



## DWI program generating mixed results

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County Court-at-Law Judge Tim Johnson read the names of the list of 51 people scheduled to appear for their various misdemeanor charges — criminal trespass, marijuana possession, bad checks, evading arrest — and 13 drunken driving charges.

Then he told DWI defendants they might have another option.

“The district attorney started a new program at the end of last month that you need to know about,” Johnson said.

The program, called Take Responsibility, allows first-time DWI defendants with certain conditions — no accident occurred, no children were passengers, and the defendant must be respectful to officers, among other things — to plead to a charge of “obstruction of a highway — intoxication.”

As part of the deal, they face tough conditions, including six months of mandatory ignition interlock devices on their vehicles, but they would avoid a formal DWI conviction.

At the end of March, there were 4,700 first-time DWI defendants on the misdemeanor dockets. It's unclear how many of those would be eligible, but as of Friday evening, about 580 people had taken the alternative plea.

Like many boldly announced new programs, it seems to be neither as great as its trumpeters say, nor as bad as its detractors predicted.

Lawyers who were at first critical of the option, calling it onerous and maybe holding hidden drawbacks, have pleaded some of their clients to it.

And Johnson, who stood beside District Attorney Susan Reed when she announced the program, no longer sees it as an easy fix.

“It did not clear it out the way I had hoped it would,” Johnson said Friday. However, “it cleared out a lot of cases, and I think it will have a very positive effect going forward as some of these cases don't end up on the trial docket.”

When introducing the program, Reed took pains to emphasize that it wasn't a break for DWI offenders, and some lawyers say that in some ways the punishment is worse.

A group of defense lawyers published an industry article calling it a “new, rigid, and mostly unfavorable offer.”

They don't hate it so much anymore.

"No, not quite as much," said lawyer Mark Stevens, who worked on the article. "I haven't done one yet, but I've come to recognize that there are some people for whom it might be good."

Most of Stevens' early concerns have been allayed, he said, but even though the conviction doesn't say DWI, it does say the person was intoxicated and operating a motor vehicle.

"When Mr. H-E-B or Mr. FBI comes looking for your record at the courthouse and they see that, it's not going to look much different than if you're a drunk driver," Stevens said.

He also questioned the program's success.

"If she wanted to clear out her docket and all they did was clear out 10 percent of it, it was not very successful, it seems to me," he said.

Jim Kopp, who helped craft the program, called it "very much" a success.

"I'm not trying to contradict what Judge Reed said, but I'm not sure clearing the dockets was what Take Responsibility had in mind," Kopp said.

Getting people into treatment and diverting them from destructive behavior is a more important achievement, he said.

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