

## **RECENT DWI WINS**

**Single Car Rollover, .13 breath and blood tests-DISMISSED.** Our client was involved in a single-car rollover. She failed all the field sobriety tests and then submitted a breath test which registered .13 (The limit in Texas is .08). She was transported to Brackenridge Hospital for injuries, where her blood alcohol concentration was confirmed to be .13. She called Buford & Gonzalez because she didn't want a DWI on her record. Although most lawyers would have advised her to throw in the towel, we fought the case and were ultimately able to get the DWI dismissed. Cause No. 07-220060

**Client drove car into ditch and thought he was in Abilene-NOT GUILTY.** Our client, a commercial truck driver, was in front of a police officer when his vehicle veered off the road into a ditch. Police discovered him unconscious at the wheel. Upon waking up, the police asked him if he knew where he was and he stated that he thought he was in "Abilene." (he was in Austin) His speech was heavily slurred, he admitted to consuming at least 5 whiskey drinks, and he performed terribly on the field sobriety tests. We took the case to trial and the verdict was NOT GUILTY. Thanks to our skill in court, our client still has his Commercial Driver's License. Cause No. 06-739297.

**Client failed field sobriety tests and was verbally abusive to officer-NOT GUILTY.** Our client, a recent college graduate, was stopped at 2:30 am in the University area for running a red light. He had problems maintaining his balance and had slurred speech. When the officer gave him the police field sobriety tests, he exhibited every sign of intoxication that the officer is trained to note. After being placed under arrest, he proceeded to berate the officer with curse words and insults all the way back to the station. The prosecutors refused to dismiss the case, so we proceeded to trial and our client was acquitted. Cause No. 08-211770.

**Client was on probation for a reduced DWI at the time of arrest and was arrested for DWI again-NOT GUILTY.** Our client, a young real estate agent, was on probation for a reduced DWI and was arrested for DWI again. She exhibited poor driving and failed all the field sobriety tests. Winning this case was critical, because a loss would have resulted in a probation revocation and jail time of up to 6 months. The prosecutors refused to dismiss the case, so we proceeded to trial and our client was acquitted. Her probation was not revoked. Cause No. 08-205957.

**Driving wrong way on one-way street, .10 breath test-DISMISSED.** Our client was stopped for traveling the wrong way on a one-way street. He performed horribly on the field sobriety tests and submitted a breath test which registered .10 (The limit in Texas is .08). This case was in Williamson County, which is much tougher than Travis County. After a long fight, we were able to convince the Williamson County prosecutors to dismiss the case. Cause No. 08-04028-2.

**Failed field sobriety tests, .15 breath test-DISMISSED.** Cause No. 08-216037  
**Failed field sobriety tests, .10 breath test-DISMISSED.** Cause No. 07-214627  
**Failed field sobriety tests, .10 breath test-DISMISSED.** Cause No. 95-445464  
**Failed field sobriety tests, .10 breath test-DISMISSED.** Cause No. 07-212004  
**Failed field sobriety tests, .08 breath test-DISMISSED.** Cause No. 08-212496  
**Failed field sobriety tests, .09 breath test-DISMISSED.** Cause No. 06-752540

See below for additional information on each of the above cases and other dismissals.<sup>1</sup>

<sup>1</sup> ABBREVIATIONS: CSR= Community Service Restitution Hours; F=Fine; CC=Court Costs (usually between \$200 and \$400); TCJ=Travis County Jail; Pro= Probation; All cases in Travis County unless otherwise indicated; (\*) denotes Williamson County.

