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**YOU HAVE BEEN CHARGED WITH DWI\***



Below is a representative listing of **CASES OF THIS TYPE** that **THE HAGGARD LAW FIRM** has won recently. Any lawyer you consider hiring should be able to **prove** his expertise in this particular category of offense with many Dismissals & Trial victories. **Results** re what count.

**Thousands of Federal and State Felony, Misdemeanor and Juvenile Cases Since 1973**

Former Harris County  
**DISTRICT COURT  
CHIEF PROSECUTOR**

Responsible for Training and  
Supervising Trial Attorneys in  
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**NATIONALLY PUBLISHED  
SPEAKER**

(Washington, D.C.) and Author  
on Civil Rights and  
Constitutional Issues

Licensed to Practice in the  
**UNITED STATES  
SUPREME COURT,**

the United States Federal Judicial District  
Courts, the United States Fifth Circuit  
Court of Appeals, the Texas Supreme Court,  
and all Texas Federal Judicial District  
Courts; Member Texas State Bar

Nationally Certified

**TRIPLE CERTIFICATION**

Mediator - Arbitrator

**CUM LAUDE TOP  
10% OF CLASS**

DOCTORATE GRADUATE  
FROM LAW SCHOOL

Former University of Houston  
Law Center Adjunct

**PROFESSOR  
OF LAW**

Full Time  
**PROFESSIONAL STAFF  
BILINGUAL  
OFFICE**

We protect the privacy of our clients. We work to prevent or minimize media exposure wherever possible.

See [www.haggardlaw.com](http://www.haggardlaw.com) for our cases on Houston TV News Channels 2, 11, 13, 26, and 39.



**Results**

- Testimonials with clients' written permission.
- Real Dismissals only are listed, not "Dismissals" granted after Deferred Adjudication or Pre-Trial Diversion.
- All Dismissals and "Not Guilty" verdicts may be verified using the listed case numbers online through the Harris County District Clerk's office.

**"Justice Doesn't Just Happen"**

**SAMPLE CASE VICTORIES** † Following is a representative sample. See [haggardlaw.com](http://haggardlaw.com) for other cases won.

**DWI 2<sup>nd</sup>** Case No. 1851490 - Randy L.

**DISMISSED**

Police discovered him **asleep in his parked car outside a bar with the keys in the ignition**. While this circumstance was enough to **win his ALR driver's license hearing** it was **not enough for the DWI**. This was Randy's **3<sup>rd</sup> DWI arrest**. Our **legal research of DWI videotaping case law** convinced the DA's to dismiss rather than go to Trial on a **bungled HPD SFST video**: For Texas DWI's, there is a **statutory mandate to video tape the Field Sobriety Tests** in counties of 25,000 or more, the State has a **duty to preserve material, exculpatory evidence** and the Court should consider "**the degree of negligence or bad faith**" {Pena v. State, 226 S.W.3d 634, 651-53} where this is not done. Randy also had **immigration issues** with Canada & was facing **2 years probation with the breath interlock** and a **steep fine**. After a **protracted fight with the DA's office** on this **legal technicality**, & preparing for trial, our legal research and argumentation won out.

**DWI** Case No. 1809408 - Edgar R.

**DISMISSED**

Edgar was **on PCS felony probation** when charged with a DWI. He admitted to drinking and took the breath test about an hour after being stopped, blowing slightly under the limit. [In a previous hearing, Edgar had his probation revoked for admitting to the DWI arresting officer he'd had alcohol – a violation of his probation.] Attorneys for the prosecution were preparing to re-file the DWI after Edgar had served his felony sentence. We successfully fought this by **requesting a Speedy Trial under the Speedy Trial Act** and prepared our DWI case, motions, and witnesses for trial. The State had experts lined up to testify

\*Evidence of prior performance should not be taken as a guarantee of future success. Strategies and defenses will vary.

† Information obtained from public records.

regarding **retrograde extrapolation** - their star prosecutorial strategy - and the HGN (eye) and other field sobriety tests they alleged he failed. Due to a limited budget, Edgar's family declined to retain the experts we recommended to testify at trial to debunk State's experts on retrograde extrapolation and the field sobriety test. We were prepared and confident nevertheless with our research, defenses and legal arguments as well as several witnesses.

