct services officers, don't talk to the dean—don't talk to anyone, *except a lawyer*. Don't take unnecessary chances with the rest of your life. Save yourself. Save your future.

And keep reading.

The Student Code of Conduct

When you enrolled in Texas Tech, you agreed to adhere to a specific code of conduct, which applies to your behavior both on campus and off. The code details the university's expected standards of behavior and the procedures in place to deal with student misconduct.

The office of Student Conduct oversees the investigation of any student suspected of violating the school's code of conduct and punishes those judged "responsible."

Punishments range from social or academic probation to deferred suspension, changes in the student's living situation, which includes being forced to change dorms or being kicked out of student housing altogether, all the way up to expulsion.

The university's investigation is carried out by a student conduct officer, a university-trained staff member, and their findings are presented at an administrative hearing.

The administrative hearing officer, another university staff member, is the referee who decides whether you violated the student conduct code and assigns sanctions if you are found responsible.

In serious cases, such as sexual assault or harassment, stalking, discrimination, or other sensitive issues, the student conduct officer presents the findings not to a single administrator but to a discipline committee consisting trained staff members, faculty, and students.

How it works at Texas Tech

When someone registers a complaint against you for a violation of the school's code of conduct, an email is sent to your Texas Tech address alerting you that you have been named a **respondent** in a Student Code of Conduct Process. (The person filing the complaint is the **complainant**.)

Depending on the circumstances, you may have criminal charges filed against you first, before a student code of conduct notification email is issued; or the state or complainant may file criminal charges against you later on.

There is no set order of events. The reason we point this out is that should a situation arise where you could potentially be subject to both criminal and university disciplinary proceedings, you should always weigh the decisions you make with the likelihood that both of these judiciary processes may occur. Never assume that because only one process is underway, the other won't follow, or that they're isolated from each other. (More about this in the chapter "The Top Criminal Charges Students Face.")

This is precisely why it is so important to seek an attorney's advice the minute a complaint is filed against you. The best defense is always a strong offense.

You always have the right to an attorney

Texas Tech provides some information on its website. What the website doesn't tell you though is that you are entitled to use an attorney to work on your case and represent you in the Student Code of Conduct process and hearing.

You have the right to an attorney, one who ideally has a private investigator to help collect evidence and interview witnesses. A private investigator can often gather evidence to bolster your defense that the university doesn't dig deeply enough to uncover.

Exercising your right to an attorney is absolutely essential to stay in the dorms, stay in school, and keep a criminal charge off your record. We explain how to determine the best attorney for you in the chapter on "How to Choose an Attorney."

Once a complaint is filed

After any complaint is filed, the administration is aware that both the complainant and the respondent may be acutely uncomfortable encountering each other. Arrangements may be made so that neither party is present at the hearing at the same time. Modifications may be made to class schedules housing, and parking to keep the parties apart. This can cause problems if someone has to drop a class, for example.

Texas Tech calls these actions remedies, not sanctions. Sanctions come later, if you're found "responsible" for the violation. More often than not, these remedies seem to presume the respondent's guilt vs. simply educate respondents about their rights as citizens of the Texas Tech community. While this is understandably frustrating, it's important to keep your composure and be polite to the administration, as well as the complainant, throughout the process. Now is the time to be on your very best behavior. Instead of venting your frustration, talk to your attorney about what you can do to make the best of the situation.

Don't try to go it alone—there's just too much at stake. As soon as you receive that email, or get arrested, or find out there's a search or arrest warrant with your name on it, talk to a criminal defense attorney with experience working with Texas Tech students, one who knows and understands the nuances of the Texas Tech code of conduct process and how it intersects with criminal law.

Don't wait. The sooner you talk to a lawyer, the sooner you can start to make that game plan, to map out the strategic decisions designed to protect your future.

The Texas Tech timeline

Texas Tech requests that complaints regarding an incident be made within ten (10) days of the date of the incident, but there is no firm limit on how long a complainant can wait to file a complaint.

Once a complaint is made, the process is initiated and is typically completed in roughly sixty (60) days.

Once a decision has been reached about your case, you will be notified of the decision and any sanctions imposed within five (5) business days.

If you are found responsible of a code infraction, you have five (5) business days to submit a written letter to appeal the decision.

Protecting Texas Tech's reputation

When drug, theft, and sexual assault charges, as well as any other illegal activity, are reported to police, schools are required to list them in their publicly accessible school

sattistics, which reflects poorly on the school. Accordingly, many schools prefer to deal with these kinds of code of conduct violations internally.

That said, you should never rely on Texas Tech to avoid reporting criminal conduct to law enforcement.

If campus security smells pot in your hallway, searches your room, and finds paraphernalia, and you get that Student Code of Conduct Process email, there's no guarantee it will end there.

If someone makes a stalking complaint against you to the office of Student Conduct, there's no guarantee that complaint won't find its way to the plice and criminal court.

Don't incriminate yourself. If anyone insists you talk privately to the student conduct officer, and tell your side of the story at a hearing, promising this will clear up the situation, don't do it! Always talk to an experienced attorney first. Only you and your lawyer truly have your best interests at heart.

Off-campus incidents

The Office of Student Conduct legally oversees on-campus behaviors that potentially impact the university community. But what if you're arrested off campus? What if you get charged with DWI in another city or even another state? What if you're on spring break and get pulled over, the police find a joint in your car, and you get hit with a possession charge? Texas Tech isn't going to find out, right? Wrong.

If you are arrested off campus for any reason, and you're a Texas Tech student, the office of Student Conduct will most likely be informed and investigate you as well.

Administrative vs. criminal proceedings

The Student Code of Conduct Process is not a civil or criminal court proceeding—it is an administrative proceeding. Now, in case you're thinking that's a good thing, understand that, on campus, there is no "beyond a reasonable doubt" requirement before being able to judge you guilty.

