



Travis County DWI Guide

WHAT TO EXPECT WHEN CHARGED WITH MISDEMEANOR DWI

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How to Use the Guide

What this guide is and isn't.

This guide is specifically tailored for misdemeanor DWIs in Travis County. It is NOT meant as a substitute for hiring an attorney. It is not legal advice. While it is tailored for DWI misdemeanors in Travis County, each case is different. The expectations set by this guide may be very different than what will happen in your case. I highly recommend that you speak with an attorney as soon as possible after being charged with DWI.

Because each county is different, it is not meant as a guide in other counties. There will be some overlap, but each county's judges, juries and prosecutors have their own way of handling cases. It cannot be assumed that they handle it the same way as Travis County. Even in Travis County, customs will invariably change over time. This guide was created in December 2018, and will be updated periodically.

This is not meant as a guide for felony DWIs. In some cases, a DWI is charged as a felony (for example if there were children in the vehicle, or if you have previously been convicted of a DWI two or more times previously.) Felony DWIs are outside the scope of this guide.

What this guide IS intended to do is to give an idea as to what the entire process will be like. For many, a DWI is their first experience with the criminal justice system. Many have no idea what the expectations are. Hopefully, this guide will eliminate the mystery and alleviate some of the stress that is associated with the unknown. It is also

intended as an introduction to my law office, and the services that we can provide as your criminal defense attorney, should you decide to hire us. We are always a phone call away: 24/7 for jail release, or during business hours to set up a free consultation. 512-677-5003.

Jail Release

Of course, the first step after being arrested is the jail release. In many cases, misdemeanor DWI arrestees will qualify for a Personal Recognizance Bond and be released the next day. If that's the case for you, skip ahead to the next section. However, if you have a friend or loved currently in jail, then read on.

There are a number of ways an attorney can help speed a jail release. First, an attorney can "waive magistration" and get you released 2-6 hours sooner than you could without an attorney. Everyone who is arrested must go in front of a magistrate judge who will determine whether probable cause exists for the arrest, and in some cases, set bond. In Travis County, this will usually happen sometime the next morning. Everyone who was arrested overnight will be magistrate around the same time. By hiring an attorney, you can skip this magistration process and get out hours sooner. This can be essential if you need to be released to make it to work on time or attend to other responsibilities. Of course, it's always nice to get out of jail sooner, because every hour can feel like an eternity.

Second, not everyone automatically qualifies for a PR bond. Occasionally Pretrial Services does not OK a PR bond for a DWI misdemeanor. This could be due to a criminal history, the circumstances of the arrest, or an inability to verify references. In these cases, an attorney will help you get released days or weeks sooner than you would without representation.

We understand that every minute spent in custody is too long. If a friend or loved one has been arrested, call 512-677-5003 any time for a jail release. Messages left after business hours will be returned quickly. Any fees spent on jail release will be applied directly to attorney fees.

Driver's License

A DWI messes with your life in a lot of ways, and one big way is with your Driver's License. It can be confusing when trying to figure out what your options are, but most people are allowed to continue driving.

License Confiscation

If you refused or failed the breath test, it's likely that the police confiscated your driver's license. Many people think this means that their license is already suspended, but this is NOT the case. However, it will be suspended automatically, 40 days after your arrest, if you don't take action.

ALR Hearing

You have 15 days from your arrest to request an Administrative License Revocation Hearing (ALR hearing). This is a strict deadline and if you miss it, your license will be AUTOMATICALLY suspended after 40 days.

The ALR hearing is a civil matter that is separate, but related to the criminal charges. Your lawyer can request this hearing for you. If you do not have a lawyer, you can request your hearing below, and make sure to save the email confirmation you receive in case DPS loses your request.

https://www.dps.texas.gov/DriverLicense/customer_service/alr.aspx

Requesting an ALR hearing accomplishes three things.

