

- Petitioner was convicted of a misdemeanor other than a misdemeanor under any of the following:
 - Sec. 106.041, Alcoholic Beverage Code (Driving/Operating Watercraft Under the Influence of Alcohol By Minor),
 - Sec. 49.04, Penal Code (Driving While Intoxicated),
 - Sec. 49.05, Penal Code (Flying While Intoxicated),
 - Sec. 49.06, Penal Code (Boating While Intoxicated),
 - Sec. 49.065, Penal Code (Assembling or Operating an Amusement Ride While Intoxicated), or
 - Chapter 71, Penal Code (Organized Crimes);
- Petitioner completed the sentence in the misdemeanor case, including any term of confinement imposed and payment of all fines, costs, and restitution, if any;
- Petitioner satisfies the basic eligibility requirements of Section 411.074, Government 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;
- The offense for which the order of nondisclosure is requested is not violent or sexual in nature. Per Section 411.0735(c-1), Government Code, this requirement does not include an assault under Section 22.01, Penal Code; and
- Petitioner has waited the requisite time before filing this petition. If Petitioner's offense is punishable by fine only, Petitioner may file this petition on or after the date that Petitioner completed the sentence in the case. Otherwise, Petitioner must wait 2 years after completing the sentence in his or her case before filing this petition.

3. Petitioner Satisfies the Requirements of Section 411.074, Government Code

Petitioner satisfies the requirements of Section 411.074, Government Code, in that:

- During the period after the court pronounced the sentence for the offense for which the order of nondisclosure is requested, and during the two-year period following Petitioner's completion of the sentence, if the misdemeanor was a Class A or B misdemeanor, Petitioner was not convicted of or placed on deferred adjudication for any offense other than

a traffic offense punishable by fine only. If the offense was a misdemeanor punishable by fine only, there is no waiting period.

- Petitioner was not and has not ever been convicted of or placed on deferred adjudication for any of the offenses listed below:
 - (A) an offense requiring registration as a sex offender under Chapter 62, Code of Criminal Procedure;
 - (B) an offense under Texas Penal Code Section 20.04 (aggravated kidnapping);
 - (C) an offense under any of the following sections of the Texas 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, sexual assault or abuse, stalking, or trafficking case);
 - 25.072 (repeated violation of certain court orders or conditions of bond in family violence, sexual assault or abuse, stalking, or trafficking case); or
 - 42.072 (stalking); or
 - (D) any other offense involving family violence, as defined by Section 71.004, Family Code; and
- The court did not make an affirmative finding that the offense for which the order of nondisclosure is requested involved family violence, as defined by Section 71.004, Family Code.

4. Petitioner is Entitled to File a Petition for an Order of Nondisclosure

Petitioner is entitled to file this petition because Petitioner has satisfied each of the requirements necessary to do so. A person is entitled to file a petition for an order of nondisclosure under Section 411.0735, Government Code, if the person:

- Was convicted and sentenced for a misdemeanor other than a misdemeanor listed under Section 411.0735(a)(1), Government Code, which includes the following:
 - Sec. 106.041, Alcoholic Beverage Code (Driving/Operating Watercraft Under the Influence of Alcohol By Minor),
 - Sec. 49.04, Penal Code (Driving While Intoxicated),
 - Sec. 49.05, Penal Code (Flying While Intoxicated),
 - Sec. 49.06, Penal Code (Boating While Intoxicated),
 - Sec. 49.065, Penal Code (Assembling or Operating an Amusement Ride While Intoxicated), or
 - Chapter 71, Penal Code (Organized Crimes);
- Is not eligible for an order of nondisclosure under Section 411.073, Government Code;
- Completed the sentence in the case, including any term of confinement imposed and payment of all fines, costs, and restitution, if any;
- Has never been previously convicted of or placed on deferred adjudication for another offense other than a traffic offense punishable by fine only;
- Has satisfied the requirements of Section 411.074, Government Code, including: not receiving a conviction or deferred adjudication for any offense other than a traffic offense punishable by fine only, during the period after the court pronounced the sentence for the misdemeanor, and during any applicable waiting period; not having ever been convicted of or placed on deferred adjudication for an offense listed in 411.074(b); and not having received an affirmative finding by the court that the misdemeanor for which the order of nondisclosure is requested involved family violence as defined by Section 71.004, Family Code; and
- Has waited the requisite time before filing a petition for an order of nondisclosure under Section 411.0735, Government Code.

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

The issuance of an order of nondisclosure is in the best interest of justice.

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

The fee to file this petition is the total amount of the fee required to file a civil petition and \$28.00, or a petitioner may submit a *Statement of Inability to Afford Payment of Court Costs* in lieu of paying any fee. Petitioner has included ⁽¹³⁾

_____ the required filing fee.

_____ a *Statement of Inability to Afford Payment of Court Costs* in lieu of the required fee.

7. Prayer for Relief

Petitioner respectfully prays that the court grant Petitioner’s request for an order of nondisclosure under Section 411.0735, Government Code.

Respectfully submitted,

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