Cup holders on Greenville Avenue can say a lot to an officer on a Friday night. An open beer can, a to-go cup from a Knox Henderson patio or a bottle rolling under the passenger seat can turn an ordinary first DWI into a charge with a higher minimum jail term. Dallas DWI Lawyers defends people charged with DWI with an open container in Dallas, and looks closely at both parts of the allegation, the intoxication and the container. A first DWI in Texas is a Class B misdemeanor with a range of 72 hours to 180 days in jail and a fine of up to $2,000. When an open container of alcohol is found in the driver's immediate possession, the minimum jail term rises to six days. That may not sound like a large change, but it affects how the case is negotiated and what a court can consider. The open container finding is also something the State has to prove, separate from proving that the driver was intoxicated under Texas Penal Code 49.04. The details of the container matter. Was it actually open? Was it near the driver or closer to a passenger? Did it belong to someone else in the car, or was it left there from earlier in the day? Officers do not always document these points carefully, and the inventory list, photographs and video can tell a different story from the report. The defense compares body camera and dash camera footage with the paperwork, then looks at the rest of the case, including whether there was reasonable suspicion for the stop and probable cause for the arrest, how the field sobriety tests were given and whether any breath or blood test was handled properly.

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Open container stops are common on the north side. Dallas Police patrol Lower Greenville and Knox Henderson late at night, and stops along McKinney Ave in Uptown and on Central Expressway near Mockingbird Lane happen often after events and weekend dinners. Gary L. Medlin, the firm's founder, was an Assistant District Attorney in Tarrant County for more than eight years and is a past *DWI lawyers Dallas* president of the Tarrant County Criminal Defense Lawyers Association. A DWI defense attorney with that history understands how prosecutors use an open container allegation and where it can be tested. A separate ALR license case may also be running, with a 15-day deadline to request a hearing. Keep any receipts, photos or names of passengers that might help explain whose container it was. Then call or text Dallas DWI Lawyers at (945) 403-4331, 24/7, for a free case evaluation. The team works from the St Paul Street office in downtown Dallas, inside the Republic Center tower, and can walk you through the charge and your next steps.

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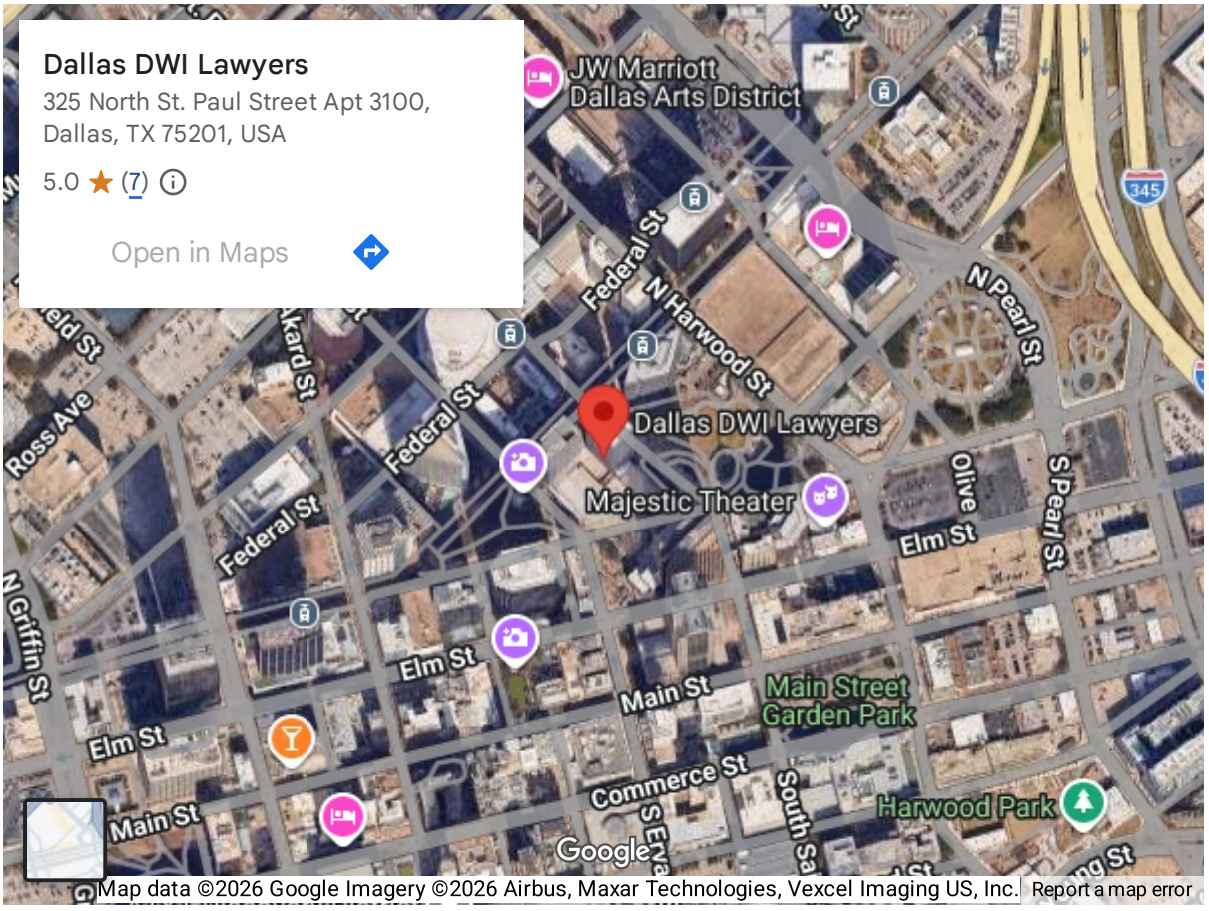