**DWI w/ ACCIDENT** Case No. 1670599 - Albert A.

**DISMISSED**

Albert was a **patent attorney** who **got his first taste of criminal law with a DWI/accident and open container whose contents he was observed pouring out**. Police noted many indicia of intoxication such as **weaving gait, staggering, slurred speech**, and that he **tried to flee the scene**. While red eyes, face and nose are sometimes caused by alcohol our client had the **medically-verified condition of rosacea** which also causes redness to these areas. Albert didn't help his case when he **changed his story to police** as to how the accident happened. Police took **crime scene accident photos** which were submitted as evidence. Albert **requested the Breath Test three times at the scene but was denied the right to give a sample**. We also exploited several **problems with the Sobriety Test** including the officer's **improper administration of the HGN** (eye movement) test which included **several defects**, among which was the **failure to advise our client to remove his glasses**. Albert needed surgery which required us to file a Motion for Continuance to reset our Jury Trial date but we used this additional time to further prepare. We filed Pre-Trial Motions and **one of our team of experts was lined up to testify on the problems with the officer's administration of the Field Sobriety Test**.

**DWI 2nd Arrest- BT REFUSAL/SFST FAILURE** Case No. 1659042 - Thomas T.

**DISMISSED**

Thomas doubted whether we could pull off a 2<sup>nd</sup> DWI Dismissal [see below]. His friend was intoxicated and had asked Tom to drive. In what sounds like one of the best "**yeah, yeah sure, sure a likely story**" stories we've heard in a **long** time, Tom informed us that the huge swerve he was pulled over for was **caused by his intoxicated passenger who grabbed the wheel** Tom failed the sobriety test. The police didn't buy it. **We made sure the DA's did.**

**DWI 2nd** Case No. 1659042 - Russell J.

**DISMISSED**

Stopped for speeding after leaving a sports bar, Russell **refused all tests. When told to cooperate or he would be arrested his only reply was, "Let's go."** Moreover, he stated he had been at his girlfriend's house whereas a large part of our defense was witness testimony from several drinking witnesses at the bar. Despite the obvious lie to police and lack of cooperation, we were able to **argue this DWI 2<sup>nd</sup> to Dismissal** with the aid of **drinking witness testimony backed up by an Affidavit of Business Records from Russell's credit card issuer** verifying the amount of alcohol purchased.

**DWI 2nd BT Failure** Case No. 1642218 - Gilbert E.

**DISMISSED**

Gilbert was stopped for **swerving**. He **failed the breath test and admitted to Wild Turkey**. We beat this 2nd DWI for him by proving that he **passed the Rhomberg** and other field sobriety tests as well as using the **extrapolation defense**.

**FELONY DWI W/ CHILD PASSENGER** Case No. 1202611 - Michael B.

**NO BILLED BY GRAND JURY**

Mike was pulled over by police with guns drawn after vehicles scattered to get out of the way of an out-of-control 18-wheeler. His **rights were never read** but he took and passed the breath test. Police claimed he was DUI on medication. The **drug recognition expert testified Mike was under the influence of a narcotic, a stimulant, and a depressant**. He failed field sobriety tests and his eyes were "too erratic to conduct the HGN [eye] test". Mike admitted to medication. The severe weaving was admitted as well but attributed to the shoddy condition of his rig, which we **documented with lengthy repair records**. We prepared a well-documented brief for the Grand Jury and the Chief Prosecutor pointing out: **DOT would have shut the rig down** had they inspected it, **other valid reasons** for Mike's poor performance on the FST, which mimicked intoxication, and the **inadmissibility of some of the evidence**.

*"My wife and I team-drive over the road with our daughter. I had given up hope of being able to drive but now I'm looking forward to many miles ahead. [He would have lost his CDL with a DWI conviction.] Thanks to Mr. Haggard we're ready to roll again!"*

**DWI 2nd** Case No. 1548825 - Ruben G.

**DISMISSED**

Ruben was **stopped for speeding at 2:30 a.m.** after **six beers** at a club. He failed the sobriety tests. Our defense included **exploitation of problems with the protocols the police used in gathering evidence** at the scene.

**DWI 2nd** Case No. [Expunged by HLF] - Henry K.

**COURT TRIAL VERDICT: NOT GUILTY**

Henry was found asleep - police claimed "**passed out**" - in a parking lot. The **Judge commented that Mr. Haggard's examination of the arresting officer was "torture"**.

*"Mr. Haggard made all the right calls. I didn't even have to testify. I was very confident in him from start to finish." ~ Henry K.*

**FELONY DWI 3rd** Case No. 1056484 - Ron H.

**DISMISSED**

Ron's **CDL license was at stake** when charged with Felony DWI. **A conviction would have lost him his ability to make a living**. We proved the alleged reasons for the stop had more to do with **reckless driving than intoxication**.