In a campus hearing, all that is required to judge you "responsible" for an infraction is a preponderance of evidence. This means the hearing officer or discipline committee must merely decide that you probably did violate the student code of conduct. All they have to believe is that the evidence points more toward the possibility that you are guilty vs. not guilty.

In contrast, in a criminal case, the prosecution must prove beyond a reasonable doubt that you committed the crime. It's a whole lot easier to be found guilty in a Student Code of Conduct process, and yet a finding of guilt at Texas Tech can adversely influence your concurrent criminal case.

The Top Criminal Charges Students Face

In this chapter, we look at the most common criminal charges Texas Tech students face. Most relate to alcohol, marijuana and other controlled substances, study drugs, and violation of consent.

If you're under 21, you're an adult, but you're still a minor—that's an important distinction. Why? Because there are ways that a skilled attorney can keep charges like Minor in Consumption (MIC) for consuming alcohol illegally and Minor in Possession (MIP) for possessing alcohol or drugs off your record entirely.

If you're 21 or over, there are specific ways to effectively address charges like DWI and Public Intoxication (PI). Know your charges, know your rights, and get the legal help you need to protect your future.

Alcohol charges

It's no secret—college students and drinking go together. And underage drinking is commonplace on college campuses and in dormitories across the country. Texas Tech's Code of Conduct states that, concerning alcohol, misconduct involves a) [the] "use, possession, sale, delivery, manufacture or distribution of alcoholic beverages, except in accordance with federal, state, local law, and/or Texas Tech University policy," and b) "being under the influence of alcohol

and/or intoxication as defined by federal, state, local law and/or Texas Tech University policy.”

Note that “under the influence of alcohol” is not the same thing as being drunk. It means you’ve ingested some alcohol, even if it was only a sip. At Texas Tech, and in the state of Texas, if you’re under 21 and you’ve had anything alcoholic to drink at all, you are in violation of the Student Code of Conduct AND have broken the law.

One grave mistake students make is to assume that the penalty for consumption of alcohol on campus isn’t serious, particularly if you’re a minor. *Wrong!* At the very least, if you’re caught with alcohol in a dorm, for example, your on-campus housing can be taken away from you. That’s no laughing matter.

MIC and MIP are both Class C misdemeanors for minors, which means they’re criminal charges. If you’re underage and have a few sips of beer, you’ve committed MIC. If you’re underage and are caught with a beer in your possession, including in a vehicle, you’ve committed MIP.

Does being at a place where beer is available mean that you are guilty of possession? No. Possession means you have control over the thing you possess AND that you are aware that you possess it. If you don’t know it’s an alcoholic beverage, you’re not by definition guilty of possession. If you don’t know there’s a beer in the fridge in your dorm room, you’re not by definition guilty of possessing it.

The point is that you should never confess to possession, because you may not be guilty. Instead, just remain silent until you have an opportunity to discuss the details of your situation with a licensed attorney.

MIC/MIP criminal penalties

Your first MIC or MIP conviction carries a 30-day driver's license suspension, 8 to 12 hours of community service, a fine of up to \$500, and mandatory alcohol and drug awareness classes. Repeat offenders face fines of \$250-2000, a 60-180-day driver's license suspension, 20 to 40 hours of community service, and possibly up to 180 days in jail. And these are just the judiciary consequences.

Do you drive to class? If the answer is yes, those 30 to 180 days of license suspension could blow your entire semester. Court appearances, drug and alcohol classes, and community service hours take priority over class time. If you have a work-study job, you may lose time to attend court appearances, mandatory classes, and community service, as well as suffer transportation issues.

Jail time not only prevents you from attending classes but can also affect your enrollment status. MIC and MIP are flat out against Texas Tech policy, even when they occur off campus.

DWI/DUIM charges

DWI (driving while intoxicated) and DUIM (driving under the influence when you're a minor) are both serious charges. DWI is measured by either a blood or breath alcohol content of at least 0.08, or if you're deemed to have lost control of your normal mental and physical faculties.

DUIM is not determined by a particular level of alcohol content in your breath or blood. If you've had so much as a sip of alcohol and you're under 21, you're subject to a criminal charge, and all the penalties that come with it.

DWI/DUIM criminal penalties

One of these charges can stand in the way of you and any subsequent education, including law or medical school, and prevent you from ever obtaining the very type of professional licenses and certifications you need to succeed or even practice in your desired career.

Many employers won't hire you with a DWI on your record, especially if you're still on probation. It is logical for an employer to assume that if you've been irresponsible once, you've probably done so many times before, and will likely do so again.

DWI and DUIM are notoriously difficult convictions to live with. DWI defendants who are found guilty face license suspension, heavy fines and court fees, years of administrative surcharges, probation, community service, and mandatory drug and alcohol classes. It takes years to bounce back from a DWI or DUIM conviction, and once you have one on your record, a subsequent one is decidedly more painful—it could even result in your having a felony record.

As a condition of probation, those convicted of DWI are often forced to have an ignition interlock device installed in their vehicle, and anyone convicted of DUIM is required to have this device installed.

This device requires you to take a Breathalyzer test in order to start your vehicle, then blow into it again thirty seconds later to verify it was actually you who started the vehicle and not someone else. Installation and maintenance fees are the responsibility of the offender, and the data from these devices is downloaded once a month and sent to both your probation officer and the judge.

DWI/DUIM civil proceedings

On top of the Student Code of Conduct Process and the criminal case, DWI and DUIM defendants also have to deal with a civil case. That's a lot of time spent in hearings and juggling court dates alongside the demands of your university schedule.

The civil case deals with the Department of Public Safety, which will try to suspend your license if you fail to request an Administrative License Revocation (ALR) hearing within 15 days following your DWI or DUIM arrest. You ALWAYS want to request this hearing, as it can buy you time to keep driving before your license is suspended. The goal is to save your license, but if we can't, we can try to obtain an occupational or essential need license so you can keep driving to and from school and work.