## DWI WINS-CONTINUED

DISMISSAL DATE	OFFENSE DATE	CAUSE #	CASE DETAILS
1/28/2010	1/14/2009	09-200882	Reduced to Obstruction of a Passageway; 12 months pro + Counseling + 40 CSR + \$200 F + CC
9/9/09	8/29/08	08-216037	Reduced to Obstruction of a Passageway; 18 months pro + Counseling + 40 CSR + \$300 F + CC
9/22/09	1/16/09	09-200950	1 Year Deferred Prosecution, 30 CSR
8/3/09	10/22/08	08-219789	Reduced to Obstruction of a Passageway; 10 days work release (SWAP) + \$500 F + CC
9/29/09	6/26/08	08-211641	Reduced to Obstruction of a Passageway; 2 days in jail-time served + cc
10/2/09	5/18/08	08-209026	Reduced to Obstruction of a Passageway; 18 months pro + \$500 fine + 60 CSR + counseling + CC
9/1/09	5/17/08	08-208935	Reduced to Reckless Driving; 10 Days work release (SWAP) + CC
8/18/09	5/23/08	08-209326	Reduced to Obstruction of a Passageway; 18 months pro + \$200 f + 40 CSR + counseling + CC
6/30/09	1/30/08	08-201896	Counseling and dismissal
8/17/09	1/7/08	08-212429	2 years Deferred Prosecution, 40 CSR, Ignition Interlock for 1 year
8/3/09	7/25/08	08-213564	Reduced to Speeding ticket; \$200 fine + CC
7/16/09	11/10/08	08-220977	Reduced to public intoxication; \$200 fine + CC
8/27/09	8/21/08	90,971	(Hays Co.) Reduced to Obstruction of a Passageway; 20 days jail + CC
9/28/09	9/18/09	08-217384	14 months Deferred Prosecution; 30 CSR, Counseling
11/2/09	1/1/09	09-200024	2 years Deferred Prosecution; 30 CSR
8/18/09	1/3/09	09-401607	2 years Deferred Prosecution; counseling, 30 CSR
12/1/09	2/22/09	09-402235	Reduced to Obstruction of a Passageway; 18 months pro. + \$200 Fine + 60 CSR + counseling + CC
7/17/09	10/11/08	08-219012	Reduced to Obstruction of a Passageway; 2 yrs pro. + \$500 + counseling + 60 CSR + CC
4/27/2009	6/15/2008	08-04028-2*	Pretrial Diversion with Counseling and 40 CSR
4/8/2009	8/2/2008	08-214139	Reduced to Obstruction of a Passageway: 18 Mos. Pro.+Counseling+60 CSR+\$300F+CC
1/15/2009	12/2/2008	08-212496	2 years Deferred Prosecution+30 CSR+Counseling
4/1/2009	6/6/2008	08-210340	Reduced to Obstruction of a Passageway: 12 Mos. Pro.+Counseling+40 CSR+\$400F+CC
3/12/2009	5/25/2008	08-209528	2 years Deferred Prosecution+60 CSR+Counseling
2/27/2009	3/6/2008	08-204122	Reduced to Obstruction of a Passageway: 18 Mos. Pro.+Counseling+40 CSR+\$200F+CC
1/13/2009	2/17/2008	08-203008	Reduced to Obstruction of a Passageway: 18 Mos. Pro.+Counseling+30 CSR+\$200F+CC
3/3/2009	2/15/2008	08-202855	Reduced to Obstruction of a Passageway: 18 Mos. Pro.+Counseling+60 CSR+\$200F+CC
4/1/2009	5/16/2008	08-200019	Reduced to Reckless Driving: 12 Mos. Pro.+Counseling+40 CSR+\$200F+CC
11/10/2008	12/8/2007	07-223877	Reduced to Obstruction of a Passageway: 18 Mos. Pro.+Counseling+60 CSR+\$300F+CC
10/31/2008	11/4/2007	07-221966	18 Months Deferred Prosecution+30 CSR+Counseling
4/2/2009	1/16/2008	07-214627	Reduced to Obstruction of a Passageway: 10 Day Sentence-Travis County Jail, No Fine or CC
4/15/2008	6/18/2007	07-212004	Reduced to Obstruction of a Passageway: 2 Years Pro.+Counseling+100 CSR+\$300F+CC
11/10/2007	1/23/2009	07-206742	Reduced from Felony DWI to Class A Misdemeanor DWI: 2 Years Pro.+80 CSR+Counseling+CC
12/10/2008	9/9/1995	95-445464	Reduced to Obstruction of a Passageway: 15 Mos. Pro.+Counseling+60 CSR+\$300F+CC
3/10/2008	12/23/2006	06-755786	Reduced to Obstruction of a Passageway: 18 Mos. Pro.+Counseling+60 CSR+\$300F+CC
10/9/2008	12/15/2007	07-224343	Reduced to Obstructing passageway: 2 Yrs Def Pros + Counseling + CSR 60 hrs + \$200 fine + cc
10/21/2008	7/21/2008	08-214551	Reduced to Obstructing passageway: 18 mos Probation + Counseling + \$400 fine + cc
9/30/2008	10/5/2007	07-220060	Reduced to Obstructing passageway: 18 mos Probation + Counseling + CSR 40 hrs + \$200 fine + cc
9/29/2008	8/31/2007	07-7791-1*	Pretrial Diversion program
9/23/2008	1/24/2007	07-200788	Reduced to Class C Speeding: \$200 fine + cc
9/22/2008	2/1/2008	08-01129-1*	Reduced to Reckless Driving: 12 mos Probation + CSR 48 hrs + \$200 fine + cc
8/20/2008	4/21/2007	07-207369	Reduced to Obstructing passageway: 2 Yrs Def adj + Counseling + CSR 30 hrs + cc
6/27/2008	8/27/2007	07-217530	12 Mos Deferred Prosecution + Counseling + CSR 40 hrs
6/20/2008	6/22/2007	07-212250	Reduced to Obstructing passageway: 2 yrs probation + Counseling + CSR 60 hrs + \$300 fine + \$68 cc
6/10/2008	8/17/2007	07-216754	2 Yrs Deferred Prosecution + Counseling + CSR 80 hrs
6/10/2008	4/17/2007	07-4064-3*	Reduced to Obstructing passageway: \$200 fine + \$299 cc
5/21/2008	10/5/2007	07-220106	1 Yr Def Pros: CSR 60 hrs + Counseling
5/16/2008	5/21/2007	07-209745	Reduced to Obstructing passageway: 18 Mos Def adj + Counseling + CSR 60 Hrs. + \$300 Fine + \$68 cc
5/6/2008	9/10/2006	06-744970	Reduced to Class C Ran red light: \$100 Fine + \$101 cc
5/1/2008	5/11/2007	07-209011	Reduced to Obstructing passageway: 2 yrs probation + CSR 60 hrs + Counseling + \$500 Fine + \$68 cc