**FELONY DWI 3rd** Case No 804865 - Joe S.

**DISMISSED**

*Everything seemed hopeless but Carl fought for what was right & never gave up. He had the utmost faith in the truth of my case.” ~Joe S*

**FELONY DWI 3rd** Case No 867342 - Harris M.

**DISMISSED DURING**

**TRIAL**

**DWI 2nd** Case No. 1371903 - Michael S.

**DISMISSED DURING TRIAL**

Mike had been drinking but was **not intoxicated according to the statutory definition** as we successfully demonstrated.

**DWI 2nd WITH SERIOUS ACCIDENT** Case No. 1395944 - N. N.

**FINE ONLY - NO JAIL TIME**

Our client was a **professional consulting engineer for the U.S. Treasury** who caused a **serious accident** just after leaving a club. Jail time is usual in such cases but HLF was able to keep him out of jail & save his professional contracts.

**DWI 2nd** Case No. 0984078 - Michael G.

**DISMISSED**

HLF used **police error and police inefficiency** to get this DWI 2<sup>nd</sup> dismissed.

**DWI -.15 BT FAILURE** Case No.1554246-Troy H.

**REDUCED TO CLASS C MISD PUBLIC INTOXICATION**

Although Troy was intoxicated, **we fought hard to prove that the evidence was insufficient** that he was ever **seen driving by police**, that he **had been driving** or that he **intended to drive** when found passed out behind the wheel with the motor running and when, on being awakened, he **attempted to put his truck in gear**.

**DWI -.12 BT FAILURE** Case No. 1524140 - Mike M.

**DISMISSED**

We had **only one thing against us** in this case - **the breath test**: **Several police cruisers** arrived on the scene after Mike was initially stopped for **tailgating a police officer**. We **contested this reason for the initial stop** as the officer was **behind Mike, not the other way around**. He blew a .12 on the breath test - although this was approximately **2 hours after being stopped**. We finally demonstrated the State was **unable to prove the validity of the failed breath test**.

*“Most lawyers advised me to plead guilty on my .12 but The Haggard Law Firm got my case dismissed in trial. From the first time I spoke to him after researching on whom to defend me, Mr. Haggard insisted I fight the case & he fought it all the way from day one.”*

**DWI - .17 BT Failure** Case No. 1489950 - Ali R.

**DISMISSED**

We used **aggressive exploitation of the State’s problems** in this case for a pre-Trial Dismissal: Ali failed to reveal he had a loaded gun and **stated he had had nothing to drink - although he blew a .17**. We subpoenaed the **chemical analysis records** and extensive information from the manufacturer of the Intoxilyzer 5000 and from DPS to **contest the breath test readings**. Due to shift change, the **arresting officer was not the officer that saw him behind the wheel**. Finally, **knee injury** evidence helped combat some of the clues *construed as intoxication* on the video.

**DWI** Case 1409177 - Jeremy H

**JURY TRIAL VERDICT: NOT GUILTY**

Jeremy had a **prior DWI** arrest on his record. After fishing all day with a friend they **split a 60 ounce pitcher of beer**. Jeremy was stopped for being **“all over the road”** and **hitting a curb**. He **made several errors on the scene and station sobriety tests**. Our **expert witness** **disputed the manner in which the sergeant administered the HGN eye exam and refuted the reliability of the field tests**. We presented medical records showing Jeremy is **legally blind in one eye** and **proved this did not affect his driving but could result in a false positive on the HGN eye exam**. This **case was tried twice**; the first result was a 3 to 3 tie. We **refused to plead & retrenched for Trial No. 2. Victory was sweet**.

*“Mr. Haggard helped me through it emotionally. He tried this case twice and both times totally blew me away with how he picked apart the testimony of the Prosecution’s and the State’s own witnesses, two police sergeants. He went the extra mile for me and it definitely paid off.” “Mr. Haggard did a great job with his research. The police that testified against my son were both sergeants but in his cross-examination he made it clear to the Jury the areas where they weren’t being consistent. I was impressed by that.” ~ Jeremy & Mother*

**DWI** Case No. 1418712 - Zayde R..

**DISMISSED DURING TRIAL**

Zayde was stopped for **weaving all over the road**. The **arresting officer testified during trial the car had crossed the center stripe**. Zayde failed the FST; our defense was, in part, Zayde’s large size and clumsiness as a college football player, several **documented ankle surgeries**, and an expert to testify on causes of his failure **other than intoxication**. **Several officers and two police departments** were involved in Zayde’s arrest which led to **confusion among the officers and resultant errors in the Offense Report, all of which we uncovered and exploited at trial**. Mr. Haggard was **brilliant in strategy and cross-examination, successfully objecting to prosecutors’ veiled efforts to introduce hearsay evidence**. We were preparing to file a Motion to Suppress after his cross-examination, when we won a Dismissal.