- 1) You force the state to show probable cause for your DWI arrest. They also must prove that they read the statutory warning to you correctly, and that you actually did refuse or fail the breath test. If they cannot show both of these things, your license will not be suspended. In reality, these are usually easy for the state to show, but the ALR hearing is still worthwhile, for the reasons below.
- 2) You can subpoena and question the law enforcement officer who arrested you and conducted the DWI investigation. If the officer that conducted the initial stop is different from the officer conducting the DWI investigation, you can subpoena both officers. Questioning the officers is a form of discovery. You can pin down the officer to certain testimony and find out more about what happened from the officer's perspective. You can see how the officer performs under examination. The information you gather can sometimes help with pretrial motions or the trial phase of the criminal case.
- 3) You can buy yourself some time to sort out your driver's license. Most of us rely on our ability to drive in our daily life. If that right is going to be taken away, we need to plan for it. You can either make arrangements for other modes of transportation or acquire an Occupational License (discussed next). By requesting an ALR hearing, you buy yourself at least a month or two. Additionally, you are entitled to one continuance to set the hearing off for another month or so. This will give you the time you need to make other arrangements and prepare for an ODL if necessary.

The Occupational License (ODL)

If all goes as expected, your license will usually be suspended anyway. Once that happens, you can apply for an Occupational License, which looks and functions almost exactly like a regular drivers license, with a few exceptions. You can only drive in the counties you request, and you can only drive for a 12-hours per day (usually something like 8:00 AM to 8:00 PM, but this can be flexible.) You can only drive for certain purposes, such as work, household duties, church, etc. These reasons can be flexible as well, but can't usually extend those hours to 6th street late on a Friday night.

Do I qualify for an ODL?

To qualify, you cannot have had more than 2 ODLs over the past 10 years. Your license also cannot be suspended due to a medical reason that prevents you from driving. Most people charged with a DWI will qualify for an ODL. You can check whether you are eligible at the following website:

<https://txapps.texas.gov/txapp/txdps/dleligibility/login.do>

What do I need to do for my ODL?

You don't need an attorney to handle your ODL petition. However, if you have hired us to handle your DWI, we offer steep discounts for the ODL. You (or your attorney) will need to prepare the following documents when applying for your ODL:

Petition and proposed order

This is a petition that you file with the court. If you are charged with a DWI, it must be filed in the court where your DWI is pending (even though it is a civil matter it is filed in criminal court.)

Driving record (Type AR - \$20 fee)

You must order a certified abstract of your driving record. If you know your audit number, you can request this online. The audit number is a twenty digit number that runs either along the bottom or the photo side of your DL. The web address to order your license is:

<https://txapps.texas.gov/tolapp/txldrcdr/TXDPSLicenseeManager>

Most people don't know their audit number by heart. In that case, you can only order your drivers record by regular mail. It can take a few weeks, so it is best to order your driving record before your license is suspended. You can get the form to order your driving record here:

<http://www.dps.texas.gov/internetforms/Forms/DR-1.pdf>

SR-22

The SR-22 is a document provided by your insurance company. It simply confirms that you have valid liability insurance, but courts will not accept the standard proof of insurance that you keep in your glove box. It has to be an SR-22. Not all insurance companies provide an SR-22. Sometimes, you have to switch companies. Some insurance

companies also charge a small fee for providing you the document. You should contact your insurance carrier to find out their policy on providing this. Be aware that this inquiry can lead them to raise you rates.

Fees

You must pay the following fees for your ODL:

- 1) Filing fee with the court (\$272)
- 2) DPS Reinstatement fee (usually \$125, but can be more in some circumstances)
- 3) Certified Copies of the petition and order (approximately \$35)
- 4) ODL fee (\$20)
- 5) If you have outstanding surcharges, you **DO NOT** need to pay these before being granted your ODL

Although we handle ODLs for a flat fee of \$1,000 (including court fees), we offer a significant discount if you hire us for you DWI. Call 512-677-5003 to discuss your driver's license issues.

Conditions of Release

When you are released from jail after being arrested on DWI, you are “on bond”. Usually, this is a PR bond, and sometimes these bonds have conditions. When it comes to DWI, the most common conditions is an Ignition Interlock Device (IID), drug or alcohol classes through Travis County Counseling and Education Services (CES), and a MADD Victim Impact Panel. Of course you must also attend court settings as outlined below.

Court Dates

In Travis County, your court dates will be at the Blackwell-Thurman Justice Center. You will be assigned to one of the County Courts, and your case will be at the same court every time. Most courts open at 9:00 AM. You can look up your court dates at the following website:

<https://publiccourts.traviscountytexas.gov/dsa/#/>

If you don't have an attorney you will need to check in with the bailiff and be given permission before you leave. One big advantage of hiring an attorney early in the process is that your representative can handle your early court settings. In most Travis County courts, you will not need to attend your court date for the first 3-4 months if you have an attorney. During this time, your attorney will collect discovery (evidence) and begin discussions with the prosecutor.