Texas Tech takes a decidedly dim view of DWI/DUIM charges, considering them—and you—a threat to the wellbeing of the college community, no matter what the circumstances. A campus complaint can be filed against you even if your charges had nothing to do with Texas Tech.

However, just because you've been charged with DWI or DUIM doesn't mean you're guilty of the crime. Drinking and driving when you're 21 or over is not illegal. What is illegal is how much you drink, yielding a blood or breath alcohol content of at least 0.08.

If you are of legal drinking age, you may feel you were not intoxicated at the time of the traffic stop. Perhaps what the officer perceived as intoxication is actually the result of sleep deprivation—maybe you pulled one or more all-nighters, studying. You could be on legally prescribed medication

that adversely affected you. The traffic stop itself may have been illegal.

This is not the time to punt. Don't wait until the school administration emails you to address the situation. Talk to your lawyer immediately about how this charge might affect your future at Texas Tech.

Public intoxication

If you're over 21, you can legally consume alcohol in the state of Texas. The state of Texas has two criteria that must be met for someone to be charged with Public Intoxication (PI):

1. the person must have been in a public place;
2. you present a danger to yourself or someone else.

The Texas Tech campus is considered a public place. Schools, office buildings, hospitals, parks, any venue that is licensed to sell alcohol, such as a bar, restaurant, sports arena, etc., sidewalks, and all thoroughfares are other examples of public places.

Whether you represent a danger to yourself or another person is wholly subjective—it is solely at the discretion of the officer who makes the charge.

Public Intoxication is a misdemeanor charge that carries a fine of up to \$500. If that doesn't seem like such a huge deal to you, it also carries long-term health and life insurance consequential costs and is a major red flag for employers, landlords, and institutions of higher education.

Why? Because it demonstrates poor judgment on your part and a seeming indifference to whether your actions might endanger others. This is not the kind of person a landlord wants living on their property, an employer wants working for their company, or a medical, law, or other professional school wants on their premises. The same goes for Texas Tech.

Marijuana

Possession of Marijuana (POM) is a common charge among Texas Tech students. You'll invariably find pot among the dorms, and if your hallway carries a distinct herbal scent, you might hear an ominous knock on your door.

Even if you live in the dorms, you have the right to refuse consent to unreasonable search and seizure. While one might smell weed in the hallway, it doesn't mean it's reasonable to assume it came from your room. And even the presence of a stash in a shared room does not prove it was in your possession.

Paraphernalia charges are common companions to possession charges, and can even be used to make a complaint against you that you possessed marijuana when you did not. For example, if a campus security guard enters your room because your hallway smells like pot and finds a pipe but only tobacco, it could still be alleged that there are grounds for a marijuana complaint. It doesn't mean it's considered legit, or that it can't be disproven. The pipe might not be yours, it may not have been used to smoke marijuana, and you may have never smoked in your dorm.

Remember, a charge of Possession means you have control over the substance in your possession, you know that you possess an illegal substance, and you know precisely what it

is that you possess. You must know that you are committing Possession to actually be guilty of Possession. If you're the typical student, there is a stream of traffic in and out of your dorm room. Who's to say who left it there? So don't be so quick to admit you're responsible for it being there.

Texas has a zero tolerance policy for marijuana. While other states have legalized the substance for medicinal and even recreational use, Texas has not. And even in those states that have legalized marijuana, college campuses maintain a zero tolerance policy in their academic buildings and dormitories. If you are charged with POM for even a very small amount of weed, you face up to \$2000 in fines and up to 180 days of incarceration.

An ounce or more of marijuana may see you face intensified charges, ones that imply an intent to deliver, despite the fact that Intent to Deliver with regard to marijuana is not an established legal charge. But the implication carries harsher consequences. Delivery means transferring possession of the substance to another person or persons, whether you receive anything in exchange or not.

Possession of four ounces or more carries a mandatory minimum sentence of 180 days in prison. (What's more, if you're talking about something like a pot brownie with just a pinch of pot in it, they'll base the amount on the weight of the entire brownie, which could land you a felony charge—for a single brownie! That's no joke.)

At Texas Tech, students face stringent sanctions, including expulsion from student housing, deferred suspension, cancellation of financial aid (but not the debt you already owe), and even outright expulsion from the university.

Other drugs

Controlled substances like cocaine, heroin, meth, LSD, and Ecstasy/XTC may also be present on campus, and possession of these carry mandatory minimum criminal sentences. Possessing prescription drugs like oxycodone, Xanax, and Valium (and drugs like Adderall and Ritalin, which are discussed below) without a valid legal prescription carries misdemeanor or felony charges. Moreover, handing over prescription drugs to someone else, including sharing legal prescriptions, is illegal in Texas and against Texas Tech's Student Code of Conduct, even if it happens off campus.

Adderall, Ritalin & other "study" drugs

Many Texas Tech students have legitimate prescriptions from their physicians for ADD and ADHD drugs like Adderall and Ritalin. These drugs are amphetamines that help people with attention deficit disorders function in college. They also help students knock out work at lightning speed.

These "study drugs" are Schedule II substances with proven medical uses, but restricted to those with prescriptions. These days, students possessing legitimate prescriptions are choosing to share and sell these pills on campuses across the country.

While sharing your Adderall with a friend, or selling Ritalin to the guy down the hall, or buying a single pill to help you finish a term paper may not feel like such a big deal, know that Texas and Texas Tech do not agree. At best, it is a state jail felony! Possessing a gram or less of Adderall or Ritalin without a prescription carries a mandatory minimum sentence of 180 days in state jail.

So you might want to pause before you willingly admit to the administration that you bummed a pill from someone, because if you do, you will have just confessed to having committed a felony. What's more, your confession is now on record and can be used as evidence against you in a criminal case. Exercise your rights to remain silent and consult an attorney.