FAQ About

DWI Defense Attorney in Dallas How much is a DWI lawyer in Texas? Fees depend on whether the case is a first offense misdemeanor or a felony, whether there is an ALR hearing to fight, and whether the case goes to trial. Dallas DWI Lawyers starts with a free case evaluation so you can hear what your specific case involves before you commit to anything. Call or text (945) 403-4331 to set one up. What happens after a DWI arrest in Dallas? Most people arrested in Dallas are booked at the Lew Sterrett Justice Center and released on bond, often with conditions such as an ignition interlock. Misdemeanor DWI cases then move through the County Criminal Courts at the Frank Crowley Courts Building, while a separate license suspension case starts with DPS. The team at Dallas DWI Lawyers deals with both tracks from the first call. How long do I have to request an ALR hearing in Texas? The request must be made within 15 days of receiving notice of the license suspension, which is usually the day of the arrest. Missing that window means the suspension can take effect without a hearing. Dallas DWI Lawyers files ALR requests and represents drivers at the hearing, so call (945) 403-4331 as early as you can. Is a first DWI a felony in Texas? A standard first DWI is a Class B misdemeanor with a minimum of 72 hours and up to 180 days in jail, and a fine of up to $2,000. It becomes a Class A misdemeanor if a test shows 0.15 or more, and it can be a state jail felony if a passenger under 15 was in the car. Our downtown Dallas office on St Paul Street handles every level of these charges. Can a DWI be dismissed in Texas? Dismissals do happen, usually when the stop lacked reasonable suspicion, the arrest lacked probable cause, or the breath or blood evidence has problems. No lawyer can promise a dismissal, but Dallas DWI Lawyers prepares each case as if it is going to trial and reviews the video, reports and lab records for weak points. Should I refuse a breath test in Texas? Texas is an implied consent state, so a refusal can bring a license suspension of at least 180 days and can be mentioned at trial. Officers can also get a blood warrant, especially during Dallas County no refusal weekends. Every situation is different, so talk to a DWI defense attorney about how a refusal affects your own case. Can I still drive after a DWI arrest in Dallas? Usually yes, at least for a short time, because the suspension does not start right away and a timely ALR request can hold it off until the hearing. If a suspension does take effect, an occupational license may let you drive to work, school and essential errands. Dallas DWI Lawyers helps with both, starting with a call to (945) 403-4331. How long does a DWI stay on your record in Texas? A DWI conviction stays on your Texas criminal record permanently unless the law gives you a way to seal or clear it. Some first-offense cases may qualify for nondisclosure, and expunction is generally limited to dismissals, acquittals and no-bills. The firm can review your eligibility during a free case

evaluation. What makes a DWI a felony in Texas? A DWI becomes a felony with two prior intoxication convictions, a passenger under 15, a serious injury (intoxication assault) or a death (intoxication manslaughter). These carry prison ranges from 180 days in a state jail up to 20 years. Managing Attorney Gary L. Medlin has been Board Certified in Criminal Law by the Texas Board of Legal Specialization since 1989. Do I need a lawyer for a first DWI in Texas? You are not required to have one, but a first DWI can still mean jail time, fines, a license suspension and a permanent record. A lawyer can challenge the stop and the testing, and may be able to pursue options such as deferred adjudication where the law allows it. Dallas DWI Lawyers answers calls and texts 24/7 at (945) 403-4331. Can a DWI be reduced to a lesser charge in Texas? In some cases, problems with the evidence lead prosecutors to offer a reduced charge such as obstructing a highway or reckless driving. Whether that is possible depends on the facts, the test results and your history. Attorneys at Dallas DWI Lawyers include former prosecutors who understand how those decisions get made in Dallas County. What is the difference between a DWI and a DUI in Texas? In Texas, DWI is the charge for adults who are intoxicated while driving, while DUI is a Class C charge for drivers under 21 with any detectable amount of alcohol. A young driver can face either charge depending on the evidence. Dallas DWI Lawyers defends underage drivers from SMU, University Park and across Dallas.