

CHARGED WITH **INTOXICATION** **MANSLAUGHTER** **IN TEXAS?**

WHAT TO DO NOW

**A STEP-BY-STEP
LEGAL SURVIVAL GUIDE**

BY STEPHEN HAMILTON
JAMES PUBLISHING

**Charged with
Intoxication Manslaughter
in Texas?**

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A Step-by-Step Legal Survival Guide

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About Me

and Intoxication Manslaughter Cases

Over the years I have tried on average more cases in a year than most criminal lawyers try in ten years, and I have handled over 100 jury trials.

I believe I am in court so often for two reasons. First, I like my clients. If I can help them in their time of need I want to do whatever I can. Second, I like trials. I enjoy the stress that comes with being in trial. I believe that when I walk in that courtroom, as arrogant as this might sound, I am in charge.

Intoxication manslaughter cases are among the most difficult criminal matters to defend in Texas because several structural, evidentiary, and human factors tend to align against the accused. The difficulty is not simply legal; it is practical, emotional, and procedural. Eight attributes make them difficult:

1. A Death Is an Undisputed Fact

Unlike many criminal cases, the most serious element—a person has died—is not contested.

- Jurors begin the case knowing there is a real victim and grieving family.
- The emotional gravity raises the stakes and lowers tolerance for technical defenses.
- Sympathy naturally flows toward the decedent, not the defendant.

This reality fundamentally alters juror psychology from the outset.

2. Intoxication Is Often Scientifically Documented

Prosecutors frequently rely on objective chemical evidence, which jurors tend to view as definitive.

Common forms include:

- Breath or blood alcohol concentration (BAC) testing
- Toxicology reports showing drugs or alcohol
- Field sobriety test recordings
- Body-cam and dash-cam footage

Even when the science is contestable, jurors often perceive lab results as neutral and conclusive.

3. The Law Does Not Require Intent

Intoxication manslaughter is a strict-liability offense regarding mental state.

- The State does not need to prove intent, recklessness, or knowledge.
- The prosecution only must show intoxication and causation.
- Traditional defenses based on lack of intent are largely irrelevant.

This removes a powerful defense tool available in many other homicide cases.

4. Causation Is Often Inferred, Not Proven

Texas law requires that intoxication caused the death, but causation is often assumed, not rigorously analyzed.

- Prosecutors may argue that intoxication alone explains the fatal outcome.
- Contributing factors (road design, weather, actions of the deceased, mechanical failure) may be minimized or ignored.
- Jurors often equate “intoxicated driver + fatal crash” with legal causation, even when the link is weak.

Challenging causation requires expert testimony and careful reconstruction, which is expensive and complex.

5. Law Enforcement and Prosecutors

Treat These Cases as Moral Events

Fatal DWI cases receive heightened attention.

- Officers tend to investigate aggressively and defensively.
- Prosecutors are under pressure from victims’ families and the community.
- Plea flexibility is often limited due to public optics.

As a result, cases are less likely to be dismissed or reduced early.

6. Graphic Evidence Is Often Admitted

Autopsy reports, crash scene photos, and medical testimony are common.

- Even when relevant only marginally, such evidence is emotionally powerful.
- Jurors may unconsciously punish the defendant for the outcome rather than the legal elements.

- Limiting instructions rarely neutralize emotional impact.

This increases the risk of verdicts driven by emotion rather than analysis.

7. Defendant's Post-Accident Conduct Is Scrutinized

Statements and behavior after the crash can be damaging.

- Shock, confusion, or emotional distress may appear callous or evasive.
- Silence can be interpreted negatively, despite constitutional protections.
- Statements made to police, medical staff, or bystanders may be used against the defendant.

These cases leave little margin for human imperfection.

8. Collateral Consequences Influence Jury Thinking

Jurors often understand—implicitly or explicitly—that:

- The defendant may face prison, lifelong felony status, and social ruin.
- The victim's family may feel justice requires a conviction.

Rather than producing restraint, this awareness can harden positions and reduce compromise.

Bottom Line

Intoxication manslaughter cases are difficult to defend because they combine objective scientific evidence, irreversible harm, reduced legal defenses, emotional juror dynamics, and prosecutorial intensity. Success often depends not on disproving intoxication, but on disrupting assumptions about causation, procedure, and fairness – a high bar in any courtroom.

I love challenging cases. That is why I accept intoxication manslaughter cases and pursue them aggressively.

I hope you find the information and advice in this guide helpful.

Stephen Hamilton

GOOGLE REVIEWS

4.9 rating, 500+ reviews

Jeremy Belvin ★★★★★

My attorney was phenomenal and wrapped up the entire felony case and had it reduced to a misdemeanor in 3 months time start to finish. The office personnel were just as amazing and messaged me about any updates. I wasn't a bargaining chip like most attorneys use clients for. Everything was laid out plain and simple, and I had to do my part.

Kevin Mosansky ★★★★★

I am grateful to the Texas Criminal Defense Group for getting my case dismissed.

Carlos Per ★★★★★

The attorney assigned to my case was not only knowledgeable but also genuinely cared about my situation. He took the time to explain the implications of my charges, the potential outcomes, and the strategy they would employ to advocate for me.

When the day of my court appearance arrived, I felt prepared and supported. The outcome was far better than I had anticipated, and I left the courtroom relieved. I learned a valuable lesson about responsibility and the importance of making better choices.

Brandon Wright ★★★★★

They kept me informed the whole time. Anytime I had questions they were quick to give me answers. Very knowledgeable and professional. Definitely recommend to everyone.

Freddie Young ★★★★★

Very professional lawyers, they weren't afraid to step in the middle of the prosecutors' circle and talk them down to a lesser charge. I'm very satisfied with the outcome of my case. Hopefully I won't have to, but if I do I will call them for their service again.

Kendall Anderson ★★★★★

Texas Criminal Defense Group came through for me in one of the scariest times of my life. Having representation that is familiar with the process was very important to me. I had that with them, and would recommend and use them again.

