

- Did not enter into the veterans treatment court program because of a conviction of an offense involving the operation of a motor vehicle while intoxicated;
- Has never been previously convicted of any of the offenses listed in Article 42A.054(a), Code of Criminal Procedure, which includes the following:
 - Section [15.03](#), Penal Code (Criminal Solicitation), if the offense is punishable as a first degree felony;
 - Section [19.02](#), Penal Code (Murder);
 - Section [19.03](#), Penal Code (Capital Murder);
 - Section [20.04](#), Penal Code (Aggravated Kidnapping);
 - Section [20A.02](#), Penal Code (Trafficking of Persons);
 - Section [21.11](#)(a)(1), Penal Code (Indecency with a Child);
 - Section [22.011](#), Penal Code (Sexual Assault);
 - Section [22.021](#), Penal Code (Aggravated Sexual Assault)
 - Section [22.04](#)(a)(1), Penal Code (Injury to a Child, Elderly Individual, or Disabled Individual), if the offense is punishable as a first degree felony and the victim of the offense is a child;
 - Section [29.03](#), Penal Code (Aggravated Robbery);
 - Section [30.02](#), Penal Code (Burglary), if the offense is punishable as a first degree felony under Subsection (d) of that section and the actor committed the offense with the intent to commit a felony under Section [21.02](#) (Continuous Sexual Abuse of Young Child or Children), [21.11](#) (Indecency With a Child), [22.011](#) (Sexual Assault), [22.021](#) (Aggravated Sexual Assault), or [25.02](#) (Prohibited Sexual Conduct) of the Penal Code;
 - Section [43.05](#), Penal Code (Compelling Prostitution);
 - Section [43.25](#), Penal Code (Sexual Performance by a Child); and
 - Chapter [481](#), Health and Safety Code (Texas Controlled Substances Act), for which punishment is increased under Section [481.140](#) of that Code (Use of Child in Commission of Offense) because of the use or attempted use of a child in the commission of the offense, or under Section 481.134(c), (d), (e), or (f) of that Code (Drug-free Zones) because of a previous conviction of an offense for which punishment was increased under any of those subsections;
- Has never been previously convicted of a sexually violent offense, as defined by Article 62.001, Code of Criminal Procedure;
- Was not convicted of a felony during the two years following Petitioner's successful completion of the veterans treatment court program; and
- Has waited a minimum of two years following Petitioner's successful completion of the veterans treatment court program before filing this petition.

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

Petitioner satisfies the requirements of Sec. 411.074 of the Government Code in that:

- During the period after the court pronounced the sentence or placed Petitioner on deferred adjudication for the offense for which the order of nondisclosure is requested, and during the two-year waiting period following Petitioner's successful completion of the veterans treatment court program, 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 convicted of or placed on deferred adjudication for any of the following offenses:
 - (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);
 - 42.072 (Stalking); and
 - (D) Any other offense involving family violence, as defined by Section 71.004, Family Code; and
- The court has not made 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 the requirements to do so. A person is entitled to file a petition under Section 411.0727, Government Code, if the person:

- Successfully completes a veterans treatment court program established under Chapter 124, Government Code, or former law, for the offense for which the order of nondisclosure is requested;
- Satisfies the requirements of Section 411.074, Government Code, including: not having been convicted of or placed on deferred adjudication for any offense other than a traffic offense punishable by fine only during the period after the court pronounced the sentence or placed the person on probation or deferred adjudication, and during the two-year waiting period following the person's successful completion of the veterans treatment court program; not having received an affirmative finding by the court that the offense for which the order of nondisclosure is requested involved family violence, as defined by Section 71.004, Family Code; and never having been convicted of or placed on deferred adjudication for an offense listed in Section 411.074(b), Government Code;
- Has never been previously convicted of an offense listed in Article 42A.054(a), Code of Criminal Procedure, or a sexually violent offense, as defined by Article 62.001, Code of Criminal Procedure;
- Was not convicted of a felony offense during the two-year period following the person's successful completion of the veterans treatment court program; and
- Did not enter the veterans treatment court program as the result of a conviction of an offense involving the operation of a motor vehicle while intoxicated.

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 ⁽¹²⁾

_____ 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 411.0727, Government Code.

Respectfully submitted,

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