Sexual consent violations, harassment & assault

Complaints of sexual consent violation are the number one reason males are kicked out of Texas Tech. If you face criminal charges, or a code of conduct complaint, or both, that includes sexual harassment, sexual or physical assault, rape, and/or stalking, it's imperative that you contact an attorney immediately. These are serious charges that can land you on the sex offender registry for life, with devastating consequences.

It has been well publicized that campuses often attempt to deal with such issues of sexual misconduct internally to avoid unwanted publicity. Among campus crimes, incidents of sexual assault are especially damaging to a school's reputation. But it would be foolhardy to assume that a school will choose to protect itself and thereby insulate you, and that the state won't find out and press charges against you. Often, the complainant, whether intent on doing the most harm or fearing the incident might be swept under the rug, will go directly to the police.

Consent violations on campus are tricky subjects. Age, alcohol consumption, and/or recreational drug use affects how consent is defined. Even if those directly involved agree that consent was not violated, a third party, particularly in the case of minors, can file a complaint. When that happens,

once a complaint is made or criminal charges are filed, both the alleged victim and perpetrator lose considerable control over the outcome. These investigations can be just as damaging for the alleged victim as the alleged perpetrator.

If you are in this situation, don't talk to university representatives without your lawyer present. If criminal charges are filed against you, call a lawyer with experience working with college students, because even when sexual misconduct cases have been dropped in criminal court, Texas Tech students have been expelled.

Stalking, sexual harassment and assault, and any charges related to consent and sexual misconduct—including streaking and public urination—can and will follow you for life, and are virtually impossible to shake off or explain away.

If you are arrested off campus for any reason, contact an attorney *before* you talk to the school. Anything you say to administrators or at your hearing can and will be used against you in a criminal case.

Don't talk to the dean—talk to your lawyer. This way you can start making smart, strategic decisions to protect your rights and your future.

What Campus Carry Means for Texas Tech Students

New laws are put into place all the time, which is why it is so beneficial to have the most up to date information on what can affect you as a student at Texas Tech.

One new law, casually referred to as “Campus Carry,” in effect as of August 1, 2016, now legalizes the carrying of a licensed concealed weapon by faculty, staff, and even students, on any public university campus in Texas. So, if you are in possession of a carry license, you can keep a concealed handgun on your person in all designated spaces, including most classrooms, and legally store it in your campus housing without fear of reprisal.

This also means that the backpack that’s casually tossed onto the chair or floor next to you may contain a concealed firearm.

For reasons of public safety, the university has designated certain on-campus locations where the carrying of such firearms is not permitted, under any circumstances. you need to know when and where it is—and is not—permissible to carry a concealed handgun.

On campus

The university will post signs marking any and all places where firearms are prohibited.

These places include:

- the recreation center
- the chapel
- certain research labs
- select campus housing
- all sporting events
- counseling and patient care service locations
- camps and activities that include the participation of minors
- any event where alcohol is served

Specific residence halls have been designated for students with carry permits, such as Carpenter Wells, Murray, Talkington, and West Village, and gun safes kept in those rooms are now permitted.

If you are a student who possesses a permit to carry a concealed handgun, it is imperative that you respect the gun-free zones that the university designates. But that's not where the risk, or your responsibility, ends.

Even if you are legally permitted to carry a handgun, you are banned, without exception, from carrying it anywhere on campus where alcohol is served.

You also need to know what the law states if you're off campus and carrying a concealed weapon.

Off campus

According to Texas state law, you are permitted to carry a firearm on your person or in your vehicle, as long as you are legally licensed to carry one, it is concealed, and you are not engaging in any criminal activity. However, this permission does not extend to any place where more than half the income generated is through the sale or service of alcoholic beverages for on-premises consumption. (So, you can carry it on your person in a liquor store, but not into a bar or nightclub, for example.)

You are also not permitted to carry a weapon onto any premises where a school or professional sports event is being held, any governmental meeting, polling, or an election is taking place, in an amusement park, correctional facility, or in a temple, church, synagogue or any other place of worship. The same goes for a hospital or nursing home (unless you have written authorization to do so), any secured area of an airport, and a number of other specified, marked locations.

Even private property owners can lawfully exclude you from carrying a concealed firearm on their premises if they post a sign with legally approved wording. So, if you are found on someone's property with a gun and they've posted a sign banning guns, you face serious legal consequences. And, as with any off-campus crime, if you commit it and get caught, it's fairly certain that Texas Tech is going to find out about it. And they're not going to like it. And you're not going to like it if you receive an email naming you as a respondent in an investigation.

It goes without saying that carrying a handgun, concealed or otherwise, when committing any illegal act is going to exacerbate any charges you may face, both off and on campus. However, this extends to intoxication as well. If you

are stopped when in possession of a concealed handgun and the officer judges you to be intoxicated, you may not only face jail but also the likelihood of losing your carry permit—for good.

Remember, intoxication does not just extend to alcohol or illegal drug consumption. Intoxication is defined as not having the normal use of your physical or mental faculties due to any substance you have ingested, smoked, or introduced in any manner. That means that even if the substance is a legal drug that you possess a legitimate prescription for, if the officer feels your faculties are impaired and you're found carrying a gun for which you have a legal carry permit, you're in serious trouble. Losing your carry permit will be the least of your worries.

Whether your problems originated off campus or on, don't go off half-cocked and try to handle the situation on your own. You need to protect both your rights and your future. And only a skilled criminal defense lawyer will target your best interests above all else.

Call us at 800-456-STEVE and we'll advise you on what to do, from start to finish.

What to Do First If Investigated or Arrested

Maybe it's your first time, or maybe not. Either way, the time to start making strategic decisions is right away if you want to ensure the best possible outcome.

We've said it before, but that's because it merits repeating: beginning with your very first interaction with security or law enforcement, be polite but tell the officers that you intend to exercise your Constitutional rights, starting with remaining silent.

In the case of police officers, they are trained in techniques to trick people into waiving their rights. The best way to avoid that is to not engage. Unlike you, police are allowed to lie and do it regularly as a standard interrogation technique. If you're caught lying, however, that's punishable.

