



THIESSEN
LAW FIRM

A Citizen's Guide to

Beating a DWI in Texas

MARK RYAN THIESSEN

Criminal Defense Lawyer, Houston, TX

(713) 864-9000

mark@thetexastrialattorney.com

www.thetexastrialattorney.com



Table of Contents

Introduction	1
About Mark Thiessen	1
Part I: Getting a DWI	
Chapter 1: How to Handle Getting Pulled Over	3
Chapter 2: What to Do When You Are Arrested for DWI	5
Chapter 3: What to Expect When You're Arrested	6
Part II: Navigating DWI Law	
Chapter 4: DUI vs. DWI—Know the Difference!	9
Chapter 5: Blood tests vs. Breath Tests	10
Chapter 6: Felony vs. Misdemeanor DWI	13
Chapter 7: Winning A DWI Trial	14
Chapter 8: Trust the Pros- Don't Represent Yourself in a DWI Case	15
Part III: The Aftermath	
Chapter 9: Can My DWI Be Expunged?	18
Conclusion	20
DWI Glossary	21

Introduction

There are a lot of myths, lies, and misunderstandings out there about DWIs. If you or a loved one was recently charged with DWI or DUI, chances are you feel like you have more questions than options. Our goal with this book is to help you find answers to your most pressing questions so you can get back to living your life.

There's no getting around it, the criminal justice system is a scary thing to navigate. But, with the right information and the right legal allies, you can get through it. To help make things easier, we've broken down the DWI process from your initial traffic stop, all the way to fighting your charges in court. By the end of this short eBook, you'll feel more knowledgeable about your situation and will be better prepared to make the right decisions moving forward.

About Mark Thiessen

Mark Thiessen is a renowned criminal defense attorney from Houston, TX. A winner of the prestigious Super Lawyer® award from Thomas Reuters, Mark has a perfect 10/10 score from the AVVO and has beaten both blood and breath tests in court. As an ACS-CHAL lawyer-scientist, Mark has an in-depth knowledge of the science and technology behind intoxication analysis, and uses this unique knowledge to persuade juries and win cases.

GOD BLESS AMERICA,
Mark Thiessen



KNOW YOUR RIGHTS

Don't give in to police pressure.
Practice your right to say "no,"
but be polite about it!

THE RIGHT TO REMAIN

SILENT



You'll have to show your license and registration,
but you can plead the Fifth for the rest of it.

THE RIGHT TO REFUSE A

SEARCH



You can say no to a search. Legally, it can't be used as an
admission of guilt. If the cops get a warrant, read it to
make sure they really do have permission to search with it!

THE RIGHT TO

LEAVE



Once the officer is done speaking with
you and you have received consent to
leave, you are free to go.

THE RIGHT TO AN

ATTORNEY



If you're under arrest, you have the right to
hire a lawyer to defend you.

Part I: Getting a DWI





Chapter 1: How to Handle Getting Pulled Over

In 2015, there were almost 100,000 DWI arrests in Texas. Nearly half of those arrested complied with blood sample testing. Many of those drivers would have been able to avoid a blood test had they known the rules of engagement and how to best avoid receiving a DWI.

If you do find yourself on the road after a few drinks, and you see those red and blue lights flashing in your rearview mirror, there are several things you can do that just might save you from getting a DWI.

Provide Driver's License and Proof of Insurance: This may seem like common sense, but many drivers are silly enough to drive around without their license or proof of insurance handy. The officer has a right to ask for these items, so have them on you and hand them over without argument.

Don't Be a Jerk: Being pulled over on the side of the road is neither the time nor the place to start arguing with police. After all, having a bad attitude will only increase your chances of landing in the slammer. Being respectful to the officer will go a long way regarding his or her decision of whether or not to test your sobriety.

3 Rights You Can Exercise When You Get Pulled Over

Don't Answer Any Questions: You can reserve the right to remain silent. A police officer may ask you questions like, "Have you been drinking tonight?" Answering that question can be the start of a bad night, because anything you say can and will be used against you. If the officer becomes belligerent or demanding, request a lawyer. Simply tell the officer: "I choose to invoke my right to remain silent and request an attorney."