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Introduction

If you or someone you love is facing an intoxication manslaughter charge in Texas, your life has just changed in an instant.

You may be overwhelmed, frightened, confused, and unsure of what to do next. The accident was tragic. The aftermath is devastating. And now, law enforcement is treating you not as a grieving driver, but as a criminal.

At a time when you're likely struggling with guilt, trauma, or loss, you're also facing the very real possibility of years in prison, a permanent felony record, and the collapse of your personal and professional life.

This guide exists to help you make sense of what's happening.

This Is Not Just Another DWI

In Texas, intoxication manslaughter is one of the most serious felony charges a person can face after a fatal crash involving alcohol or drugs.

It is not the same as a misdemeanor DWI or a typical vehicular manslaughter charge. The law is more aggressive. The penalties are steeper. The emotional and legal consequences are profound.

You Are Not Guilty Just Because You Were Arrested

At the Texas Criminal Defense Group, we've represented people from all walks of life – professionals, students, parents,

and veterans – who never thought they'd see the inside of a jail cell, let alone be charged with killing someone.

The reality is, these cases often begin with assumptions:

- That a fatal accident equals criminal guilt.
- That alcohol equals blame.
- That a blood test or police report tells the whole story.

Our job is to challenge those assumptions, and yours is to act quickly and protect your rights.

What You'll Find in This Guide

This guide will walk you through:

- What the charge of intoxication manslaughter really means
- What the prosecution has to prove, and where their case may fall apart
- What penalties you face, and what can be done to avoid the worst outcomes
- What immediate steps you must take to help your defense
- What defenses may apply in your case
- What to expect in the legal process from arrest to trial
- How to support a loved one going through this

We've written this guide to help you gain clarity in a time of chaos, and to offer guidance grounded in experience, not fear.

You're not just a case number. You're a person whose life has been turned upside down. Let's start by understanding the charge.

SECTION 1

UNDERSTANDING THE CHARGE

What Is Intoxication Manslaughter in Texas?

Under Texas Penal Code §49.08, intoxication manslaughter occurs when a person:

- Operates a motor vehicle in a public place
- While intoxicated, and
- By reason of that intoxication, causes the death of another person.

This is a second-degree felony, punishable by 2 to 20 years in prison, even for first-time offenders. Let's break that down.

1. You Were Driving in a Public Place

This part is usually straightforward. "Operating a motor vehicle" includes driving a car, truck, or even a motorcycle. The "public place" requirement just means a roadway that the public has access to – streets, highways, parking lots, and so on.

2. You Were Allegedly Intoxicated

Texas law defines intoxication in two ways:

- Having a blood alcohol concentration (BAC) of 0.08% or more, or
- Not having the normal use of mental or physical faculties due to alcohol, drugs, or a combination.

It's important to note: you can be charged based on alleged impairment, even if your BAC is below 0.08, especially if drugs (including legal prescriptions) are involved.

3. The Intoxication Caused a Death

This is the most legally complex element. It's not enough that someone died in the crash and that you had alcohol or drugs in your system. Prosecutors must prove that your intoxication directly caused the fatality.

This can be a critical area for your defense. For example:

- Was the crash actually caused by another driver?
- Were road conditions or mechanical failure to blame?
- Was the BAC reading accurate and legally obtained?

Your defense attorney's role is to explore and expose every possible weakness in the state's case.

Why This Charge Is So Serious

Unlike a simple DWI, intoxication manslaughter carries mandatory prison time if convicted. Probation is possible, but rare without strong legal advocacy. A conviction also results in:

- A felony criminal record that follows you for life
- Driver's license suspension
- Loss of voting and firearm rights
- A likely civil lawsuit for wrongful death damages
- Permanent damage to your reputation and career

Can You Be Charged Even If You Didn't Feel Drunk?

Yes. Many people are shocked to be arrested for intoxication manslaughter after drinking only moderately or taking legally prescribed medications.

The law doesn't require you to feel "drunk" ... only that your normal mental or physical faculties were impaired, as determined by law enforcement or toxicology.

That's why early legal intervention is so critical. There may be defenses available based on:

- Faulty breath or blood tests
- Medical explanations for your behavior
- Improper police procedures
- Incomplete or misleading accident reports

In the Next Section...

We'll walk through what prosecutors must prove to convict you, and where their case might fall apart. The law sounds simple. But real cases are anything but.

SECTION 2

WHAT PROSECUTORS MUST PROVE

If you've been charged with intoxication manslaughter in Texas, it's essential to understand that an arrest is not a conviction.

To secure a guilty verdict, the prosecutor must prove every element of the offense beyond a reasonable doubt. This is the highest standard in our legal system, and it's your greatest protection.

Let's look at what the State of Texas must prove in an intoxication manslaughter case, and where your defense attorney may be able to fight back.

The Four Key Elements the State Must Prove

To convict someone of intoxication manslaughter under Texas Penal Code §49.08, the State must prove:

1. You were operating a motor vehicle
2. In a public place
3. While intoxicated

4. And by reason of that intoxication, you caused the death of another person

If even one of these elements is missing or unproven, the State's case fails. Let's examine each one more closely.

1. You Were Operating a Motor Vehicle

Prosecutors must show that you were in control of the vehicle at the time of the crash.

In many cases, this is clear. But there are times when:

- The vehicle wasn't moving
- There's no eyewitness to who was driving
- You were unconscious or removed from the vehicle before police arrived

If there's no direct evidence of operation, your defense may be able to argue that the State cannot prove you were driving.

2. The Incident Occurred in a Public Place

"Public place" is defined broadly in Texas. It includes almost any area accessible to the public, such as:

- Streets and highways
- Parking lots
- Residential roads

If the incident occurred on private property, or if the prosecution misidentifies the location, this could be an area to challenge.

