

Cause No. _____

(1)

In the Matter of

§ In the

§ _____

(2)

_____ § _____ County, Texas

(3)

(4)

Petition for Order of Nondisclosure

Under Section 411.0726

_____ (5) (“Petitioner”) respectfully petitions the court for an order of nondisclosure under Government Code Section 411.0726 for the offense detailed below.

1. The Underlying Order and Order of Discharge and Dismissal

Petitioner was placed on deferred adjudication community supervision for an offense under Penal Code Section 49.04 (Driving While Intoxicated) or 49.06 (Boating While Intoxicated) in Criminal Cause No. _____ (6) in this court on _____. (7) Evidence that Petitioner was placed on deferred adjudication _____ attached. (8)

Petitioner completed deferred adjudication, and the court entered a dismissal and discharge under Code of Criminal Procedure Article 42A.111 (or former law) on _____. (9) Evidence that the court entered a dismissal and discharge _____ attached. (10)

2. Petitioner Satisfies the Requirements of Government Code Section 411.0726

Petitioner satisfies the requirements of Section 411.0726, Gov't Code, in that:

- Petitioner was placed on deferred adjudication for an offense under Penal Code Section 49.04 (Driving While Intoxicated) or 49.06 (Boating While Intoxicated);
- At the time of the offense, Petitioner did not hold a commercial driver's license or learner's permit or have an alcohol concentration of 0.15 or more;
- Petitioner completed deferred adjudication, and the court ordered a discharge and dismissal under Code of Criminal Procedure Article 42A.111, or former law;
- The court did not enter an affirmative finding that it is not in the best interest of justice that Petitioner receive an automatic order of nondisclosure under Section 411.072, Gov't Code;
- Petitioner has never been previously convicted of or placed on deferred adjudication for another offense, other than a traffic offense punishable by fine only;
- Petitioner's commission of the offense for which the order is requested did not result in a motor vehicle accident involving another person, including any passenger in Petitioner's vehicle;
- Petitioner satisfies the requirements of Section 411.074, Gov't Code;
- Petitioner waited two years following discharge and dismissal before filing this petition; and
- Petitioner has included evidence that shows Petitioner is entitled to file this petition.

3. Petitioner Satisfies the Requirements of Section 411.074, Gov't Code

Petitioner satisfies the requirements of Section 411.074, Gov't Code, in that:

- During the period after the court placed Petitioner on deferred adjudication, and during the two-year waiting period, Petitioner was not convicted of or placed on deferred adjudication for any offense other than a traffic offense punishable by fine only;
- Petitioner was not and has not ever been previously convicted of or placed on deferred adjudication for any of the following:
 - (A) an offense requiring registration as a sex offender under Code of Criminal Procedure Chapter 62;
 - (B) an offense Penal Code Section 20.04 (Aggravated Kidnapping);
 - (C) an offense under any of the following sections of the Penal Code:
 - 19.02 (Murder);
 - 19.03 (Capital Murder);
 - 20A.02 (Trafficking of Persons);
 - 20A.03 (Continuous Trafficking of Persons);
 - 22.04 (Injury to a Child, Elderly Individual, or Disabled Individual);
 - 22.041 (Abandoning or Endangering A Child);
 - 25.07 (Violation of Court Orders or Conditions of Bond in a family violence, child abuse or neglect, sexual assault or abuse, indecent assault, stalking, or trafficking case);
 - 25.072 (Repeated Violations of Certain Court Orders or

Conditions of Bond in a family violence, child abuse or neglect, sexual assault or abuse, indecent assault, stalking, or trafficking case); or

- 42.072 (Stalking); or

(D) any other offense involving family violence, as defined by Family Code Section 71.004; and

- The court has not made an affirmative finding that the offense for which the order is requested involved family violence, as defined by Family Code Section 71.004.

4. Petitioner is Entitled to File a Petition for an Order of Nondisclosure Under Section 411.0726, Gov't Code

A person is entitled to file a petition for an order of nondisclosure under Government Code Section 411.0726 if the person satisfies the requirements of Sections 411.0726 and 411.074 of the Code.

As indicated above, Petitioner satisfies the requirements of both sections.

5. Issuance of an Order of Nondisclosure is in the Best Interest of Justice

Issuance of an order is in the best of justice.

6. The Fee to File the Petition has been Paid or Otherwise Satisfied

Filing fees and court costs are required upon filing this petition. Alternatively, a petitioner may submit a *Statement of Inability to Afford Payment of Court Costs* if the petitioner is unable to pay the required fees and costs.

Petitioner has included ⁽¹¹⁾

the required filing fees and court costs.

a Statement of Inability to Afford Payment of Court Costs.

7. Prayer for Relief

Petitioner asks the Court to grant Petitioner’s request for an order of nondisclosure under Government Code Section 411.0726.

Respectfully submitted,

Signature (12)

Printed Name (13)

Address (14)

City, State, Zip (15)

Telephone Number (16)