

Houston Criminal Defense Attorney David Smith Secures In-Trial Dismissal of DWI Case

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In a major courtroom triumph, [David Smith Law Firm, PLLC](#), secured an in-trial dismissal for a client charged with Driving While Intoxicated (DWI). Leveraging his experience as a former Brazoria County prosecutor and a Board-Certified* Criminal Law Specialist, this victory demonstrates [David Smith's](#) knowledge of criminal law and his ability to challenge flawed evidence, ensuring constitutional protections and justice from his client.

David Smith, who has tried more than 100 jury cases—from murder to sexual assault—emphasizes how vital it is to hold law enforcement to the highest professional standards:

“One of my key responsibilities as a defense attorney is to ensure that the police follow proper procedures,” says Mr. Smith. “If an officer is going to charge my client, they must do their job correctly—or I’ll make sure the judge and jury know otherwise.”

Exposing Procedural Errors and Securing Key Suppressions

In this high-stakes case in Harris County Criminal Court (cause #251226001010), the defense team, led by David Smith along with Savannah Luna, Tyler Flood, and Brianne Boiarsky, demonstrated exceptional legal acumen by successfully suppressing key pieces of evidence. The prosecution’s case relied heavily on a blood test and Standardized Field Sobriety Tests (SFSTs), including the Horizontal Gaze Nystagmus (HGN) test. However, through meticulous examination and strategic arguments, David Smith, along with the team of criminal defense attorneys, exposed critical flaws in both the blood draw procedure and the administration of the HGN test.

Challenging the Blood Test: Upholding Constitutional Rights

Tyler Flood and Savannah Luna argued that the blood test was obtained via an improper search warrant, violating the client’s Fourth Amendment rights. By identifying procedural errors in the warrant, they successfully demonstrated its invalidity, leading the judge to rule the blood test

results inadmissible. This significant victory stripped the prosecution of a cornerstone piece of evidence.

Exposing Flaws in the HGN Test: Strategic Defense

David Smith's cross-examination of the arresting officer, in a motion to suppress, revealed that the HGN test was not administered according to National Highway Traffic Safety Administration (NHTSA) guidelines, rendering its results unreliable. This strategic move led to the suppression of the HGN test evidence, further weakening the prosecution's case.

"In this case, the officer did not follow NHTSA protocols for the field sobriety tests," Mr. Smith explains. "That oversight allowed us to successfully suppress the HGN test and discredit much of the State's so-called evidence."

With their key evidence suppressed, the prosecution's case was significantly weakened. David Smith effectively negotiated with prosecutors, successfully arguing to them to recognize the lack of substantial evidence and dismiss the charges. This outcome exemplifies how a robust legal defense can lead to justice, preventing wrongful convictions based on flawed evidence.

The successful in-trial dismissal has drawn praise from Joel Geddis, Founder & CEO of ReferU.AI, who highlighted the victory:

"ReferU.AI is proud to have partnered with David Smith Law Firm," says Joel Geddis. "When the next person is facing up to 180-days of confinement based on unconstitutionally collected evidence, they should know how to find Board Certified Criminal Law Specialist, David Smith. We're honored to share his client's success stories."

About David Smith Law Firm, PLLC:

David Smith Law Firm, PLLC, is a criminal defense firm near you in Houston, TX, focusing on DWI. Leveraging David Smith's background as a former felony prosecutor, Chief of the Misdemeanor Division in Brazoria County, and being *Board Certified, Criminal Law – Texas Board of Legal Specialization, as a Criminal Law Specialist, David Smith provides a comprehensive criminal defense with his knowledge of how cases are built, prosecuted, and dismantled—providing his clients an invaluable defense when facing criminal charges.

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