Ignition Interlock Device (IID)

An IID is a device that is installed in your vehicle where you must “blow clean” to drive (that is – have no alcohol on your breath). It's not always required for first-time DWIs, but a judge may order an IID as a pretrial condition if the facts of your case are bad (high BAC, accident, etc.). A judge will always order an IID for a second DWI (when there has been a previous conviction).

You will have a certain number of days to install the IID (usually 21 days, but this can be changed by the judge), and you must set up an appointment with one of the local vendors that are certified to install the IID. Although the costs differ slightly between vendors, the IID will have an installation fee of around \$100, along with a monthly fee of about \$65. You are also required to “calibrate” your device once a month. Calibration means you take your vehicle to the vendor and they check for violations.

The device can occasionally cause problems once installed in your vehicle. It will sometimes drain your car battery. It can also give false positives if you have used mouthwash recently, or in some other circumstances. If you get a false positive, it is a good idea to try again in a few minutes. However, you will not be able to start your car before to blow “clean”. If you have several violations, a Pretrial Officer might apply to revoke your bond.

IID alternatives – PAM and SCRAM

PAM (Portable Alcohol Monitoring Device)

A PAM is a small handheld device that you must blow clean samples into at certain times of the day. This is usually only available if the defendant signs an affidavit promising not to drive any vehicle. For several reasons, I only recommend PAM when an IID is not an option.

First, PAM is more expensive than an IID. Second, the IID is more forgiving because if you “slip up” and have alcohol, just don’t get behind the wheel and you’re ok. Third, it tends to lead to more violations due to simply forgetting to blow on-schedule. So for those reasons, I always recommend an IID. But sometimes, that option is not open, so PAM becomes necessary.

SCRAM (Secure Continuous Remote Alcohol Monitoring)

In extreme cases, judges will sometimes order SCRAM. SCRAM is the most intrusive and expensive option, so it’s to be avoided if at all possible. A SCRAM device is an ankle bracelet that takes an alcohol reading from the evaporation on your skin. It costs approximately \$360 per month. It can also cause skin irritation and can be unwieldy. It has to stay on at all times – when you go to work and to sleep and shower. Judges will usually only order SCRAM on felony DWIs, or after multiple violations on IID. If a SCRAM device is ordered, it can often be removed if you remain violation-free for 90 days or so.

Classes – CES and MADD VIP

Travis County Counseling and Education Services (CES)

Website: <https://www.traviscountytexas.gov/counseling-education/classes/alcohol>

Travis CES provides a variety of classes for those charged with a crime. For DWI's, the typical classes are an 8-hour class for B misdemeanors or a 15-hour class for A misdemeanors. These are in-person classes that you can schedule for yourself, usually in the evenings. Unfortunately, internet classes are not usually available. These classes are usually a part of any plea deal with the prosecutor, and if you do receive a conviction, it is necessary to take a DWI class to get your license back. So in short, it's tough to get around these classes if you've been arrested for DWI.

The MADD Victim Impact Panel

<https://www.maddvip.org/listing/blackwell-thurman-criminal-justice-center/>

The Mothers Against Drunk Driving VIP is a forum where people who have been affected by a drunk driver share their stories. Previous clients have told me that it's been a worthwhile experience. Travis County puts on Victim Impact Panels twice a month at the courthouse. You can see the upcoming schedule and get information on when to arrive and how to pay the fee at the website above. Like the DWI classes, the MADD VIP is likely to be a part of any plea arrangement even if not required as a pretrial condition.

Discovery and Plea Negotiations

In DWI cases, the discovery usually consists of three main components. The Offense Report, the Dashcam video, and Blood or breath analysis. The combination of these elements will have a lot to say about whether a case is strong or weak for the prosecution.

The Offense Report

This report prepared by the arresting officer will have a narrative of what occurred from the officer's prospective. This will include the initial stop, the DWI investigation and any other pertinent details. The Offense Report is usually written in such a way as to support the prosecution. It is important to cross-check the veracity of this report with the other evidence in the case, such as the dashcam video

Dashcam Video

This video is the single most important piece of evidence in most DWI cases. The video will usually begin a few seconds to minutes before the stop and will continue through the DWI investigation and arrest.