The police are not your friends. They have a job to do and they're intent on doing it. Sometimes police will pull you over simply because they have a quota to meet, not because they spotted anything wrong. Did you know that a police officer earns more when they arrest someone for DWI? That is incentive to stop you, ticket you, search you, arrest you, and charge you.

If that happens to you, don't permit them to manipulate you into waiving your Constitutional rights. Protect yourself.

Know your rights and know that it cannot worsen your situation if you insist upon them.

Your legal rights always apply

Whether campus security catches you with a beer in your hand or bangs on your door when they think they smell weed in the hallway, or the police stop you in your vehicle or outside an off-campus bar, your rights apply and you need to politely insist on them. They are:

- the right to refuse to be searched when there is no probable cause to do so
- the right to remain silent and refuse to answer questions
- the right to retain an attorney to represent you

Let's look at each of these rights.

Refuse consent to searches

By law, everyone has the right to be free from unreasonable search and seizure. Even in the dorms, campus security cannot enter or search your room without probable cause. So unless you left your door wide open and a security officer or RA spots drugs on your desk from the hallway or sees smoke wafting from your doorway that smells like pot, it's difficult to prove probable cause exists to enter without your permission.

If they do and there is no probable cause, your attorney should waste no time arguing how the search was illegal and

how anything found as a result of this illegal search cannot be used as evidence against you.

Be smart. Don't invite them in, even if you can't think of anything that might look incriminating, and don't let them search your dorm without a proper warrant in hand that you have first carefully read. Just because an officer has a warrant does not mean they have carte blanche to look everywhere and anywhere. Read the warrant and make sure their search is limited strictly to what is listed in the warrant.

If they have no warrant, but they insist and search your room anyway, we use that breach of your rights to get all related evidence tossed out.

If you're in a house off campus and law enforcement tries to search your house, ask politely to see the warrant first. If there's no warrant, you are not required to let them in. When they ask if they can come in to talk to you, say "No, thank you," and quietly but firmly close the door. Even if you have nothing to hide, don't let them in.

The protection against unreasonable searches and seizure extends beyond your living space. If you are stopped in your vehicle, or on foot, you don't have to consent to searches. Even if you have nothing to hide, search of your person is invasive, and search of your vehicle can take hours. And if they damage your property, the police department is under no obligation to compensate you for it. You'll likely have to pay for it yourself.

If the officer claims innocent people have nothing to hide and that you only appear guilty if you refuse, don't fall for it. We would argue, for example, that roommates and friends ride in or may even drive your car on occasion, and so there is no

way to know whether they left something that rolled under the seat, something you're completely oblivious to.

If it's been a while since you cleaned your car, there could be an empty beer can or baggie on the floor, or a joint stuck in the backseat, that you didn't realize was there, which can lead to criminal charges being filed against you. An empty baggie can dump a Paraphernalia charge on you, on top of Possession.

Without probable cause, a police officer cannot legally search your car. In some cases, invoking this right can result in your arrest, but it doesn't mean the arrest will hold up. Oftentimes, the officer is just bluffing. Either way, don't let them rattle you.

You are under no obligation to prove your innocence to law enforcement by consenting to a voluntary search of your home, your car, or your person. If they insist, don't resist, but do state explicitly that you refuse to agree to it.

Remain silent

If campus security wants to talk to you for any reason, you have the right to remain silent. If you are stopped by law enforcement, on or off campus, you have the right to remain silent.

Your only obligation is to honestly identify yourself, if asked, and to provide vehicle registration and proof of insurance if you are behind the wheel at the time of the stop.

That's it. You don't have to say how much you've had to drink, you don't need to say whose weed was found in your dorm or vehicle, you don't need to confirm or deny whose prescription drug is in your desk or even your pocket.

On campus, you don't have to talk to the Student Code of Conduct investigating officer. And we caution you not to, as anything you say can and will be used against you, not just in the student code of conduct hearing but in any criminal case.

The more you say, in a vain attempt to protest your innocence, the harder it will be to prove your case later on. Even if you tell the truth to an officer, convinced to cannot incriminate you, there's no way to guarantee that what the arresting officer writes down in the report will mirror your words. They already suspect you and it's human nature to filter what you hear, whether it's intended or not.

As soon as you speak, your words are no longer your own. You lose control over your testimony and it will be that much harder for your lawyer to address what you said on record. When you are anxious to convince the officer of your innocence, you're that much more likely to look guilty. Take a breath and count to 10 before you say anything. And then don't say anything. The last thing you want to do is give the opposing team a peek at your playbook.

The same goes if you're arrested, booked, and put in holding—don't talk to the other prisoners about your charges, your situation, your night, or your bad luck. If you've been charged with DWI or Public Intoxication, for example, and someone was injured in the incident, don't tell a cellmate how badly you feel about it. Jails are full of snitches, and police officers are permitted to promise detainees a deal in exchange for information, even though that's a lie. The police have no power to negotiate deals. The only entity authorized to make legally binding deals is the District Attorney's office. A deal offered by police is worthless and unenforceable.

So, if a police officer promises you amnesty, don't believe it's real. If a police officer says you will be released if you just confess, don't believe that either.

Remain silent, except when speaking to your attorney. You'll be grateful you did.

Consult an attorney

You have the right to be represented by a competent attorney, on and off campus, and to refuse to answer any questions without your attorney present. Don't bury your head in the sand, and don't wait until you've actually been arrested, if you already know there's a problem. And never attend a Student Code of Conduct Process hearing without your lawyer at your side.

If you find out there's a complaint filed against you, call a criminal defense attorney immediately. If you discover a search or arrest warrant has been issued with your name on it, call an attorney. If you're wanted for questioning—either by local law enforcement or regarding a Code of Conduct complaint—call an attorney first, before you speak to anyone else.

Even if they assure you that you're not a suspect, you may become one later if you inadvertently incriminate yourself. By then, it will be too late to take your words back.