3. You Were Intoxicated

This is the centerpiece of the State's case. They must prove that you were legally intoxicated at the time of the crash, meaning either:

- A blood alcohol concentration (BAC) of 0.08% or more, or
- You lacked normal mental or physical faculties due to alcohol, drugs, or a combination

This is often based on:

- Blood or breath tests
- Field sobriety tests
- Police observations: slurred speech, unsteady gait, bloodshot eyes
- Statements you may have made

Each of these is vulnerable to challenge. For example:

- Was the blood test administered correctly?
- Was the sample preserved and stored properly?
- Was the officer qualified to give a field sobriety test?
- Were other medical or physical conditions present?
- Was the test taken too long after the crash to reflect intoxication at the time of driving?

Even a BAC over 0.08% doesn't guarantee conviction. The law requires that intoxication caused the death, and that's the fourth and most complex element.

4. Intoxication Caused the Death

This is often the weakest link in the State's case, and it's one of the most critical for your defense.

The prosecutor must prove that but for your intoxication, the fatal crash would not have happened.

That's not as simple as it sounds. Your attorney may be able to show that:

- The other driver ran a red light
- A pedestrian crossed illegally
- A mechanical failure like a tire blowout or brake issue caused the accident
- The road had dangerous conditions, such as poor lighting or missing signs
- Your driving was not impaired, even if you had alcohol or medication in your system

This is where accident reconstruction experts, toxicologists, and dashcam or surveillance footage can become invaluable.

Even if there's evidence of alcohol or drugs in your system, that alone is not enough. The prosecution must connect the dots, and your defense can work to sever those connections.

The Timeline Matters

In many cases, hours pass between the crash and the blood test. That delay can work in your favor.

Alcohol levels rise and fall over time. A BAC above the legal limit hours later doesn't necessarily mean you were intoxicated while driving.

A skilled defense attorney will examine:

- The timeline of your last drink
- The rate your body absorbs and metabolizes alcohol
- The gap between the incident and testing

Even a valid test can be misleading if it doesn't reflect your level of impairment at the time of the crash.

What If You Refused the Test?

Refusing a blood or breath test can complicate things, but it does not automatically mean you'll be convicted.

Prosecutors may argue that refusal shows a "consciousness of guilt." But there may be valid reasons for refusing, including:

- Fear of needles
- Medical conditions
- Legal concerns
- Lack of understanding at the time

Your attorney can work to neutralize the impact of a refusal, especially if there is little other evidence of intoxication.

Summary: The Burden Is on the State

To convict, the State must prove:

- You were driving
- On a public road
- While intoxicated
- And your intoxication caused the death

Your defense only needs to cast reasonable doubt on any one of these points. That is a much lower burden, and it's why early legal representation is so critical.

In the next section, we'll look at what penalties you're facing, and why now is the time to protect yourself.

SECTION 3

PENALTIES AND CONSEQUENCES

What's at Stake if You're Convicted

An intoxication manslaughter charge is one of the most severe criminal accusations a person can face under Texas law. It is not a traffic offense. It is not a DWI with enhanced punishment. It is a violent felony, and the consequences—both legal and personal—can change the course of your life.

Here's what's at stake if you're convicted.

2 to 20 Years in Prison

Intoxication manslaughter is classified as a second-degree felony in Texas. That means the sentencing range is:

- Minimum: 2 years in prison
- Maximum: 20 years in prison
- Mandatory minimum incarceration: Probation is possible, but not guaranteed, and rarely offered without strong advocacy.

The sentence is served in a Texas Department of Criminal Justice (TDCJ) facility, not county jail. Even if you are a first-time offender, a conviction puts you at immediate risk of long-term incarceration.

Up to \$10,000 in Fines

In addition to prison time, the court may impose a fine of up to \$10,000. This fine is separate from:

- Court costs and fees
- Restitution to the victim's family, if ordered
- Civil liability (you may also be sued for wrongful death)

Driver's License Suspension

If convicted, your driver's license will be automatically suspended for a minimum of 180 days and up to 2 years. Other consequences include:

- Mandatory SR-22 insurance (high-risk coverage)
- Reinstatement fees
- Potential ignition interlock requirements

In some cases, you may qualify for an occupational license, but only after a mandatory waiting period and court approval.

Sentence Enhancements That Can Increase Your Penalties

Texas law allows for enhanced penalties under certain conditions. These enhancements can increase your prison time or change the charge to a first-degree felony.

You may face enhancements if:

- More than one person died in the accident (multiple counts of intoxicated manslaughter may be stacked)
- You have prior DWI or felony convictions
- A child was in the vehicle with you
- You were driving without a valid license or insurance
- You fled the scene of the crash (failure to stop and render aid)

These factors can raise your sentence well beyond the typical range, and make probation far less likely.

Collateral Consequences Beyond the Courtroom

A felony conviction doesn't just mean prison time. It follows you long after the sentence is served. If you are convicted of intoxication manslaughter, you may face:

Employment consequences

- Loss of your current job
- Ineligibility for many professional licenses
- Background checks that flag you as a violent felon

Immigration consequences

- Non-citizens may face deportation, visa revocation, or denial of naturalization
- Green card holders may be detained and removed after release

Firearm restrictions

- You will permanently lose the right to own or possess firearms

- Even hunting rifles or inherited weapons would be prohibited

Voting and civic rights

- You will lose the right to vote in Texas during incarceration, parole, or probation
- You may also be disqualified from jury service and holding public office

You Can't Afford to Wait

This charge is not something that goes away on its own. It is not a DWI case with a fine and a class. It is a serious felony with devastating consequences if handled incorrectly.

Even if you think the evidence is stacked against you, you still have options. Every part of the State's case can and should be examined closely.

In the next section, we'll walk through exactly what you should do in the first few hours and days after an arrest to protect yourself, and what mistakes to avoid.

SECTION 4

YOUR IMMEDIATE NEXT STEPS

What to Do Right Now

If you've just been arrested, or suspect that charges are coming, the decisions you make in the first hours and days can have a lasting impact on your case. Many people panic or try to "fix" the situation themselves. That's a mistake.