It will be shown to the jury in all trials, so when watching the videos, it's important to imagine what the average person would think when watching it. Does the person seem drunk? Are they rude? Do they have trouble keeping balance? Are they slurring their speech? How was their driving? Did they swerve between lanes? Did they lead the police on a little chase before pulling over?

And this works both ways. Does the dashcam show the traffic violation that caused the stop to be initiated? Was the officer rude in conducting the investigation? Does the officer's report exaggerate the clues from the Field Sobriety test? The answers to these questions, in totality, will help shape your case and help you determine whether it is a strong or weak case for the prosecutor.

Blood Alcohol Test (Breath or Blood)

The officer on scene conducting the DWI investigation will request that you blow into a breathalyzer. If you have had any alcohol that day, you should not blow, even if you feel you are not drunk. Most people don't realize that .08 is a very low bar. Additionally,

the test might not be accurate. For example, if you just finished a drink, the test could show a BAC above .08 because of the alcohol in your mouth, rather than the amount in your blood stream.

If you refuse, you might still be arrested. The Officer might decide to approach a judge for a blood draw warrant. If they do this, a phlebotomist will draw your blood in a room at the jail. A sample of the blood will be sent to the lab and tested. This process takes months.

Sometimes, either due to lack of resources or laziness, the officers will not request a warrant, and will not get a blood sample even when a breathalyzer was refused. In these cases, prosecutors must rely on the dashcam video and officer's testimony alone. These cases are typically better for defendants, and prosecutors are more likely to offer a good plea.

Miscellaneous

Other evidence comes into play in some cases. Sometimes there is a 911 call describing a driver was swerving all across the road. Maybe there is damage on the car that seems like it came from a fresh accident. Perhaps there are receipts showing the purchase of alcohol earlier in the night. Every case is different, so there may be additional evidence that doesn't fit into the above categories, but still does have a bearing on your DWI case. The totality of discovery determines the strength of the case, which in turn has a direct effect on the next section, which is plea negotiations.

Plea Negotiations

Statistically speaking, most DWI's end in a plea. Plea negotiations in misdemeanor cases are shockingly similar to used car negotiations. It's not a perfect system as far as fairness is concerned, but it's what we have. DWI's are very common in Travis County and the plea negotiations tend to follow a pattern, which I will outline below.

At one of the first settings, the prosecutor will give an initial offer – usually probation with fine and community service. The term of the probation and fine will depend on the severity of the DWI and the strength of the prosecutor's case. Sometimes, the prosecutor will also ask for a DL suspension and/or an IID for some or all of probation.

This offer is usually made before the prosecutor has really looked into the case. If there are mitigating factors in the dashcam video, I will ask the prosecutor to watch (they usually haven't seen it). Sometimes this will get them to reduce the plea offer.

After an initial round of negotiations, we can sometimes get an acceptable offer (I will get more into what an acceptable offer actually is later). If the offer is not very good, we move to the next step. If there are any pretrial issues such as a suppression motion, I will file it now and set it for a hearing. If there do not seem to be any issues, then I can set it for trial. Keep in mind that when we set these things in motion, we can continue negotiating. Often the offers get better and better. Rarely does an offer get pulled from the table even when the prosecutors threaten to do so.

Negotiations can and do continue until the day of trial. Often our best offer will not come until the trial date, so it is often to the defendant's advantage to push it to that point and be prepared to go to trial if it becomes necessary.

Pretrial Hearings and Jury Trial

Pretrial Hearings

If there is an issue regarding the stop or the way that the investigation was conducted, we can request a pretrial hearing. At this hearing, the defendant must be present. If there was no search warrant (there usually isn't in DWI cases), the Prosecutor is responsible for ensuring that the officer is present. Sometimes, if there is a legitimate issue that may or may not go our way, we can use this as leverage before the hearing to get a better plea offer.

Jury Trial

Only the person charged can decide whether to accept a plea offer or push ahead for trial. Often my clients deal with a substantial amount of anxiety thinking about going to trial. It's understandable because the jury trial represents the unknown.

However, in many ways, their anxiety is not warranted for one important reason: Often, **there's not much risk**. At the end of the day, the punishments for DWIs found guilty at jury trial are similar to the offers of prosecutors. In other words, prosecutors are often offering you the maximum you would get at trial.

If you decide to take the case to trial, it will work something like this. We will be set on the trial docket with a number of other misdemeanor cases. The prosecutor and defendant must "announce ready". This means we have our witnesses and evidence prepared. If the State is not ready, they must ask the judge for a continuance. Usually the judge will grant one or two, but if the State asks for an increasing number of continuances, the judge may throw out the case entirely.