What Not to Do

When you're under arrest, charged with a crime, or a complaint has been made against you to the Student Conduct Office, it's equally important to be aware of what NOT to do, not just at the time of arrest but afterward.

Actions you normally might not think twice about—like posting pictures on social media from your night out—can come back to haunt you when the prosecution triumphantly brandishes them as evidence of your guilt.

Copping an attitude with campus administrators is also never a good idea. And doing it with law enforcement can get you stuck in a holding cell for days, or get charges against you enhanced.

If you do find yourself in jail, we implore you not to talk to other prisoners about your situation. Other prisoners are willing to do anything to improve their own position, including ratting you out, effectively blindsiding you.

Don't go it alone

Assuming that you can talk your way out of a complaint or charge at a hearing is invariably a fatal mistake. For example, these hearings are frequently recorded, something we at Texas Criminal Defense Group fight against happening when we represent students. That's because, if recorded, anything you say can be used against you in a court of law, should criminal charges be filed later on, and you can bet it will be. In some cases, the Student Conduct Office will even voluntarily alert

the police and give them the recording. While this doesn't happen very often, it has happened. The way to prevent this is to ensure you have a lawyer who will insist that your hearing not be recorded.

Another caution: Don't try to make an end run and blow off the hearing altogether. Being a no-show doesn't mean they can't still find you guilty, and can result in the school withholding your transcript and any financial aid, and that's just for starters.

Our advice is to block and tackle—block by refusing to admit to anything, and tackle by retaining a skilled attorney with campus experience to fight on your behalf.

Check your attitude at the door

No one likes being confronted by security or law enforcement, and no one wants to find themselves in jail. When you're under arrest, especially if your rights have been violated in the process, it's natural to be upset, frustrated, and scared. It's natural to want to lash out.

Don't do it. Don't mouth off to security, your arresting officer, the booking officer, or any other officer. Invoke your rights and stand by them, but don't cop an attitude. Getting snarky or aggressive with law enforcement is a surefire way to escalate your situation, and can lead to personal injury, mistreatment by the police and jailers, more time in jail, and enhanced or added charges.

You don't want to find yourself facing an added charge of assaulting an officer. You don't want an additional charge of resisting arrest.

Always be polite and cooperative, without waiving your rights. Remain silent, ask to speak to an attorney, and then politely refuse to discuss anything about your situation with anyone except your attorney.

Don't EVER provoke a police officer. It never ends well.

Stay off social media

When you're arrested, the last thing you want to do is complain about it online. Posting on social media about your arrest, your charges, or anything at all about your situation is a great way to fall into the trap of self-incrimination. Anything you post can and will be used against you. Any resulting discussion that shows up on your wall can and will be used against you.

Remove all pictures and discussions of you partying with your friends, don't complain about your charges or your night in jail for all the world to see, and don't solicit advice online from people who have been in your situation or ask online for help finding an attorney. Keep your case off the internet altogether. You can bet the Student Code of Conduct Officer will scrutinize your social media, and the District Attorney's office will too.

If you have photos of yourself or the people around you doing illegal things—from trespassing to underage drinking and drug use—take them down. NOW! If your friends have pictures of you drinking on the night of your DWI arrest, request that they take them down immediately. Anything that indicates you were doing anything to violate Texas Tech's Student Code of Conduct, or state or federal law, needs to stay off social media.

That extends to expressing remorse, especially if someone was hurt in the incident that led to your charges.

In cases of MIC (consumption of alcohol when you're a minor), some Texas Tech students end up hospitalized for alcohol poisoning. Don't post about your "crazy" night. Don't post about blacking out. Don't post about the party you were at beforehand. You abandon the right to remain silent if you willingly incriminate yourself on the internet.

Be smart, protect your rights, and do everything possible to make it easy for your lawyer to make the winning play instead of the other side.

Hearing Decisions & Appeals

If the hearing officer or university discipline committee has found you “not responsible,” you will undoubtedly feel relieved, perhaps even euphoric. While this is unquestionably a good thing, we must caution you: don’t start celebrating quite yet.

Don’t crow about the outcome on Facebook. Don’t spout about how you’re off the hook. Why? Because you’re not—not necessarily. If the complainant is not happy with the outcome, they may choose to file criminal charges against you if the violation was criminal in nature and no prior charges have been filed.

Your lawyer will advise you on how to best proceed (and protect yourself) after a “not responsible” finding is handed down and the charge dismissed.

Being found “responsible”

If the decision goes against you and you are judged to be “responsible,” this decision becomes a part of your permanent school record, which can negatively impact post-graduate school applications. Certain professions even have ethical rules precluding admission to anyone having committed certain infractions. In addition, you face sanctions regarding enrollment status, academics, housing, and financial aid, depending on the type of infraction committed.

For example, if you were found to have committed plagiarism, sanctions would likely be primarily academic in nature, affecting your grade point average. On the other hand, violations like smoking or vandalism in the dorms might have housing consequences. Expulsion from campus housing can have a devastating impact on your enrollment status if you are unable to find affordable housing elsewhere.

For more serious infractions, a deferred suspension or expulsion may result. A suspension could cause you to lose your grace period to repay federal loans, necessitating that you start to pay them off before you graduate. You may have to take a job and even reduce your course load as a result, pushing off your graduation date.

Outright expulsion could prevent your admission to any other university, including blocking your access to scholarships, financial aid, and/or loans. Expulsions also show up on standard background checks and can prevent you from obtaining quality employment and even renting a decent apartment.

If your sanctions include loss of financial aid, you may find yourself having to withdraw from Texas Tech for financial reasons, even if you have not been asked to leave.

If the respondent is a student organization, such as a club, fraternity, or sorority, sanctions can include disciplinary or academic probation for members, required notifications, and disciplinary reprimand. Organizations can be disbanded or banned from campus if the infraction is serious or recurrent.