Avoid Sobriety Tests: Too often, drivers suspected of being intoxicated serve up charges on a silver platter by agreeing to take a field sobriety test, which include difficult balancing acts and visual tests. Even if you haven't had a drop to drink, you might still fail these tests and should always avoid taking them! Recently, I spoke to a class of high school seniors at 10:00 a.m. and not one student was able to pass the standard field sobriety tests. Were they all intoxicated? No. The tests are simply designed for your failure.

Also, if offered a preliminary, portable breath test, you can and should refuse. The portable breath test given in the field is so inaccurate that its results aren't even considered forensically acceptable!

Refuse Blood Draws: When an officer requests a blood sample, simply refuse. It is within your rights to refuse this request. However, even if you refuse, the police can get a warrant to take your blood. If this happens, do not fight the blood draw or you could be charged with obstructing a police investigation or resisting arrest.

Every citizen has the right to refuse these requests. You are not breaking the law by refusing them, even though they are put to you by an officer of the law. When refusing to comply with these requests, remember to remain calm and respectful.

If the cops won't play nice, request an attorney and remain silent!



- 

Pull over to a place where traffic won't be disrupted.
- 

Be polite, speak only when spoken to.
- 

Turn on your lights, roll down your windows, and keep your hands in plain sight.
- 

Always have your license and registration on hand.

**ABOVE ALL, BE
RESPECTFUL!**



Chapter 2: What to Do When You Are Arrested for DWI

Just because you follow our advice and refuse testing doesn't mean you will be able to avoid taking a trip downtown. While refusing tests and invoking your rights during your stop will make life easier later, police can still arrest you on suspicion of DWI.

After being handcuffed and read your rights, you will be transported to a police station. Remember, you have the legal right to an attorney, as well as the right to remain silent. Contacting an attorney should be your first priority if you are arrested for DWI.

Your arrest for suspicion of DWI will become an arrest for DWI if you refuse a breath or blood test to determine the level of alcohol in your body. In Texas, the penalty for refusing a blood or breath test for your first DWI arrest could be a 180-day suspension of your driver's license. Taking and failing the breath or blood test could result in a 90-day license suspension. However, you can and should request a hearing on your license suspension, which is called an Administrative License Revocation (ALR) hearing.

Many police officers fail to appear at these hearings after being properly subpoenaed and therefore clients never lose their privilege to drive. More often than not, we can save your privilege to drive at an ALR hearing.

This doesn't mean that you should just go ahead and take the tests. Refuse for as long as possible.

What to Do If Your License Is Suspended

Within 48 hours of your arrest, you will be brought before a "neutral and detached magistrate" (not necessarily a judge, but an attorney or retired judge) who will decide if there was probable cause for your arrest. Once again, you will be read your rights and informed of the charges against you. If probable cause is determined, bail will be set, which, when paid, allows you to be released from custody while your case is pending.

In an attempt to suspend your license, you will receive a temporary driving permit good for 41 days. You'll have 15 days from the date of arrest to contest the suspension. This is where remaining calm and refusing tests can pay off.



In order to save your license, you will need to request an “Administrative License Revocation” (ALR) hearing. At that hearing, the state must prove three things in order to successfully revoke your license:

- ☒ 1. That the officer had reasonable suspicion to pull you over. This means speeding, weaving in and out of your lane, slurred speech, bloodshot eyes, or any other common symptom of intoxication.
- ☒ 2. That the officer had probable cause to arrest you for suspicion of DWI.
- ☒ 3. That you either agreed to a blood/breath test with results at .08 or higher, or that you definitively refused testing altogether.

If the state only has one of the three points to lean on, and you have quality legal defense in your corner, **your odds of keeping your license are greatly improved.**

Chapter 3: What to Expect When You’re Arrested

Before you can regain your license and freedom by fighting your charges, you might have to make it through a night in jail first.