Below are the most important steps to protect yourself legally, emotionally, and practically.

1. Do Not Talk to Police Without an Attorney

This is the single most important rule: Do not answer questions. Do not give a statement. Do not try to explain.

Politely but firmly say: "I want to speak with a lawyer before answering any questions."

Even if you believe the accident wasn't your fault...

Even if you think you're helping your case by being "honest"...

Even if the officer seems sympathetic...

Do not talk. You're not being rude. You're protecting your rights.

The police may already believe you're guilty. Everything you say, no matter how innocent or emotional, can and will be used against you.

2. Don't Try to Explain or Justify the Accident

Many people try to "clear the air" by telling their side of the story. It often backfires.

- You may say something that seems minor but gives prosecutors fuel.
- You may misremember details due to trauma or intoxication.
- Your words can be taken out of context, especially if recorded.

Remain calm. Say nothing. Let your attorney speak for you.

3. Collect Witness Names and Contact Information

If this hasn't already been done at the scene, do your best to:

- Identify any passengers, bystanders, or first responders
- Write down full names, phone numbers, and email addresses
- Make note of where each person was at the time of the accident

Witnesses can be critical to your defense, especially if they saw:

- How the crash happened
- How you were behaving before or after the crash
- The condition of the road, weather, or visibility
- Whether the other driver or pedestrian contributed to the accident

If police failed to talk to certain witnesses, your legal team still can.

4. Stay Off Social Media

Do not post anything on:

- Facebook
- Instagram
- Snapchat
- TikTok
- Twitter/X
- Messaging apps or group chats

Even a post meant to express grief or shock, like “I’m so sorry,” can be misinterpreted as an admission of guilt.

Avoid:

- Posting photos from the day or night of the accident
- Sharing news articles about the crash
- Commenting on other people’s posts related to the event

If others tag you in posts, ask them to remove them. Prosecutors, investigators, and civil attorneys will look. Don’t give them material to twist.

5. Begin Gathering Documents

You and your family should begin collecting the following as soon as possible:

- Receipts: Bar tabs, restaurant bills, or anything showing time and alcohol purchases

- Prescriptions: If you were taking any medication, get records and labels
- Phone logs: Call history, text messages, or GPS location data may help establish your condition or timeline
- Surveillance footage: Security cameras from nearby businesses, intersections, or homes
- Dash cam footage: If your vehicle—or someone else's—had a dash cam, secure that video immediately

These can all be critical pieces of evidence for your defense team. The sooner your attorney has them, the better.

6. Advise Close Family Not to Talk to Police Without Guidance

Officers may contact your spouse, parents, siblings, or friends. They may say:

- “We just want to get some background.”
- “We’re trying to help your loved one.”
- “They won’t talk to us; maybe you can clarify.”

Make sure your family knows:

- They are under no obligation to talk
- They should not speculate or offer opinions
- Anything they say can be used against you

Even well-meaning comments like “He never drinks much” or “She seemed fine earlier” can be twisted in court.

If the police reach out, your family should say: “We’re not speaking to anyone until we’ve consulted with our attorney.” Then, notify your lawyer immediately.

Take a Breath. Then Take Action.

Right now, you're probably overwhelmed. That's okay. This is not something you can or should handle alone.

Your first move should be to retain an experienced Texas intoxicated manslaughter attorney who can:

- Intervene with police and prosecutors
- Secure critical evidence before it disappears
- Begin building a strategy for protecting your freedom

In the next section, we'll look at the defenses that may apply to your case—even if you tested over the legal limit.

SECTION 5

DEFENSES THAT MAY BE AVAILABLE

You Are Not Without Options

One of the most important things to understand about an intoxication manslaughter charge is this: being arrested is not the same as being convicted.

The law requires prosecutors to prove *every* single element of the charge beyond a reasonable doubt. That's a high burden, and many cases that seem open-and-shut on the surface begin to unravel under legal scrutiny.

Even if:

- Your blood alcohol content (BAC) was above the legal limit...
- You were taking prescription medications...
- Someone tragically lost their life in the crash...

You may still have a strong legal defense.

Let's look at some of the most common and effective strategies your attorney may use to challenge the State's case.

1. Challenging the Blood Draw or Test Procedures

Blood alcohol and drug tests are not infallible.

Your defense team may be able to challenge:

- The legality of the blood draw: Was it taken without a warrant or consent?
- Chain of custody issues: Was the sample stored, labeled, or transported incorrectly?)
- Delays between the crash and the test
- Testing errors at the lab
- Contamination or mishandling of the sample
- Improperly calibrated machines or expired chemicals

In some cases, your blood test may be thrown out entirely, or its reliability undermined before a jury.

Even a high BAC is only one piece of the puzzle. The State still must prove that your intoxication was the cause of the fatal crash.

2. Questioning Whether Intoxication Caused the Accident

Prosecutors must do more than show you had alcohol or drugs in your system. They must prove that your intoxication directly caused the death.

In many cases, a skilled defense attorney can show that:

- Another driver caused the crash
- The deceased pedestrian or cyclist acted negligently
- Mechanical failure (like tire blowout or brake failure) was to blame
- An animal or object in the road caused evasive action
- The accident would have happened regardless of impairment

If the State cannot prove that intoxication, not just the crash, was the cause of death, the entire charge may collapse.

3. Highlighting Road, Lighting, or Weather Conditions

Sometimes the road itself creates a hazard. Your defense team may examine whether the crash was influenced by:

- Poor lighting or missing streetlamps
- Sharp curves or poor signage
- Debris, potholes, or slick pavement
- Construction zones or misplaced barriers
- Obstructed views due to vegetation or design flaws

These conditions may reduce or negate your responsibility, or even shift blame to a third party such as the city, county, or road contractor.

