

Cause No. _____
(1)

In the Matter of

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In the

§

(2)

§

_____ County, Texas

(3)

(4)

Petition for Order of Nondisclosure

_____ ("Petitioner") respectfully petitions
(5)
this Court for an Order of Nondisclosure regarding the offense detailed in the following paragraph. The petition is filed pursuant to Texas Government Code, Section 411.081.

1. The Underlying Order of Deferred Adjudication

Petitioner pleaded _____ in this Court to the offense of
(6)
_____. This Court
(7)
placed Petitioner on deferred adjudication community supervision pursuant to Texas Code of Criminal Procedure, article 42.12, Section 5(a). A copy of this Court's "Order of Deferred Adjudication" _____ attached to this Petition. The term of Petitioner's period of
(8)
deferred adjudication began on _____ and ended on
(9)
_____.
(10)

2. The Order of Dismissal and Discharge

This Court did not proceed to an adjudication of guilt. Accordingly, this Court dismissed the proceedings against Petitioner and discharged Petitioner as required by



Texas Code of Criminal Procedure, article 42.12, Section 5(c). A copy of this Court's "Order of Dismissal and Discharge" _____ also attached to this Petition. The date of this Order is _____.

3. An Order of Nondisclosure may be Issued for this Type of Offense

As shown in the attached Order of Deferred Adjudication, the offense is:

- (1) a violation of _____;
- (2) _____ an offense under Texas Penal Code, Sections 19.02, 19.03, 20.04, 22.04, 22.041, 25.07, or 42.072;
- (3) _____ an offense requiring registration as a sex offender under Texas Code of Criminal Procedure, Chapter 62; and
- (4) _____ an offense involving family violence as defined by Texas Family Code, Section 71.004.

Accordingly, an Order of Nondisclosure may be issued for this type of offense.

See Texas Government Code, Section 411.081.

4. Petitioner has no Disqualifying Criminal History

Petitioner has _____ been convicted of, or placed on deferred adjudication for, any of the following offenses:

- (1) an offense under Texas Penal Code, Sections 19.02, 19.03, 20.04, 22.04, 22.041, 25.07, or 42.072;
- (2) an offense requiring registration as a sex offender under Texas Code of Criminal Procedure, Chapter 62; or

(3) an offense involving family violence as defined by Texas Family Code, Section 71.004.

Accordingly, Petitioner is not disqualified from filing this Petition because of Petitioner's criminal history.

5. Date Petitioner is First Eligible to File Petition

The offense is a _____.
(18)
Therefore, the earliest date Petitioner is eligible to file this Petition is _____ date of the Order of
(19)
Dismissal and Discharge. This "eligible-to-file" date is _____.
(20)

6. Petitioner has no Disqualifying Offenses during Relevant Time Period

Petitioner may file this Petition only if Petitioner was not convicted of, or placed on deferred adjudication for, "disqualifying" offenses during a "relevant" time period. The disqualifying offenses include all criminal offenses other than fine-only offenses under the Texas Transportation Code. The relevant time period begins on the date Petitioner was placed on deferred adjudication (_____), and ends on the eligible-to-file date, (_____) (21). Petitioner was not convicted of, or placed on deferred adjudication for, any specified offense during the relevant time period. (22)

7. 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 be so entitled. A person is entitled to file a petition for

an order of nondisclosure pursuant to Texas Government Code, Section 411.081(d), (e) if the person:

- (a) has been placed on deferred adjudication for a particular offense (*see* Paragraph 1 of this Petition);
- (b) subsequently receives a discharge and dismissal (*see* Paragraph 2 of this Petition);
- (c) was placed on deferred adjudication for an offense for which an order of nondisclosure may be issued (*see* Paragraph 3 of this Petition);
- (d) has no disqualifying offenses in his or her criminal history (*see* Paragraph 4 of this Petition);
- (e) has waited the requisite amount of time to file the Petition (*see* Paragraph 5 of this Petition); and
- (f) has not committed any disqualifying offenses between during a statutorily-specified relevant time period (*see* Paragraph 6 of this Petition).

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

The issuance of an Order of Nondisclosure in this case would be in the best interest of justice.

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

The fee to file this Petition is the total amount to file a general civil lawsuit in this Court plus an additional \$28.00. Petitioner has included

_____ with this Petition.

10. Prayer for Relief

Petitioner prays that this Court determine that Petitioner is entitled to file this Petition. Petitioner also prays that this Court determine that an Order of Nondisclosure is in the best interest of justice. Finally, Petitioner prays that upon making the two foregoing determinations, this Court issue an Order of Nondisclosure as required by Texas Government Code, Section 411.081(d).

Respectfully submitted,

(24)

(25)

(26)

(27)

(28)

Cause No. _____

In the Matter of

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§

_____ County, Texas

Order of Nondisclosure

Petitioner filed a Petition for an Order of Nondisclosure with this Court. Notice of the filing of the Petition was given to the State. The State was given an opportunity to request a hearing on the Petition. The State

- requested a hearing.
- did not request a hearing.

The Court

- conducted a hearing on _____.
- did not conduct a hearing.

The Court FINDS that Petitioner is entitled to file a Petition for an Order of Nondisclosure. Additionally, the Court FINDS that issuance of an Order of Nondisclosure is in the best interest of justice.

Accordingly, the Court ORDERS criminal justice agencies to not disclose to the public criminal history record information related to the offense of

_____ for which
Petitioner was placed on deferred adjudication on _____.

Signed on _____.

Judge Presiding