Remain calm. While the entire process is downright unpleasant, a trip to jail doesn’t have to be the end of the world. Just follow these simple, step-by-step tips to protect your rights and make it through the night.

Keeping Your Cool When You’re Getting Arrested

By the time you’re handcuffed in the back of a squad car, your police encounter has definitively gone south. No matter how unfair the arrest is or how rude the cop is acting, this is not the time to put up any kind of fight, either verbally or physically. When a cop tells you that “anything you say or do can and will be used against you,” they mean it. So instead of making excuses, arguing, or incriminating yourself, refuse to answer questions and play the quiet game until you get to jail. Your lawyer (and maybe even your wallet) will thank you later.



What to Say During Booking

This part is crucial. As you're processed into the jail, you will be asked a number of routine questions about your health and psychological state. **Do NOT lie** when answering any of these questions, thinking you'll receive a Get out of Jail Free card. Claiming to be either suicidal or physically/mentally ill when you really aren't will only make your situation worse.

Making the Most of Your Phone Time

Like most things you see in movies and TV shows, the "you've got one phone call" line is more or less a myth. While you are entitled to a lawyer (a right you should take full advantage of), you are not necessarily entitled to use the phone at all. Most county jails treat phone use as a privilege that can either be rewarded or taken away based on your behavior. So if you don't get put in front of a phone right away, remain calm. Request a lawyer whenever an officer tries to ask you questions, and when you do get to use the phone, make sure it counts. If you don't know your lawyer's phone number, call whoever can provide you with the widest range of help, from someone who can contact a bail bondsman/lawyer, to someone who can look after your pets until you get home.

Why You Shouldn't Enter a Plea Without Speaking to Your Lawyer

Before you can be released from custody, you will be required to face a magistrate, and have your charges explained to you. This process is known as **arraignment**. While you are allowed to have a lawyer present for this process, it is NOT entirely necessary. Instead, request that you wait for an attorney before entering your plea. That way, you and your attorney can determine the best course of action with fewer complications.

Avoid the Food (If Possible)

Just about anyone will tell you that **jail food is disgusting**. The part they leave out, however, is that the bathrooms are typically out in the open. If you find yourself getting sick, you'll be doing so in front of the entire jail, which isn't exactly something angry prisoners will find endearing. If you know you'll be out of jail sooner rather than later, it may be in your best interest to skip out on the food as much as you can.

Just Relax

As bad as jail may be, the best thing you can do for yourself is to keep your cool. By staying calm, being non-combative, and remaining patient, your trip to jail won't have to amount to much more than a lousy, expensive weekend. Nothing about this will be pleasant, but as long as you don't do anything to add to your troubles while you're still in jail, you'll get through it just fine.

Part II: Navigating DWI Law





Chapter 4: DUI vs. DWI—Know the Difference!

DUI (Driving Under the Influence) and DWI (Driving While Intoxicated) might sound like the same thing, however, these two charges are very different.

Zero Tolerance and DUI

In Texas, it is illegal for a person under the age of 21 to drink alcohol altogether. This “zero tolerance” law extends to any underage person operating a vehicle with any detectable amount of alcohol in his or her system. So if you’re under the age of 21 and you get pulled over, you can still be charged with a DUI, even if your BAC is only .01.

What confuses many people is that the term “under the influence” implies that you are totally intoxicated. In the case of an underage driver who has consumed alcohol before getting behind the wheel, it doesn’t matter whether or not their driving was reckless or otherwise impaired.

Driving While Intoxicated

Regardless of your age, if you get caught driving with a blood alcohol content of 0.08 or above (for commercial drivers, the BAC limit is 0.04 percent) or the officer thinks you have lost the normal use of your mental or physical faculties due to the introduction of alcohol, drugs, or a combination thereof; the arresting officer can charge you with a DWI. Keep in mind, an underage driver who is intoxicated can also be charged with a DWI, which carries far more severe penalties than a DUI. Only minors between the ages of 17 and 21 can be arrested on these heavier charges. Those between ages 10 and 16 are detained until they’re scheduled to see a magistrate.