4. Investigating the Behavior of Other Drivers or Pedestrians

An often-overlooked defense strategy is investigating the conduct of other parties involved in the crash. Consider these scenarios:

- The other driver was speeding or texting
- The pedestrian stepped out suddenly in front of your vehicle
- A bicyclist failed to follow traffic rules
- Another vehicle made an illegal turn or unsafe lane change

In Texas, causation matters. If someone else's actions caused the accident, or significantly contributed to it, you may be found not guilty of intoxication manslaughter.

Even if your own conduct played a role, Texas juries are required to consider all the facts – not just your BAC.

5. Using Expert Toxicologists and Accident Reconstructionists

When it's your word against the State's lab report, you need experts on your side. Your attorney may work with:

- **Toxicologists** who can explain how your BAC was rising or falling at the time of the test
- **Accident reconstructionists** who can analyze speed, distance, braking patterns, and impact zones
- **Medical experts** who can explain pre-existing health conditions that affected your behavior or test results
- **Biomechanical engineers** who can assess injuries and movements at the time of impact
- **Video or digital forensics specialists** who can retrieve surveillance or dashcam footage, GPS data, or cell phone use records

These experts can challenge the prosecution's version of events and create reasonable doubt in the minds of the jury.

Remember: The Law Presumes You Are Innocent

Until and unless the State proves you guilty beyond a reasonable doubt, you are presumed innocent under Texas and U.S. law.

You have the right to:

- Remain silent
- Be represented by counsel

- Confront and cross-examine witnesses
- Present evidence in your defense
- Demand that the State prove every element of the charge

Do not assume the worst just because you've been charged. With the right defense strategy, many intoxication manslaughter cases are reduced, dismissed, or result in not-guilty verdicts.

In the next section, we'll walk through the legal process so you know what to expect in the weeks and months ahead.

SECTION 6

WHAT TO EXPECT FROM THE LEGAL PROCESS

From Arrest to Trial

Once you've been charged with intoxication manslaughter in Texas, your case enters the felony criminal justice system.

This process is different from what many people imagine. It's not like TV. It's long. It's technical. And it's designed to favor the prosecution ... unless you have a strong legal team fighting for you.

Here's a simplified overview of the key stages you can expect, from arrest to possible trial.

1. Bail and Release Conditions

After your arrest, you'll likely be taken to county jail for booking. You'll then appear before a magistrate judge, who will:

- Formally notify you of the charges
- Set bail (the amount of money needed to secure release)
- Impose bond conditions (such as no alcohol use, travel restrictions, or ignition interlock devices)

If the court believes you're a flight risk or a danger to the community, it may set a high bond—or deny bond altogether in rare cases.

Your attorney can:

- Argue for lower bail or a personal recognizance (PR) bond
- Work with a bail bondsman to secure your release
- Seek to modify harsh release conditions

Once you're out, it's essential to follow every condition exactly. A violation, no matter how small, can result in being taken back into custody.

2. Grand Jury Proceedings

Unlike misdemeanors, felony charges in Texas must be indicted by a grand jury.

This is a group of citizens who review the basic facts of your case and decide whether there is probable cause to proceed with prosecution.

You do not appear before the grand jury unless your attorney requests it, and even then, it's rare.

Most grand juries indict if asked. However, a skilled defense attorney may:

- Present a grand jury packet outlining weaknesses in the case
- Request that you testify (in limited situations where it may help)
- Argue for lesser charges or no-bill (no indictment)

If the grand jury issues a true bill, your case moves forward toward trial. If it returns a no bill, the case may be dismissed, though the State can still refile later.

3. The Felony Court Process in Texas

Once indicted, your case will be assigned to a felony district court. You'll be required to attend a series of court settings. These include:

- Arraignment (formal presentation of the charges)
- Pretrial hearings (addressing legal and evidentiary issues)
- Status conferences (updates and scheduling)

These hearings may take place over several months ... or longer. In the meantime, your attorney is:

- Reviewing all the evidence turned over by the State (called discovery)
- Filing motions
- Negotiating with prosecutors
- Preparing for trial or working toward a favorable resolution

You must stay in close communication with your legal team, attend all court dates, and comply with any bond conditions.

4. Pretrial Motions

One of the most important parts of your defense is filing pretrial motions. These legal tools allow your attorney to:

- Challenge the legality of the blood draw (was it done with a warrant or valid consent?)
- Move to suppress evidence that was unlawfully obtained
- Request access to accident reconstruction data, medical records, or surveillance footage
- Push for dismissal of the case if the evidence is insufficient

If a judge grants a motion to suppress, it could result in key evidence being thrown out – weakening the State’s case significantly, and sometimes leading to dismissal.

5. Plea Bargains and Trial Strategy

Not every intoxication manslaughter case goes to trial. In fact, many are resolved through plea negotiations.

Depending on the facts and the strength of the evidence, your attorney may:

- Push for the charge to be reduced to intoxication assault or DWI
- Negotiate a probated sentence (probation instead of prison)
- Craft a plea agreement that avoids the worst penalties
- Prepare to go to trial if the State refuses a fair deal

Your attorney’s role is not to pressure you into pleading guilty; it’s to advise you, fight for your rights, and prepare for every possible outcome, including trial.

What If the Case Goes to Trial?

If no plea deal is reached, your case will go before a jury of 12 citizens, who must unanimously agree to convict.

At trial, your attorney will:

- Cross-examine the State’s witnesses
- Challenge the admissibility and accuracy of evidence
- Present your defense, including any expert witnesses
- Highlight reasonable doubt at every turn

If you are found not guilty, the case ends, and you walk free. If you are found guilty, the jury or judge then decides your punishment, which can be mitigated with effective advocacy.

How Long Does the Process Take?

Felony cases like intoxication manslaughter typically take:

- 6 to 18 months from arrest to resolution
- Longer if complex evidence or multiple parties are involved

While this can feel overwhelming, remember: time is an advantage when used wisely.

The earlier you retain an attorney, the more time your team has to:

- Secure critical evidence (before it disappears)
- Investigate all possible defenses
- Negotiate from a position of strength

In the next section, we'll discuss how a defense attorney can help you ... not just with courtroom strategy, but with protecting your rights, your freedom, and your future from the very first day.

