

# **Plea Bargains: Myths and Realities**

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**2025 Texas Impaired Driving Forum**



# **2023 County Court at Law Misdemeanor Only**

**DWI 1<sup>st</sup> and 2<sup>nd</sup> at start of year 70,000**

**DWI 1<sup>st</sup> and 2<sup>nd</sup> added during year 76,000**

**Total Prosecutors in Texas 3800**

**365 DWI Jury Trials**

**Pleas of Guilty 36,000 (20,000 jail 17,000  
Probation) + 15,000 Deferred Adjudication**

**19,000 Dismissals**

**Absolute Rights of the Defendant**

**To Plead Guilty or Not Guilty**

**Jury Trial**

**Punishment Determined by Court or Jury**

# **Practical Abilities of Defendant**

**Show Up on Bond for Court (most common ground for dismissal)**

**Follow Terms of Probation**

**Whether to Rehabilitate**

# **Issues Subject to Negotiation**

**The Charge**

**Lesser Included Offenses**

**DWI from DWI with Child**

**Enhancements**

**Priors**

**Open Container**

**High BAC**

# **Reality Check**

**Any DWI Conviction or Deferred acts as an enhancement for life.**

**One Prior DWI increases DWI to Class A.**

**Two Prior DWIs increases to 3<sup>rd</sup> degree felony.**

**What kind of DWI does not matter  
Deferred, Probation or Jail.**

# **Issues Subject to Negotiation**

**Deferred**

**NO CDL**

**No Priors**

**No high BAC**

**Probation**

**Jail Time**



# **Issues Subject to Negotiation**

## **Length of Sentence**

**1<sup>st</sup>-72 hours to 180 days**

**1<sup>st</sup> High BAC-0 hours to 1 year**

**1<sup>st</sup> with Open Container-6 days to 180 days**

**2<sup>nd</sup>-30 days to 1 year**

**DWI w Child-SJF**

**DWI 3<sup>rd</sup>-2-10 years**

# **Issues Subject to Negotiation**

## **Length of Supervision**

**DWI, DWI Open Container, DWI high BAC, DWI 2<sup>nd</sup>. Up to 24 Months supervision.**

**Applies to Probation and Deferred Adjudication**

# **Mandatory Terms**

**1<sup>st</sup> Open Container, High BAC**

**Alcohol Offender Course**

**Alcohol/Drug Assessment**

**Treatment at Defendant's Expense (Maybe)**

**2<sup>nd</sup>**

**Above and**

**72 Hours to 5 days Time as a Condition**

# Interlock

# Discretionary Terms

# **Delay as a Tactic**