To help you make sense of all this, we’ve included a couple of scenarios to paint a clearer picture.

Scenario #1

You’re 20 years old, watching football at home with a couple of buddies. The three of you share a six-pack of beer you managed to purchase at a nearby grocery store without having to show identification. You only drink one beer.

At halftime, you and your buddies get into the car, with you behind the wheel. Unfortunately, you fail to stop at a stop sign, and police car lights fill up your rearview. A bit panicked, you end up bumping the curb before coming to a halt. The officer asks you to take a breath test, which you agree to do. The test shows your BAC (blood alcohol content) at just .02.



Since it is illegal for a minor to drive with any detectable amount of alcohol in his or her system, you would be charged with a DUI (a class C misdemeanor) in this scenario, and receive the following penalties:

First Offense DUI

- 60-day driver's license suspension
- Required attendance at an alcohol awareness class
- 20 to 40 hours of community service and/or up to \$500 fine

Scenario #2

Our next scenario uses the same story as above, but you're 21 and your BAC is just barely over the legal limit at .081. This qualifies as a DWI and comes with more severe penalties, including:

First Offense DWI

- 90- to 365-day driver's license suspension
- Up to \$2,000 fine
- 3 to 180 days of jail time

Chapter 5: Blood tests vs. Breath Tests

Driving around town, you may see signs that say, "Do Not Blow!" or, "Blow, Don't Bleed!" Naturally, your next question might be, "Well, which one is it?"

When pulled over under suspicion of DWI, deciding whether to take a blood test or a breathalyzer test is one of the most crucial calls you will have to make. Know the details of both tests and **make the right call the next time you get pulled over.**

Refuse Any Roadside Tests

Unless you know for a fact you are sober, and you are not being pulled over during a "no-refusal" weekend, never consent to a roadside BAC (blood alcohol content) analysis. While your refusal will be held against you, receiving a DWI charge is far worse (and more expensive). These roadside field sobriety tests are designed for failure. Politely ask for an attorney and refuse any coordination exercises until your attorney gets there.

You can also demand an attorney and wait to be tested at the station. Once at the station, you will also be presented with the following options for breath or blood testing:



The Intoxilyzer 5000

The Intoxilyzer 5000 is the most commonly used breathalyzer system in the State of Texas. While its name might make it sound like something out of a bad science fiction movie, in reality, the Intoxilyzer 5000 is extremely outdated—it uses the same microprocessor as the old Atari video game system! In fact, most states have long since upgraded their breath-testing equipment for (slightly) more accurate results.

Using the Intoxilyzer 5000 may seem simple enough, but its mechanics are extremely complicated. It utilizes the theory of infrared absorption, analyzing the behavior of light molecules after a suspect blows into the device. In theory, the infrared light will cause any detectable alcohol molecules to vibrate, which the machine then analyzes to determine a BAC score. However, this approach is highly susceptible to errors. For starters, the Intoxilyzer 5000 falsely identifies common breath components as alcohol, and operates under the HUGE assumption that everyone being tested has the same blood to breath ratio.

While these errors can result in false positives, they also make the results easier to fight in court.

Blood Draws

Your only alternative to taking a breath test is to consent to a blood draw. Not only is this a much more unpleasant and painful process, the results are usually harder to fight and relied upon as accurate more often by a jury. Blood draws skip the middleman (your breath) and go right to the source to directly calculate your BAC. However, this method does come with its share of issues.

Blood tests can be rendered inaccurate and inadmissible if improperly handled. Also, blood tests are extremely time sensitive and require a certain level of immediacy to be truly accurate. However, unlike the issues with the breathalyzer, these risks of inaccuracy can only make your charges harder to fight.

Even with the strong risk of mishandling, juries are much more likely to believe the results of a blood test than the results of a breath test, which is why cops and prosecutors tend to prefer this method. While as few as five percent of lawyers can beat a breath test, that number drops all the way down to one percent for blood draws. Those are not the kind of odds you want to be facing in court.

BREATH OR BLOOD?

BREATH. BUT HERE'S HOW.