SECTION 7

HOW AN ATTORNEY CAN HELP

Why These Cases Require an Experienced Defense

If you've been charged with intoxication manslaughter, the stakes could not be higher.

You're not just fighting a DWI charge; you're facing the possibility of a felony conviction, years behind bars, and a lifetime of consequences that don't end when the sentence does.

The criminal justice system is not designed to be navigated alone ... and especially not in cases involving death, alcohol, and public pressure to "make an example" of the accused.

You need a defense attorney who understands what you're up against, and how to fight it from every angle. Here's what an experienced intoxication manslaughter lawyer does to protect your future:

1. Navigating Legal Deadlines

The Texas criminal system runs on strict timelines, and missing one can damage your case. From the moment you're arrested, critical deadlines begin ticking:

- Motions to preserve or suppress evidence

- Requests for discovery from the State
- Objections to how tests or statements were obtained
- Statutory timeframes for indictment and trial settings

A seasoned attorney knows how to manage these deadlines, file the right motions, and keep your case on track from day one.

2. Protecting Your Rights from Day One

When you're charged with intoxication manslaughter, law enforcement and prosecutors are already building their case. Without legal counsel, you are vulnerable to interrogation, pressure, misstatements, and even unintentional self-incrimination.

A strong defense attorney will:

- Shield you from police questioning
- Ensure your statements are not used out of context
- Challenge any constitutional violations (such as illegal searches or improper Miranda warnings)
- Guard your presumption of innocence in a system that often assumes guilt

Most importantly, your attorney becomes your voice – ensuring your rights are respected at every stage.

3. Preserving Key Evidence

In intoxication manslaughter cases, evidence can disappear quickly. Skid marks fade. Surveillance footage gets erased. Witness memories change.

Your attorney will take immediate steps to preserve time-sensitive evidence, including:

- Sending preservation of evidence letters to law enforcement, businesses, or private parties
- Hiring accident reconstructionists and toxicology experts
- Retrieving dash cam or body cam footage
- Obtaining 911 calls, dispatch records, and breath/blood test logs
- Collecting medical and prescription records

These steps are crucial to challenging the State's version of the crash and building a defense based on facts and not assumptions.

4. Negotiating with Prosecutors

Prosecutors may seem cooperative early on, but make no mistake, their job is to convict.

Your defense attorney's job is to level the playing field by:

- Exposing weaknesses in the prosecution's case
- Challenging improper charges or sentence enhancements
- Pushing for dismissal, reduction of charges, or alternative resolutions
- Preventing overcharging or overreach

In many cases, a skilled attorney can negotiate:

- Reduction to a lesser charge (like intoxication assault or criminally negligent homicide)
- Deferred adjudication or probation
- Sentencing agreements that avoid mandatory prison time

But these outcomes don't happen automatically. They require tactical negotiation, legal leverage, and strong presentation of your side of the story.

5. Preparing for Trial, Or Avoiding It Altogether

Not every case goes to trial.

In fact, many are resolved before reaching the courtroom. But the best defense lawyers prepare as if trial is inevitable, and that preparation often leads to better outcomes.

Your attorney may:

- Develop multiple defense strategies based on evolving evidence
- Consult with expert witnesses to prepare testimony
- File motions to exclude harmful evidence
- Craft persuasive arguments that show your side of the story

If trial becomes necessary, your lawyer will be ready with a clear plan to confront the State's case, cross-examine their experts, and present reasonable doubt to the jury.

And if trial can be avoided through a strategic resolution that protects your future, your attorney will guide you there too.

This Is Not Just About the Law; It's About Your Life

Being charged with intoxication manslaughter doesn't just affect your criminal record. It touches everything: your freedom, your family, your career, your finances, and your future.

An experienced defense attorney does more than file motions or speak in court. They help you:

- Make sense of the process
- Manage fear, uncertainty, and public judgment
- Make informed decisions under pressure
- Protect your name, your future, and your second chance

You only get one shot at defending yourself against this charge. Make it count.

In the next section, we'll offer guidance for family members – because when one person is charged, the entire family feels the weight.

SECTION 8

FOR FAMILY MEMBERS

How to Support a Loved One Accused of Intoxication Manslaughter

When someone you care about is charged with intoxication manslaughter, it's not just their world that's been turned upside down; yours has, too.

As a spouse, parent, sibling, partner, or close friend, you're likely dealing with a whirlwind of emotions: fear, confusion, sadness, maybe even anger. At the same time, you're being looked to for stability and support.

This section is for you – the people standing behind the accused – because you play a critical role in how the case unfolds.

1. Understand Their Rights

Even in the face of a tragedy, your loved one has rights. These rights don't disappear because an accident occurred or because emotions are running high.

They have the right to:

- Remain silent

- Refuse to speak with police without an attorney
- Be presumed innocent unless proven guilty
- Have legal representation

Encourage your loved one not to talk to anyone about the case – not to friends, not to other family members, and certainly not to law enforcement or media. Anything they say, even casually, can be twisted or taken out of context by prosecutors.

If law enforcement contacts them again or shows up with more questions, their only response should be: “I’m not answering questions without my attorney present.”

2. Avoid Public Statements

In high-stakes cases involving loss of life, there’s often media attention, public speculation, and emotional pressure from the community.

As hard as it may be:

- Do not post about the case on social media
- Do not speak to reporters, bloggers, or YouTubers
- Do not attempt to explain or defend your loved one online
- Do not comment on news articles or public forums

Even innocent-sounding comments like “He would never do that” or “She was barely over the limit” can backfire ... especially if they conflict with later legal arguments.

Let your loved one’s defense attorney speak for them. Public silence is not weakness; it’s protection.

3. Help Organize Legal Documents and Information

Your support behind the scenes can be incredibly valuable. Legal defense involves gathering a great deal of information, often quickly.

