

INTRODUCTION TO THE 2026 EDITION

This 2026 edition of the *Texas DWI Law and Practice Handbook*, part of the Texas Practice Series, is a practical reference designed to answer basic questions that arise in the day-to-day handling of DWI cases. Since last year's edition, new material has been added and/or existing material updated in the following sections, among others:

- § 1:1. Driving while intoxicated pursuant to the Texas Penal Code—Elements of offense generally: Amendment to Tex. Penal Code Ann. § 49.04
- § 1:12. Enhanced offenses and penalties for DWI convictions: Amendments to Tex. Penal Code Ann. §§ 49.04 and 49.09; *Sutton v. State*, 706 S.W.3d 482 (Tex. App.—Austin 2024, no pet.).
- § 1:14. Enhanced offenses and penalties for DWI convictions—Certain victims increase offense level: Amendment to Tex. Penal Code Ann. 49.09.
- § 2:6. Intoxication manslaughter—Double jeopardy: Ex parte *Estevez*, 713 S.W.3d 913 (Tex. Crim. App. 2025).
- § 3:1. Introduction: *Wood v. Bexar County, Texas*, 147 F.4th 534 (5th Cir. 2024).
- § 3:3. Racing on highway/Excessive acceleration: *Degenhardt v. Bintliff*, 117 F.4th 747 (5th Cir. 2024).
- § 3:7. Crossing the center line: *Blackwell v. State*, 721 S.W.3d 686 (Tex. App.—San Antonio 2025, pet. ref'd).
- § 4:3. Search warrants for blood specimen: *Edwards v. State*, 718 S.W.3d 300 (Tex. App.—Houston [1st Dist.] 2025, pet. ref'd); *Taylor v. State*, 2025 WL 1911540 (Tex. App. Austin 2025, pet. ref'd) (not designated for publication).
- § 6:9. Walk and turn test; § 6:10. One leg stand: *State v. Cha*, 2025 WL 2324092 (Tex. App.—Dallas 2025, no pet.) (not designated for publication).
- § 7:7. Investigative detention—Suspicious place: *Armstrong v. State*, 713 S.W.3d 893 (Tex. Crim. App. 2025).

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- § 8:3. When Miranda warnings are required—Suspect in custody; § 8:5. Effect of invoking Miranda rights: *Luckenbach v. State*, 722 S.W.3d 250 (Tex. App.—Austin 2025, pet. filed).
- § 13:1. The charging document: *Gutierrez v. State*, 710 S.W.3d 804 (Tex. Crim. App. 2025).
- § 13:4. Speedy trial; § 13:6. Speedy trial—Reason for delay; § 13:8. Speedy trial—Prejudice to the defendant from delay: *State v. Gabaldon*, 2025 WL 2588858 (Tex. Crim. App. Sept. 3, 2025).
- § 13:15. Plea agreements: *State v. Hatter*, 707 S.W.3d 429 (Tex. Crim. App. 2025).
- § 15:1. First conviction: amendments to Tex. Penal Code Ann. § 49.04; Tex. Penal Code Ann. § 49.09; Tex. Gov't Code Ann. § 508.145 and Tex. Gov't Code Ann. § 508.147.
- § 15:8. Community Supervision: Amendments to Tex. Crim. Proc. Code Ann. art. 42A.059 and Tex. Penal Code Ann. § 49.04.
- § 16:9. Habeas corpus: *Ex parte Estevez*, 713 S.W.3d 913, 920 (Tex. Crim. App. 2025).
- New appendix with quick-reference charts.