STEP 1

Refuse any roadside or portable breath tests.

STEP 2

Agree to take the breath test down at the station instead.

STEP 3

Once at the station, you can either submit to a breath test, or wait for a warrant and face a blood draw.

The Intoxilyzer 5000 breath test machine is
easier to beat than blood tests.



THIESSEN LAW FIRM



Chapter 6: Felony vs. Misdemeanor DWI

Not all DWIs are created equally. While never to be taken lightly, the legal severity of your charges can vary drastically depending on whether or not you're being charged with a felony or misdemeanor DWI. Several factors influence this distinction. Knowing where you stand can make a huge difference when it's time to fight your charges.

Misdemeanor DWI

In Texas, whether or not your DWI counts as a felony mostly depends on your criminal background, specifically, whether or not you've received other DWI charges. In general, your first DWI will be classified as a class A misdemeanor. Class A is the highest possible level of misdemeanor, and while punishment rarely goes past probation, it is far from a walk in the park. Unless your charges are dismissed or drastically reduced, your first DWI will earn you:

- A fine of up to \$2,000
- Up to 72 hours in county jail (with a mandatory six-day confinement period if an open container was also present)*
- Mandatory community service ranging anywhere between 24 to 100 hours
- A strict, 1-2 year(s) probation, which may require you to attend a series of alcohol/DWI education courses, maintain employment and place of residence, abstain from alcohol, and pay a monthly probation fee, in addition to routine check-ins with an assigned probation officer

A second DWI charge is still a class A misdemeanor, but the punishments are far less flexible. Unlike your first DWI, getting out of county jail will require more than just bail money and an arraignment. In the State of Texas, a second DWI charge requires the court ordered installation of a deep lung air device on your car as a condition of your release. This device will require that you blow a .00 BAC each time you attempt to start your car. If you think you'll be able to have your buddy blow for you, there's no such luck. New technology has made these devices user-sensitive so that they can tell when someone else is blowing on your behalf. Other increased punishments include:

- A fine of up to \$4,000
- No less than 80 hours of community service
- Potential driver's license suspension for no less than 180 days

*If you aren't intoxicated at the time of the stop, possession of an open container of alcohol is a class C misdemeanor, punishable by no more than a ticket/fine.



Felony DWI

As bad as a misdemeanor DWI is, felony DWI is considerably worse (we're talking prison time). When it comes to DWIs, Texas adheres to a three strikes philosophy, and hands **third-time DWI suspects** a steep third-degree felony charge. If convicted, you face some harsh punishments, including:

- A fine of up to \$15,000
- A minimum two-year jail sentence
- Mandatory installation of a deep lung air device as a condition of bond
- No less than 160 hours of community service
- Driver's license suspension for no less than 180 days

Frequency isn't the only factor that distinguishes felony and misdemeanor DWIs. If your DWI results in injury or death of another person, it is instantly categorized as a felony and labeled either intoxication assault or intoxication manslaughter, third- and second-degree felonies respectively. While either of these scenarios are bad news for all involved, intoxication assault requires that the victim sustain "serious bodily injury," which is legally defined as any injury causing risk of death or protracted loss/impairment of a bodily function.

Chapter 7: Winning A DWI Trial

Just because most attorneys can't beat blood or breath tests in court doesn't mean that it can't be done.

In order to win your DWI trial, your lawyer will need the following items from the police:

Offense report – The offense report is the report the arresting officer writes describing the arrest. Your lawyer will go through the report with you to determine the reasonable suspicion for why you were pulled over and analyze whether that reason is legal. Then, your lawyer will examine the probable cause (if any exists) for your arrest, which includes any Standard Field Sobriety Tests (SFSTs) performed. Lastly, your lawyer should examine whether you have any medical conditions that could have affected your performance.

Video – If you were arrested on camera, the arresting officer must produce the video tape. The video allows your lawyer to view your arrest and discuss with you the pros and cons of your performance. In most cases, the jury will see the video. If there is no video, your lawyer should subpoena the arresting officer's vehicle maintenance records to discover why there isn't.