You can help by:

- **Gathering documents:** medical records, prescriptions, receipts, insurance policies, car registration, etc.
- **Making lists** of witnesses, friends present at the time, or anyone who may have relevant information
- **Collecting photos or videos** of the accident scene (if safe and legal to do so)
- **Organizing paperwork** related to bond conditions, court settings, and deadlines

Keeping everything in one place – a shared folder or physical binder – helps your loved one stay focused and helps their attorney build the strongest possible case.

4. Be Aware of Mental Health Needs (Yours and Theirs)

These cases are emotionally devastating for everyone involved. Your loved one may be dealing with:

- Shock, shame, or guilt (even if they didn't cause the crash)
- Anxiety over what happens next
- Depression or suicidal thoughts
- Substance withdrawal or sleep issues if incarcerated
- Grief over the loss of life involved in the accident

You may be facing those same struggles, along with the stress of supporting them, protecting your family, and managing daily life.

You are not alone. Consider:

- Connecting with a therapist or counselor
- Reaching out to support groups for families of incarcerated individuals or those involved in fatal accidents
- Asking your loved one's attorney for mental health referrals

Being strong doesn't mean doing everything yourself. Get support when you need it.

Remember: You're Not Powerless

You may not be able to change what happened. But you can make a difference in what happens next.

- Help your loved one find a qualified defense attorney
- Be present, but don't push them to talk about the case
- Provide structure, calm, and support as they navigate this crisis

When everything feels out of control, your steady presence can be the anchor they need most.

In the next section, we'll answer some of the most frequently asked questions about intoxication manslaughter cases in Texas – from what happens next, to what outcomes are possible, to what rights you really have.

SECTION 9

FREQUENTLY ASKED QUESTIONS

When someone is charged with intoxication manslaughter, it's natural to have questions – lots of them. This section answers some of the most common and urgent concerns we hear from clients and families.

While every case is different, these answers can help you get a clearer picture of what you're facing and what to expect next.

Will I go to jail?

Not necessarily. While intoxication manslaughter is a second-degree felony punishable by 2 to 20 years in prison, not everyone convicted is sentenced to time behind bars.

There are many factors that influence whether someone serves prison time, including:

- The strength of the evidence
- Whether there were prior convictions
- The conduct and cooperation of the accused
- The outcome of plea negotiations

- Whether a probation-eligible sentence can be secured

Some individuals are able to receive probation (also called community supervision), but this is rare without strategic legal work. If you are convicted at trial, the judge or jury will determine your punishment—so a strong defense is critical throughout the process.

Bottom line: Jail is a risk, but it is not a certainty. A skilled attorney can make all the difference.

Can I be sued civilly for wrongful death?

Yes. Criminal charges and civil lawsuits are separate matters, and being acquitted (or even avoiding conviction) in the criminal case does not prevent the deceased's family from filing a civil lawsuit.

If the family believes your actions caused the death, they may sue for:

- Funeral and burial expenses
- Medical bills
- Lost income or financial support
- Pain and suffering
- Loss of companionship

In civil court, the burden of proof is lower than in criminal court. They don't have to prove guilt beyond a reasonable doubt ... only that it's more likely than not that your conduct caused harm.

If you have insurance (such as an auto policy), it may provide some defense or settlement coverage. However, a conviction in the criminal case can be used as evidence in the civil case, so the two are closely connected.

What if the test was refused?

If you refused a blood or breath test, you can still be charged, and in fact, you may have already been charged based on other evidence. Refusal does not protect you from prosecution.

However, it may weaken the State's case in some situations, because:

- There may be no chemical evidence of intoxication
- The State must rely more on observations and subjective assessments
- The defense can argue that refusal does not equal guilt (especially if there were valid reasons, like fear, confusion, or lack of understanding)

That said, Texas has implied consent laws, and refusal can result in:

- Automatic driver's license suspension
- The use of your refusal as evidence of guilt in court

An experienced defense attorney will explore whether the refusal was legally valid and whether any resulting statements or evidence can be challenged.

What if it was a prescription drug?

Even if you were taking a prescribed medication, you can still be charged with intoxication manslaughter if the State believes the drug impaired your ability to safely operate a vehicle.

Prescription medications often involved in these cases include:

- Sleep aids
- Pain medications (especially opioids)
- Anxiety medications (such as benzodiazepines)
- Muscle relaxants
- Antidepressants

The key issue is impairment, not legality. That said, your defense attorney can argue:

- You were taking the medication as directed
- There were no warning labels about driving impairment
- Any impairment was not the cause of the accident
- The prosecution has no evidence of actual intoxication at the time of the crash

If you were using both alcohol and prescription drugs, prosecutors may argue the combination intensified impairment ... even if neither substance alone would have exceeded the legal threshold.

How soon should I hire an attorney?

Immediately. These cases move fast, and the earlier you have an experienced criminal defense attorney involved, the better your chances of:

- Preserving critical evidence
- Protecting your rights during police questioning
- Identifying weaknesses in the State's case
- Negotiating favorable terms with prosecutors
- Avoiding mistakes that could hurt your defense later

If you or a loved one is facing an intoxication manslaughter charge, do not wait to “see how things play out.” The prosecution is already building its case. You need someone building yours.

In the final section, you’ll hear directly from attorney Stephen Hamilton. He has helped individuals and families through some of the most difficult moments of their lives, and knows what it takes to defend a serious felony charge like this one.

CONCLUSION

"These are among the most emotionally and legally complex charges we defend. But you do not have to go through this alone, and you are not guilty just because an arrest was made. The law requires proof beyond a reasonable doubt, and the sooner you involve an attorney, the more we can do to protect your future."

— Stephen Hamilton,
criminal defense attorney

If you or someone you care about has been charged with intoxication manslaughter, you're likely feeling overwhelmed, isolated, and terrified about what lies ahead.

You may be mourning, confused, or even in shock, while also facing the crushing weight of a criminal charge with life-changing consequences.

But here's what you need to remember:

- You have rights.
- You have options.
- And you are not alone.