Typically, even if both parties are ready, we will still need to wait a few settings because the judge will select older cases to take to trial first. There is no hard and fast rule, but most misdemeanor cases will not go to trial until they have been pending for a year or so.

Once your case is selected for trial, we will get a chance to select a jury in a process known as voir dire. During this time, both we and the State can ask questions of potential jurors and strike certain jurors that we feel could not be unbiased or would not be on our side for any reason. At the end of voir dire, 6 jurors are chosen to serve. Their verdict must be unanimous for you to be found guilty.

After voir dire and opening statements, the State presents its case. Usually this is going to consist of the officer's testimony, dash cam video, and whatever evidence they have. If they choose to admit BAC test results, they must put experts on the stand who

can explain the science behind the test, and who can assure that it was performed correctly in the present case.

Following that, we would put on any witnesses that we bring. The defendant can testify as well, but as a rule of thumb, it's often best to exercise your right to remain silent. When defense rests, there are closing statements, and the jury is read a jury charge. They will then deliberate and come to a verdict. If found guilty, we then move to the punishment phase. The defendant can apply for probation, and for first-time DWI's probation is often the result. In a lot of cases, the probation term given by a judge or jury is equal or less than the prosecutor's offer.

At the end of the day, few DWI's make it to trial. When deciding whether to take a case to trial, always listen to the benefits and risks of your options, and make a decision that you are comfortable with.

Potential Consequences and Penalties

The maximum penalties on misdemeanor DWI's are as follows:

Class B DWI's are punishable by a fine of up to \$2,000, 180 days in jail, or both.

Class A DWI's are punishable by a fine of up to \$4,000 and/or 1 year of jail time.

A DWI is "enhanced" to a class A misdemeanor if there is a previous DWI conviction, or if the BAC is above .15. However, the above numbers are maximum penalties. Rarely/never do the penalties approach these maximums. For Class A DWI's there is a required minimum jail time (3-30 days) even if you go with probation.

At the most basic level, DWI consequences can be divided into time, money, and criminal record. The consequences to your criminal record will be discussed in section VIII.

Time

The burdens on your time can be in the form of jail time, community service hours, or classes. Misdemeanor jail time in Travis County is calculated on a 2-for-1 or even 3-for-1 basis. What this means for you is that each day you spend in jail counts 2 or 3 times for your sentence. 3-for-1 is awarded for "trustee" status, which is given if you are eligible to perform certain jobs within the jail. You're also awarded credit for any time you already spent in jail following your arrest. Although my clients typically want to avoid jail at all costs, sometimes a 1 or 2 day jail stint can avoid a lengthy probation.

Community Service Restitution (CSR) can be served at any non-religious non-profit, but it is always best to get approval from the court or run it by your attorney before choosing where to serve your CSR. It is also extremely important to document your hours and maintain your records well. If you lose your documentation, you might have to serve your hours again.

For many misdemeanors, prosecutors will request that you take certain classes as part of your punishment. These classes can be 8-45 hours long. It can be beneficial to take these classes early, because a prosecutor might take this into account when offering a plea. Sometimes taking classes early can even lead to a dismissal for cases that are especially weak.

Money

There's no two ways about it; an arrest hits you in the pocketbook. Attorney fees, fines, court costs, restitution, pretrial conditions and probation all cost money. A good attorney will help you keep these to a minimum. Even though attorney fees seem expensive, it's important to also consider the amount a good attorney will save you in costs later on. The financial costs of a DWI are broken down further in section IX.

Outcomes

If you prefer to take a plea, you will often have multiple options from the prosecutor. Below I will go into some of these possibilities, which are not exhaustive. They will not be available in every case.

Straight Dismissal

This is, of course, the best outcome. If the prosecutor sees a problem with the case like lack of probable cause or lack of evidence, they may decide to dismiss. Dismissal might also come after a hearing on a motion to suppress evidence. If the judge decides that a critical piece of evidence is not allowed at trial, prosecutors may decide to dismiss rather than put on a case they are likely to lose. In this case, the arrest can be expunged.

Deferred Prosecution

This is not set out in any statute, and is instead an arrangement with prosecutors. Under a Deferred Prosecution agreement, you admit guilt in a document that you give to the prosecutor. In exchange, the prosecutor dismisses the charges.