Breath Test Score and Blood Test Results – Only about five percent of defense attorneys can win a breath test trial and only about one percent can win a trial when a blood test is admitted as evidence. If a breath test score is admitted as evidence at your DWI trial, you need an attorney who can explain to the jury all of the issues with the specific Intoxilyzer machine, many of which are outdated and in need of replacement. If your case is relying on the results of a blood test, you will need a lawyer who is well-versed in the science of gas chromatography, and can hold the labs and handlers to the highest level of scrutiny, using quantifiable facts and figures.

Using Reasonable Doubt to Your Advantage

The State of Texas has the burden of proving you were intoxicated at the time of driving, Beyond a Reasonable Doubt. In other words, the jury needs to feel 99.9% positive that you were guilty of driving drunk. In court, this means introducing reasonable doubt to a jury and exposing the reasonable doubt that already exists in the facts.

That standard for removing reasonable doubt must be met by the prosecution's evidence, and prove that nothing else can be derived from that evidence, except that you had committed a DWI. Any reasonable doubt amounts to NOT PROVEN beyond a reasonable doubt = NOT GUILTY.

Chapter 8: Trust the Pros — Don't Represent Yourself in a DWI Case

Sometimes being cheap isn't the right way to go—especially when your livelihood is at stake. If you're facing DWI charges, choosing to represent yourself in court because you think it'll cut costs won't work. Any money you might save in lawyer's fees will almost certainly be matched, maybe even doubled, by the fines and costs associated with your conviction and probation. Even if you're enlisting the help of a public defender, you're still depriving yourself of the well-rounded proficiency that only an attorney can provide. Without skilled, experienced representation in your corner, a guilty verdict is practically inevitable.

Why Self Representation Is a Mistake

Whether through your own guilty plea or a decision handed down by judge or jury, self-representation in a DWI case practically guarantees your conviction. There are several reasons for this.

Education - When it comes to something as complex as criminal defense, raw intelligence and thorough research simply aren't enough. Understanding the intricacies of the American legal system requires years of education—something you simply don't have the time to do on your own before your case.



Familiarity - Most seasoned attorneys will be extremely familiar with the prosecutors, judges, and even the officers involved in your case. While the law isn't exactly flexible, knowing whom you're dealing with and what they will and won't respond to is critical to courtroom success.

Time - As hard as you can work for your own case, a team of dedicated professionals is able to work just that much harder. Attorneys who understand the system inside and out have access to more knowledge and resources, which not only makes your case more compelling, it also streamlines the process, since they know where to go for research.

Experience - No matter how much you've taught yourself about the law, nothing can prepare you for the courtroom like first-hand experience. Even the simplest errors in etiquette, protocol, and terminology can chip away at your case. You also place yourself at risk of an arrest for contempt of court.

Scientific Preparation

When it comes to DWI cases, not all attorneys are created equal. The technological and biological factors at play in a DWI case require a scientifically-minded defense. A lawyer-scientist is well-versed in anatomy, physiology, toxicology, computer science, physics, and biology, allowing him or her to break down each and every element of your case in a way that neither you nor a public defender could. Whether it's poorly-maintained police equipment or interference from a medical condition, lawyer-scientists are trained to look at your case from the widest variety of angles.

Part III: The Aftermath





Chapter 9: Can My DWI Be Expunged?

When it comes to expunging a DWI in the State of Texas, there's bad news and good news. The bad news is that a DWI conviction can never be expunged from your criminal record in the State of Texas. The good news? Depending on the specifics of your case, you may have options for expunging your record after a DWI arrest.

Here's what you need to know when it comes to expunging a DWI in Texas, so you can finally move on with your life.

So How Do I Qualify for A DWI Expunction?

While a DWI conviction can never be expunged, the arrest, charges, and other types of verdicts can be erased, if your case meets certain conditions.

The most pressing of these conditions is whether or not your DWI arrest results in any type of final conviction. Even if your attorney argues your case down to a lesser charge (e.g. reckless driving), a conviction after a DWI arrest makes expunging any charges impossible in the State of Texas.