These cases are not won by sitting back and hoping for the best. They are won through early action, strategic defense,

and a deep understanding of both the law and the human toll these charges take.

At the Texas Criminal Defense Group, we don't judge you; we fight for you.

We've helped people from every walk of life take back control, protect their future, and begin rebuilding after the unthinkable. Whether your case is resolved quietly or goes to trial, we'll be with you every step of the way.

Because this isn't just about defending a case; it's about defending your freedom, your reputation, and your second chance.

Take the Next Step

If you're ready to speak with an attorney who understands what you're facing and knows how to fight back, schedule a confidential consultation today.

There is no obligation – just honest answers, trusted guidance, and the chance to start putting this behind you.

ABOUT TEXAS CRIMINAL DEFENSE GROUP

We understand the gravity of the situations our clients face and we go the extra mile to ensure your rights are protected. We leave no stone unturned in building a robust defense strategy. From investigating the case to gathering evidence, interviewing witnesses, and analyzing every aspect of the prosecution's case, we leave no room for oversight. We understand the nuances of the law and leverage our expertise to identify potential weaknesses or inconsistencies in the prosecution's argument.

We go beyond the courtroom and offer guidance, reassurance, and emotional support throughout the legal process. We understand the stress and anxiety our clients experience and work tirelessly to alleviate their concerns. Whether it's explaining legal procedures, addressing questions, or preparing clients for trial, we ensure that our clients are well-informed and empowered every step of the way. By going the extra mile, we demonstrate our commitment to achieving the best possible outcome for our clients and upholding justice.

Results, Period

We believe that winning is not just important, but the ultimate goal. When it comes to your case, achieving victory is the sole focus, and if you choose to hire our services, it becomes our utmost responsibility to deliver the desired results to you.

People over Process Always

Our commitment is to provide Five-Star Service, and the abundance of success stories is a testament to our dedication. Our team of attorneys is passionate about advocating for our clients and ensuring their rights are protected. We go above and beyond to deliver exceptional representation, tailored to each individual case. From the initial consultation to the final resolution, we prioritize clear communication, responsiveness, and personalized attention. Our attorneys possess extensive legal knowledge, courtroom expertise, and a track record of achieving favorable outcomes for our clients. With a client-centered approach, we strive to exceed expectations and provide the highest level of service throughout the entire legal process.

Texas Criminal Defense Group
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Offices in: Amarillo, Austin, Dallas, Denton, Fort Worth, Houston, Lubbock, McKinney, Midland, Odessa, San Angelo, and San Antonio.

GOOGLE REVIEWS

4.9 rating, 500+ reviews

Adrian Hernandez ★★★★★

My experience with them was just awesome! Never felt like I was clueless, they were super helpful through the whole process and we got exactly what we were fighting for without me even having to lift a finger really! 10 out of 10, great work!

Anayancy Quintana ★★★★★

I had a case opened from about 3 years ago, that I had no idea about. I contacted this firm for all the great reviews. I didn't have to show up or do anything really, my lawyer got the charge dismissed and I got to go on with my life. Highly recommend.

Brandon Paz ★★★★★

This team of professionals are highly versed in all areas of criminal defense! They have come through time and time again with favorable results! I like to say that they "work their magic!" Very thorough, and precise in their work! Highly recommend!!

caitlin nino ★★★★★

If I could give 10 stars I would! This group not only did their best to get the best outcome for me, but they

treated me like a friend as well. It's very easy to get in contact with them if you have any questions which was the best part. TCDG are very attentive, very friendly personally I believe they deserve the Best In Texas plaque! If you've ever found yourself in a pickle this family is the way you want to go!

Daniel ★★★★★

I cannot thank the Texas Criminal Defense Group enough for their incredible work on my case. Facing 2 to 10 years for a crime I didn't commit was the hardest thing I've ever endured, but they gave me peace of mind throughout the entire process. They were extremely thorough, professional, and dedicated, always keeping me informed and reassured. Their commitment to proving my innocence was unwavering. They went above and beyond, treating my case with the seriousness and care it deserved. Thanks to their expertise and tireless efforts, I was able to walk away with my name cleared, and I can now move forward with my life.

Juan Montez ★★★★★

TCDG has been great in helping me with my case! My lawyer was straight forward about what to expect and that helped me prepare mentally about what was to come. Everyone has been amazing at communicating to me what needed to be done throughout the process! I would recommend them to anyone!

One Moment Can Change Everything.

A tragic accident. A police investigation. And suddenly, you are facing one of the most serious criminal charges in Texas. *Charged with Intoxication Manslaughter in Texas? What to Do Now* is a clear, steady guide for people confronting the shock, fear, and uncertainty that follow an arrest for intoxication manslaughter. Written by experienced Texas criminal defense attorney Stephen Hamilton, this is a practical, step-by-step survival guide for navigating the Texas criminal justice system after a fatal accident involving allegations of intoxication. Inside, you will learn:

- What intoxication manslaughter really means under Texas law
- What prosecutors must prove, and where their case may be vulnerable
- The penalties, enhancements, and long-term consequences you may face
- What to do (and what not to do) in the critical hours and days after an arrest
- Common defenses that may apply, even when alcohol or drugs are involved
- What to expect from the legal process, from arrest through trial
- How family members can provide meaningful support without making things worse

When emotions are high and the stakes could not be greater, misinformation and delay can be devastating. If you or someone you love has been charged with intoxication manslaughter in Texas, this guide will help you take the first informed steps forward ... before mistakes are made that cannot be undone.

About the Author

Attorney Stephen Hamilton is the founding partner and lead trial attorney at The Texas Criminal Defense Group. Stephen ranks among the fewer than 1% of practicing criminal attorneys across Texas who have achieved coveted board certification in criminal law by the Texas Board of Legal Specialization. He has been awarded numerous awards, and his counsel is highly esteemed by his peers. He is a lifetime legal member of the National Association of Criminal Defense Attorneys, the Texas Criminal Defense Lawyer's Association, and several other regional legal associations.

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