You now must follow certain conditions as part of the agreement. The most common condition is that you must not be charged with a new crime for a period of time (usually 4-12 months). Sometimes Community Service Hours and/or classes are also ordered. Once you complete the requirements, your case is over. It was already dismissed and now can be expunged. Deferred Prosecution is usually a good option because your criminal record can be kept clear and the requirements aren't usually too difficult. There is no formal probation. The downside is that if you do pick up a new arrest, the prosecutor can use your admission of guilt to convict you.

Pretrial Diversion (PTD)

For defendants who don't have much criminal history, PTD can be an option. This is a formal program put on by the court. If you are accepted into the program, your case is "put on hold". After completing the program, which consists of monthly fees, CSR, Classes, and sometimes other requirements like drug tests (Urine analyses or UAs), your case is formally dismissed by the court. This only rarely an option in DWIs in Travis County.

Probation/Deferred Adjudication

With both probation and deferred adjudication, you will be on formal probation. This means that you will have to report to a Probation Officer (PO), pay probation fees (about \$60 per month), perform CSR, take classes, and obey various other conditions depending on your charge.

Additionally, you might need to spend time in jail as a condition of probation (ACOP). Importantly, days spent ACOP are not softened with the 2-for-1 rule mentioned earlier. Instead, these are served “day-for-day”. If you receive 10 days ACOP, you will serve all 10 days, but you do get credit for time already served. Another wrinkle that is specific to DWI probation is that, by law, it cannot be terminated early.

The only difference with a deferred adjudication as opposed to probation is that you do not receive a conviction. However, the benefit of deferred adjudication is somewhat limited because an expunction is not available. You can seal the record with an order of non-disclosure, but the arrest remains on your record. This will be discussed in more detail later.

Obstructing a Roadway Conviction

A conviction on Obstructing a Roadway can be a compromise in certain cases. This has the benefit of avoiding a DWI conviction, which can be extremely important in some cases. Also, you avoid thousands in surcharges. Finally, unlike DWI probation, I have successfully terminated probation early for many clients. In some cases, accepting a conviction on an obstruction will limit your ability to get an order of non-disclosure, so if that is important for you, be sure to discuss it with your attorney.

Conviction with Jail Time

Although many clients shy away from a jail sentence, it can sometimes be a good option to escape a lengthy probation with its fees and conditions. Sometimes the jail sentence can be as short as one night in jail, which is basically a check-in and check-out. Although everything is on a case by case basis, for some clients, a short jail stay makes sense.

Criminal History

Anatomy of a Criminal Record

A criminal record consists of 3 parts: the arrest, time spent in custody, and the disposition. As soon as you are arrested, the arrest and jail time (if any) is shown on your history. The disposition will appear only after the case concludes. An expunction or order of non-disclosure is available only if your cases are disposed in certain ways.

Expunction

An expunction means that your criminal record is literally destroyed. No one should be able to find it, and you are legally permitted to deny that the arrest ever existed. It does not happen automatically. You must petition the court. I charge \$1,000 flat fee for an expunction, which breaks down into about \$400 court costs and \$600 in attorney fees.

There is a waiting period for the duration of the statute of limitations. However, the prosecutor will waive this waiting period in some cases. An expunction is available only when there is a dismissal. Because Pretrial Diversion and Deferred Prosecution both result in a dismissal, expunction is available for these results as well.

Order of Non-disclosure (Sealing)

An order of non-disclosure is not nearly as good as an expunction. Although your criminal history is sealed from public view, law enforcement, court clerks, and prosecutorial agencies will still have access to the records. Still, it can be beneficial for some to seal these records from public view.

An order of non-disclosure is available following a successful completion of deferred adjudication, and in limited cases after a conviction. You might be required to maintain an IID to be eligible for an order of non-disclosure, so you may need to weigh the cost/benefits of keeping your record clean vs. the inconvenience and cost of the IID.

Financial Impact of a DWI

The financial impact of a DWI can vary based on a number of factors. For example, you may not be required to install an IID. Or, you may get a reduction to Obstructing a Roadway that would eliminate surcharges. There may be intangible factors as well, such as missed work time. However, the following list will give you an idea of the costs.