You can still pursue expunction for your DWI charges under one of the following conditions:

Your case was dismissed - If the judge dismisses your case altogether, your charges and arrest are eligible for expunction, since they did not result in a final conviction. The notion of "final conviction" also applies to reduced and/or shifted charges. For instance, if your attorney is able to reduce your charges down to a class C traffic violation, and you subsequently fulfill dismissal requirements for those charges, the original DWI arrest may then be eligible for expunction. However, any conviction for "reduced" charges, such as obstruction of a highway or reckless driving, will render your DWI ineligible for expunction. This also applies to any final conviction as the result of a plea deal.

A not-guilty verdict - If you fight your case and receive a not-guilty verdict in a court of law, your charges and arrest may be eligible for expunction.

You were arrested as a minor - If your first and only DWI offense occurred when you were a minor, and you successfully fulfilled all subsequent court orders, your charges may be eligible for expunction as an adult

Your case was deferred - According to Texas law, a judge may issue first-time offenders a deferred adjudication probation, in which the accused completes probation in the absence of a conviction. If you successfully complete your probation, you may also be eligible for petition of non-disclosure, which seals your record and prevents it from being released by public agencies.

Conclusion

It should go without saying that the best way to avoid a DWI is to avoid drinking and driving altogether. Ubers and Taxis are your friends, and having a designated driver on hand is even better. However, even with the best-laid intentions, bad things can happen to good people.

Getting arrested on suspicion of DWI is definitely bad news, but it doesn't have to ruin your life. DWI charges can be fought, and, most importantly, **they can be won.**

There are two very important factors in winning a DWI case:

- Avoiding Roadside Sobriety Tests
- Hiring The Right Attorney

By this point, you should definitely know the ins and outs of avoiding testing, but picking the right lawyer is a different challenge altogether.

THANKS,
Mark





DWI Glossary

BAC – BAC stands for blood alcohol concentration or blood alcohol content. BAC is what breathalyzers and blood tests are supposed to analyze to determine your intoxication levels. A BAC of .08 is the legal standard for intoxication.

Bail – The amount of money needed to be temporarily released from jail until your court date. The amount you will have to pay usually depends on the severity of the crime and how many times you have been charged in the past. If you are able to pay your bail in full, it will be refunded to you after you successfully show up for court.

NOTE: Paying bail does not get you out of future sentencing.

Bond – Bonds refer to bail money that is paid by bail bondsman to get you out of jail. Typically, you pay them 10% of the amount set by the state as a fee, and they front the rest. They receive the rest when you show up to court (and if you don't, they can use bounty hunters to capture you).

DUI – Not to be confused with DWI, Driving Under the Influence is a charge mostly given to minors in the State of Texas. These charges tend to come with far less severe punishments than DWI.

DWI – DWI stands for Driving While Intoxicated, and is the name of the charge given to anyone caught driving with a BAC over .08.

Field Sobriety Test – A test performed on the side of the road to gain probable cause for a breath analysis. These tests include (but are not limited to) walking in a straight line, holding a leg in the air, following a pen light with your eyes, and touching your nose with your arms spread out.

Felony – In America, crimes that are either severe or recurring are known as felonies. Felonies usually have much higher bails, and are more likely to result in jail time than a misdemeanor offense.

Intoxilyzer – This is the name of the breath test machine most commonly used in Texas.

Misdemeanor – Misdemeanors are usually minor crimes that are only punishable by fines, probation, or a very short stay in prison.

Open Container – The legal term used to describe any open alcohol container in your vehicle.

Probable Cause – The minimum level of evidence needed by police to test you or search your vehicle.



Memorize This Number

Only five percent of defense attorneys can beat a breath test score in court, and that number drops to one percent for blood analysis.

Mark Thiessen beats both, often.

If you're facing a DWI, your situation will only get worse the longer you wait to enlist professional help. Don't put your driver's license and your livelihood at risk.

Contact the Thiessen Law Firm at **713-864-9000** today.