

Cause No. _____

(1)

In the Matter of

§ In the

§ _____

(2)

§ _____

County, Texas

(3)

(4)

Petition for Order of Nondisclosure
Under Section 411.0731

_____ (5) (“Petitioner”) respectfully petitions the court for an order of nondisclosure under Government Code Section 411.0731 for the offense described below.

1. The Underlying Order and Completion of Community Supervision

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) Following the conviction, Petitioner was placed on community supervision. Evidence of Petitioner’s conviction and placement on community supervision **is** attached. (8)

Petitioner’s community supervision was not revoked. Petitioner completed community supervision, including any term of confinement imposed and payment of all fines, costs, and restitution, if any, imposed on _____. (9) Evidence that Petitioner completed community supervision, including evidence that Petitioner completed any term of confinement and paid all fines, costs, and restitution, if any, _____ attached. (10)

2. **Petitioner Satisfies the Requirements of Government Code Section 411.0731**

Petitioner satisfies the requirements of Section 411.0731, 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 was placed on community supervision following Petitioner's conviction, including any community supervision that required Petitioner to serve a term of confinement as a condition;
- Petitioner's community supervision was not revoked;
- Petitioner completed community supervision, including any term of confinement imposed and payment of all fines, costs, and restitution, if any;
- 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, as indicated below, before filing this petition. ⁽¹¹⁾

Two years after completing community supervision (Petitioner successfully complied with a condition of community supervision that required the use of an ignition interlock device for a period of not less than six months)

Five years after completing community supervision (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 placed Petitioner on community supervision, and during the applicable waiting period, as indicated above, Petitioner was not convicted of or placed on deferred adjudication community supervision 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 411.0731 if the person satisfies the requirements of Sections 411.0731 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 ⁽¹²⁾

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 411.0731.

Respectfully submitted,

Signature (13)

Printed Name (14)

Address (15)

City, State, Zip (16)

Telephone Number (17)