*“Mr. Haggard was always one step ahead of the prosecution and got my case dismissed in the middle of trial during his cross-examination. He is expunging this DWI for my medical school application.” ~ Zayde R.*

*I looked carefully through the letters that came in the mail from attorneys. I chose Mr. Haggard because he was a former Chief Prosecutor and a Christian. Because of his experience and extensive preparation he was prepared at trial for any twist or prosecution mistake. He cared about my son and the case as if he were a relative. When we won, he & his staff were sincerely as happy as my son and I because of the impact on his future."*

**DWI** Case No. 1300825 - Barry C.

**JURY TRIAL VERDICT: NOT GUILTY**

Barry was a **Metro bus driver whose job was on the line**. He failed **sobriety tests due to a herniated disk**. We used **medical testimony and records**, among other DWI trial tactics, to overcome these poor test results.

**DWI** Case No. [Expunged by HLF] - Saleem R.

**JURY TRIAL VERDICT: NOT GUILTY**

*"Mr. Haggard understands the courts & provides excellent representation. His office staff was very professional."*

**DWI** Case No. [Expunged HLF] - Uche M.

**JURY TRIAL VERDICT: NOT GUILTY**

Uche was stopped for going the **wrong way in downtown Houston** after leaving a party. The odds were equally stacked: we had two civilian witnesses for sobriety vs. two police officers for intoxication. Based upon **Mr. Haggard's presentation and cross-examination, the Jury believed the citizens over the police**.

*"Mr. Haggard worked very hard on my case. He'll fight for your best interest; he knows the law." ~ Uche M.*

**DWI** Case No. 1194892 - David F.

**JURY TRIAL VERDICT: NOT GUILTY**

David had a jail record and, on HLF's recommendation, did not testify. Our sobriety witness revealed, **in the middle of trial**, that David **had lied to the police officer** regarding the amount he had had to drink. Despite this curve ball, we were able to convince our **skillfully-chosen jury** that David was not intoxicated.

**DWI-BT FAILURE** Case No.1141314- Phillip P.

**DISMISSED**

We used **damning conversation between the cops** in Phil's DWI video to get this **breath test failure** dismissed.

**DWI** Case No. 9904354 - James K.

**DISMISSED**

*"Mr. Haggard was the difference between going to jail or getting on with my life. He investigated my case and got the documents & witness statement we needed. If he had not saved my probation and dismissed the DWI, I'd be in jail and have lost my business."*

**DWI** Case No. 560110 - Sheila G

**DISMISSED**

Going the **wrong way on a one-way street + at night + admitting to drinking** at a Christmas party + **failing the HGN = a DWI arrest**. We contested **the suspicion for the stop; scene photos** showed the intersection **under construction**.

**DWI WHILE ON PROBATION FOR SEXUAL ASSAULT** Case No. 1582060 - Enrique H.

**DISMISSED**

The Judge in Enrique's Sexual Assault case had said, **"If I see you in my court for any law violations while on probation, you're going up."** Enrique was charged with DWI after **four beers at home – a violation of his probation**. He failed the sobriety test. After interviewing attorneys, Enrique went with HLF stating that he felt we were the most aggressive and had the best success record. We prepared our **defenses, evidence and witnesses**. In two **slam-dunk hearings**, we got his probation reinstated - **despite the clear law violation & judge's threat** - & his DWI dismissed.

**DWI** Case No. 1565317 - T. T., M.D.

**DISMISSED**

Dr. T. was a **physician charged with DWI** after having **drinks over dinner with a colleague**; this doctor's detailed testimony as a drinking witness helped us in the case. **Police failed to video** the first of the two field sobriety tests. We argued **insufficient evidence of intoxication** and presented a **report on the FST video after evaluation** to win a Dismissal.

**DWI - BT FAILURE** Case No. 1622875 - Thomas T.

**DISMISSED**

This was the first of two DWI Dismissals we won for Tom in four months. He was discovered by police **passed out in his vehicle with the engine running**. He was *obviously intoxicated & failed the breath & sobriety tests*. Our defense revolved **not around the issue of intoxication but whether police could prove beyond a reasonable doubt he had been driving**.

**DWI - BT Failure** Case No. 1551096 - Matthew M.

**DISMISSED**

Matthew admitted to lots of Long Island teas and blew twice - **failing both times**. Several missed clues and improper turns rendered his **sobriety test videos less than stellar**. We subpoenaed the CMI Intoxilyzer 5000 breath test records log and all supporting data on the machine to **help us in our extrapolation defense**. We won our Dismissal during Pre-Trial Motions.

*"The minute he walked into the courtroom I could tell the DA's, Judge, & other lawyers respected him. He was worth every penny."*