Attorney fees:	\$2500
PR Bond fee:	\$40
CES/MADD Panel	\$115
Fine	\$400
Court Costs	\$350
IID (6 months)	\$490
Probation fees (1 year)	\$780
Occupational License	\$600
Surcharges	\$2,000
Total:	\$7,275

The \$7,275 figure is an estimate and the actual figure can be much more or much less. Also, keep in mind that while attorney fees are the highest figure on that list, a good attorney will save you money in other ways. In my cases, I am able to negotiate a lower fine, and/or waive court costs. In many cases, here are ways to get the surcharges knocked down to zero. At the end of the day, a DWI is expensive, there are no two ways about it. However, a good attorney will actually lessen, not increase the cost, and limit your exposure to other penalties as well.

Helpful Websites and Contact Info

My contact info:

The Law Office of Rob Chesnutt

<https://www.ATXCriminalDefense.com>

7000 North MoPac Expy, Suite 200, Austin, Texas 78731

Phone: 512-677-5003

Email: Rob@ATXCriminalDefense.com

Blackwell-Thurman Criminal Justice Center

509 West 11th Street

Austin, Texas 78701

(512) 854-9244

<https://www.traviscountytexas.gov/courts/criminal>

Look Up Upcoming Court Dates:

<https://publiccourts.traviscountytexas.gov/dsa/-/>

Request an ALR Hearing:

https://www.dps.texas.gov/DriverLicense/customer_service/alr.aspx

Pretrial Services:

Located on the first floor of the Blackwell-Thurman Justice Center

<https://www.traviscountytexas.gov/tccjs/pretrial/contact>

512-854-9381

Travis County CES:

<https://www.traviscountytx.gov/counseling-education>

1010 Lavaca (2nd floor)
Austin, TX 78701

(512) 854-9540

Second Location:

5501 Airport Blvd., #102
Austin, TX, 78751

(512) 854-9540

MADD VIP Info:

<https://www.maddvip.org/listing/blackwell-thurman-criminal-justice-center/>

Smart Start (IID vendor):

<https://www.smartstartinc.com/>

Sober Link (PAM and SCRAM vendor):

<https://www.soberlink.com/>

Adult Probation:

<https://www.traviscountytx.gov/tccjs/adult-probation/>

411 W. 13th St.
Austin, TX 78701
Room 722

512-854-4600

CCA – County Court Admin

Located on first floor of the Blackwell-Thurman Justice Center

(512) 854-9244

Travis County Courts:

CC3 – Honorable John Lipscombe

5th Floor

(512) 854-9243

CC4 – Honorable Mike Denton

3rd Floor

(512) 854-9896

CC5 – Honorable Nancy Hoengarten

4th Floor

(512) 854-9676

CC6 – Honorable Brandy Mueller

4th Floor

(512) 854-9677

CC7 – Honorable Elizabeth Earle

6th Floor

(512) 854-9679

CC8 – Honorable Carlos Barrera

5th Floor

(512) 854-7180

CC9 – Honorable Kim Williams

6th Floor

(512) 854-8460

Texas DWI Code:

<https://statutes.capitol.texas.gov/Docs/PE/htm/PE.49.htm>

ODL Eligibility and Reinstatement Fees:

<https://txapps.texas.gov/txapp/txdps/dleligibility/login.do>

Texas Driver Responsibility Surcharge Program:

<https://www.txsurchargeonline.com/>

UT Expunction Project (pro bono expunctions for those who qualify):

<https://law.utexas.edu/probono/projects/special-projects/texas-law-expunction-project/>

About the Author

Rob Chesnutt is an impassioned criminal defense attorney based in Austin, Texas. Since opening his practice in 2014, he has opted to focus on criminal defense, providing personalized, thorough representation for hundreds of clients facing a tough moment in their lives. Rob takes pride not only in achieving the best possible results, but also in explaining the process in a way that takes away the mystery and relieves stress for his clients.

He received his Juris Doctorate from Loyola University, graduating Cum Laude. He was a member of law review and the Stuart H. Smith criminal defense clinic. Before that, he was born and raised in Texas, and received his undergraduate degree from Texas A&M. Rob lives in South Austin, is married, and is the proud father of a four year old daughter.

Rob believes that it is the sacred duty of the criminal defense lawyer to give a voice to those who might not be able to speak for themselves in a court of law. He values communication with clients, listens to their concerns, and always keeps them informed of new developments in their case. If you hire Rob, you can be assured of maximum effort in advocating for your side.

Based in Austin, Rob serves Travis, Williamson, and surrounding counties.

Speak with Rob about your case for free: 512-677-5003