

Cause No. \_\_\_\_\_  
(1)

In the Matter of

§ In the

§ \_\_\_\_\_  
(2)

\_\_\_\_\_ § \_\_\_\_\_ County, Texas  
(3) (4)

## **Petition for Order of Nondisclosure** **Under Section 411.0736**

\_\_\_\_\_ (5) (“Petitioner”) respectfully petitions the court for an order of nondisclosure under Government Code Section 411.0736 for the offense described below.

### **1. The Underlying Order and Completion of the Sentence**

Petitioner was convicted of a **Class B misdemeanor DWI** under Penal Code Section 49.04 in Criminal Cause No. \_\_\_\_\_ (6) in this court on \_\_\_\_\_. (7) Petitioner was sentenced for the offense. Evidence of Petitioner’s conviction and sentence **is** attached. (8)

Petitioner completed the sentence on \_\_\_\_\_. (9) Evidence that Petitioner completed the sentence, including any confinement and payment of all fines, costs, and restitution, if any, \_\_\_\_\_ attached. (10)

### **2. Petitioner Satisfies the Requirements of Government Code Section 411.0736**

Petitioner satisfies the requirements of Section 411.0736, Gov’t Code, in that:

- Petitioner was convicted of a **Class B misdemeanor DWI** under Penal Code Section 49.04;
- Petitioner’s alcohol concentration level was less than 0.15 at the time an analysis of Petitioner’s blood, breath, or urine was performed;
- Petitioner is ineligible for an order of nondisclosure under Government Code Section 411.0731;
- Petitioner completed the sentence in the case, including any confinement and payment of all fines, costs, and restitution, if any, imposed;
- Petitioner satisfies the requirements of Government Code Section 411.074;
- Petitioner has never been previously convicted of or placed on deferred adjudication community supervision for another offense, other than a traffic offense punishable by fine only;
- Petitioner waited the requisite time before filing this petition: <sup>(11)</sup>
  - Three years after completing the sentence (Petitioner successfully complied with a condition of the sentence that required the use of an ignition interlock device for a period of not less than six months); or
  - Five years after completing the sentence (The court did not require the use of an ignition interlock device or required use of the device for a period of less than six months); and
- This petition includes evidence that Petitioner is entitled to file this petition.

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

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

- During the period after the court pronounced the sentence in Petitioner’s DWI case, and during the applicable waiting period, as indicated above,

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 community supervision for any of the following:
  - (A) An offense requiring registration as a sex offender under Code of Criminal Procedure Chapter 62;
  - (B) an offense under 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, Sexual Assault or Abuse, Indecent Assault, Stalking, or Trafficking Case);
    - 25.072 (Repeated Violation of Certain Court Orders or Conditions of Bond in Family Violence, 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 Petitioner's offense involved family violence, as defined by Family Code Section 71.004.

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

A person is entitled to file a petition for an order of nondisclosure under Government Code Section 411.0736 if the person satisfies the requirements of Sections 411.0736 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 the 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 <sup>(12)</sup> the required fees and 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 411.0736.

Respectfully submitted,

\_\_\_\_\_  
Signature (13)

\_\_\_\_\_  
Printed Name (14)

\_\_\_\_\_  
Address (15)

\_\_\_\_\_  
City, State, Zip (16)

\_\_\_\_\_  
Telephone Number (17)