Any sanctions imposed remain on your school record for seven years.

If you are found “responsible” for any infraction, the best course of action is to appeal.

The appeal process

You have five (5) working days to submit a written petition for appeal, following a decision. However, you cannot appeal without grounds. That means you must prove that procedural or substantive errors occurred that impacted the outcome of your case, or that new evidence has been discovered that was unavailable at the time of your hearing, or that sanctions imposed against you are excessive and substantially beyond those imposed on other students found guilty of similar infractions.

Do you feel comfortable doing this without legal guidance? This is where having a lawyer with a detailed understanding of Texas Tech Student Code of Conduct can prove indispensable.

Expunction

If you were brought up on criminal charges for the same offense, your lawyer will ideally fight to have your arrest record expunged. If successful, Texas Tech must expunge your school record as well. This means no one will be able to see the arrest, the charge, or the Student Code of Conduct Process on your police or school records.

Notably, this required expunction of your record applies whether or not Texas Tech found you responsible for the violation, because even a finding of “not responsible” otherwise remains on your school record and can color any potential you have for success following graduation.

How to Choose an Attorney

Not every lawyer is the right fit for every case. You can't effect a strategic criminal defense if your lawyer handles divorces, or real estate closings, knows nothing about how campus proceedings work, or is a general practitioner, with no specialized area or training. The same goes for an attorney who's a one-person firm—their attention is divided among too many tasks and clients to give your case the focus it needs.

A criminal defense attorney who has a track record representing college students, particularly Texas Tech students, is the lawyer you want. They have extensive experience with, and knowledge of, Texas criminal law. Criminal law is nuanced and constantly changing. Only a firm that specializes has the insight and up to date experience you need to defend your case.

A firm that works with Texas Tech students understands the nuances of the Student Code of Conduct process. Administrative trends change, new precedents are set, and particular Code of Conduct violations tend to carry certain sanctions.

If your punishment does not fit the alleged crime, your attorney should recognize this, as that is grounds for appeal. If students in your situation are typically treated differently than you have been, your lawyer should know this and flag it. And if you, and all Texas Tech students charged with similar violations, are treated unjustly as a rule, you want your

lawyer to be able to make a case against this. Your attorney must understand the Code of Conduct Process at Texas Tech inside out, and how it affects any criminal case.

We do.

Specialized training

If you face a drug- or alcohol-related charge or complaint, you need a lawyer who is trained not just to evaluate any drug or alcohol test, but the skill of the technician who performs it, what equipment is used, and how to interpret the raw data, in case the interpretation provided is flawed.

A lot can go wrong. The lab may not be up to standard. The instruments used may not be correctly calibrated. The database used to reference chemical compounds may not be accurate. There are so many facets to scientific testing that go uncontested because a student hires the wrong attorney. Hire the right attorney, one who specializes in criminal law, works with Texas Tech students, and has the necessary scientific training and certifications needed for this kind of defense.

Don't be shy. A solid attorney is more than happy to present to you their qualifications, track record, proof of their standing in the legal community, achievements, honors, certifications and specialties, and references from past clients.

Guns Up for Your Future

Congratulations. You now possess a strong grasp of what lies ahead as a Texas Tech student if you ever find yourself under arrest or subject to a Student Code of Conduct complaint.

You know your rights, and know they are valid and enforceable whether you are on campus or off. You know now that Texas state law doesn't end where the campus begins, and how important it is not to give into the impulse to argue your innocence, because it is more likely to get you into trouble than out.

You know you are entitled to have an attorney represent you at any disciplinary hearing, no matter what any campus official might claim, even if no criminal investigation is imminent.

Always exercise your rights. The Constitution grants us these rights specifically so we cannot be abused or taken advantage of.

The Student Code of Conduct Process was developed with good intentions, to educate students about their rights and responsibilities as citizens of the Texas Tech campus community.

Regrettably, the very people who developed this process, and the people appointed as investigators, hearing officers, and committee members, are unaware of the magnitude of the implications of this process as they apply to criminal law. If

you face charges, or risk facing charges in the future, as the result of alleged misconduct, you cannot afford to assume that these people are there to help you. Don't confide in them. Confide in an attorney who actually does have your best interests at heart, one who works regularly with Texas Tech students and understands the anatomy of the school's Student Code of Conduct. One like us.

About the Author

Author Stephen L. Hamilton is the founding partner and lead trial attorney at Texas Criminal Defense Group. Stephen has been awarded the highest possible AVVO rating (10) and his counsel is highly esteemed by his peers. Stephen also ranks among the fewer than 1% of practicing criminal attorneys across Texas who have demonstrated mastery of the law by achieving coveted board certification in criminal law by the Texas Board of Legal Specialization.



Stephen L. Hamilton

Stephen is trained under the National Highway Safety Administration (NHTSA) guidelines to administer the Standardized Field Sobriety Tests (SFST) and subsequently completed training as an instructor. He also completed the training as a breath test operator of the Intoxilyzer 5000 breath test machine and is a certified breath test instructor and maintenance technician of the unit. He has attended the Robert F. Borkenstein course on Alcohol and Highway Safety: Testing, Research and Litigation taught at Indiana University, the same course that Texas prosecutors' Intoxilyzer experts attend. In addition, Stephen has completed the Blood Testing Gas

Chromatograph training in Chicago, and is skilled in the operation and use of the machine that Texas uses to test a person's blood for alcohol and or drugs. Stephen has also completed the solid state drug testing class in Chicago, the training that lab techs in Texas undergo to test drugs, both illegal and legal. He is a founding member of the DUI Defense Lawyers Association and a member of the National College for DUI Defense, National Association of Criminal Defense Attorneys, the Texas Criminal Defense Lawyers Association, and several regional associations. He 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.

Texas Criminal Defense Group

At Texas Criminal Defense Group, we represent Texas Tech students both throughout the Student Code of Conduct process and in criminal court.

Our attorneys take specialized training courses to remain on the cutting edge of criminal law. We maintain superb AVVO ratings and are endorsed strongly by our peers. We strive to be the best at what we do, and we work with skilled private investigators who do the same.

If you're a Texas Tech student and you find yourself under arrest, facing criminal charges, or facing a Student Code of Conduct complaint, call us at 800-456-STEVE. We can help.

We are reachable twenty-four hours a day, seven days a week, every day of the year. Arrests aren't limited to the business week, Monday to Friday, nine to five, and neither are we. We are here whenever you need us.

For more information about our team, our firm, and our services, please visit our website at www.texascriminaldefensegroup.com.

FAQs

Q: I was arrested off-campus. Can I keep Texas Tech from finding out?

A: No, there is no way to guarantee that the university will not find out if you have been arrested or charged with a crime, and there is no way to prevent them from imposing a disciplinary hearing because of it.

Q: The school doesn't want bad publicity so it's in their best interest to keep anything I've done wrong under wraps, right?

A: Unfortunately, that's not necessarily the case. Although no school welcomes bad publicity, they also have a duty to their students, and the community at large, to investigate and potentially sanction you for any wrongdoings, and if they are criminal in nature, they can legally inform law enforcement who can then arrest you. And there is nothing to prevent someone who files a complaint against you on campus from going to police to file a criminal complaint, if appropriate.

Q: The investigating officer says that it'll be better for me if I simply admit what happened, in my own words, and that this should resolve everything. Is that true?

A: No. In fact, we urge our clients to avoid admitting to anything, no matter how innocuous or innocent it may seem at the time. Never go in blindly, assuming that the administrators have your best interests at heart or want to resolve things without anyone getting hurt. The

Constitution says you have the right to remain silent and not incriminate yourself in any way. That's because it's all too easy to blurt out something that can hurt you, and you can't take it back. Once you say anything, it becomes part of the permanent record.

Q: I've been told that I'm not permitted to have an attorney with me for Student Code of Conduct violation hearings, so what should I do?

A: That's incorrect. You ARE entitled to have an attorney, not just at criminal or other legal proceedings but also at any on-campus hearing. And you're entitled to one even if there's no possibility of a related criminal proceeding now or in the future. You are also entitled to have an attorney present whenever anyone attempts to question you about the situation and surrounding circumstances. Refusing to answer questions without a lawyer present cannot make your situation worse than it is—that's not allowed.

Q: What if campus security or my RA demands to search my dorm room? Do I have to let them in?

A: No, you have the right to refuse entry to any security or law enforcement official who does not have a warrant or probable cause to demand entry or search through your property. (This applies to your person and your vehicle, too.) Don't leave the door to your room open for anyone to peer inside if there's anything at all that might be suspect—even a simple tobacco pipe on your desk can be used as justification to search for drugs.

Q: Someone filed a complaint against me with the university and now the school wants to move me out of my dorm and prevent me from going to certain classes because the person who filed the complaint might bump into me. Is that legal?

A: The Student Code of Conduct Process states that it is designed to protect both parties, the alleged victim and the alleged perpetrator. Oftentimes, such protection can feel punitive, particularly if the investigation is still going on and no hearing has yet been held. An attorney who knows the ins and outs of the Code of Conduct can advise you on how to best approach and resolve such circumstances.

Q: I was caught drinking on campus and I'm under 21. Am I right in thinking that the campus is not a public place and so I can't face any criminal charges?

A: A college campus is considered to be a public place as much as any bar, restaurant, thoroughfare, parking lot, or any form of public transportation, so, no, you're not immune to criminal prosecution.

Q: If the hearing determines I'm not guilty, that I'm "not responsible," then I'm good to go, yes?

A: Not necessarily. First off, even a "not responsible" finding will stay on your record for seven years, and, second, if what you're accused of is criminal in nature (e.g., assault, possession of drugs—or even alcohol, if you're a minor), you could find yourself facing criminal charges in a court of law and even jail time. A lawyer skilled in Texas Tech's Student Code of Conduct is the best person to advise you as to what you should and shouldn't do, even when found "not responsible."

Q: If the university decides I'm guilty of what I've been accused of, can I be expelled? Can I ever get this off my record?

A: Expulsion typically only happens in the event of very serious charges. But even less serious charges can be a headache if they remain on your record, both before and after graduation. Your attorney can advise you on how to appeal any decision and, if there is a criminal case brought against you, fight to get your record expunged, so that it's not visible to the public. If the criminal record is expunged, then Texas Tech must expunge your school record as well.

For any Texas Tech student who finds themselves in trouble with the law in Texas, this book is a must-read!

Attorneys Texas Criminal Defense Group believe in empowering Texas Tech students to make the best decisions when confronted with potentially life-altering events caused by a criminal 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 criminal arrests in Texas and ***how to assemble the best defense possible.***

ABOUT THE AUTHOR



Attorney Stephen Hamilton is the founding partner and lead trial attorney at Texas Criminal Defense Group. 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 received 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.

"Stephen fights to win and cares about his clients. He is not afraid to go to trial and defend the rights of citizens. He has defended the worst of the worst and the best of the best, yet he puts his heart into every case." — Glen Neeley, Attorney, Ogden, UT

"Stephen Hamilton is a rare talent. As a board certified criminal law specialist, Steve's knowledge of the law places him in the top 1% of our profession." — Grant Scheiner, Criminal Defense Attorney, Houston, TX

"Mr. Hamilton is a proven winner. This trait is often underestimated in our society, but absolutely necessary in the courtroom. If you want to win the big one, are you going with a cut rate attorney or the best? When it counts, you better retain Stephen Hamilton." — Michael Wyssocki, Attorney in Dallas, TX

Published by Texas Criminal Defense Group
Copyright © 2025 Texas Criminal Defense Group
www.texascriminaldefensegroup.com

ISBN 978-1-943021-06-2 \$19.95
5 1995 >
9 781943 021062

