

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

In the Matter of

§ In the

§ \_\_\_\_\_  
(2)

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

## Petition for Order of Nondisclosure Under Section 411.0725

\_\_\_\_\_ (5) (hereinafter "Petitioner") respectfully petitions the court for an order of nondisclosure under Government Code Section 411.0725 for the offense detailed below.

### **1. The Underlying Order and Order of Discharge and Dismissal**

Petitioner plead guilty or nolo contendere to the offense of \_\_\_\_\_ (6), a \_\_\_\_\_ (7), in Criminal Cause No. \_\_\_\_\_ (8) in this court on \_\_\_\_\_. (9)

Petitioner was placed on deferred adjudication community supervision (hereinafter "deferred adjudication") for the offense. The period of deferred adjudication started on \_\_\_\_\_ (10) and ended on \_\_\_\_\_ (11). A copy of the judgment or order placing Petitioner on deferred adjudication \_\_\_\_\_ (12) attached.

Upon completion of deferred adjudication, the court discharged and dismissed the proceedings against Petitioner. A copy of the discharge and dismissal \_\_\_\_\_ (13)

attached to this petition. The discharge and dismissal occurred on \_\_\_\_\_ • (14)

## **2. Petitioner Satisfies the Requirements of Government Code Section 411.0725**

Petitioner satisfies the requirements of Section 411.0725, Gov't Code, in that Petitioner does not qualify for an order of nondisclosure under Section 411.072, Gov't Code, because (check all that apply): (15)

A. Petitioner was placed on deferred adjudication for a disqualifying misdemeanor, as the misdemeanor is an offense under one of the following Chapters of the Penal Code:

- 20 (Kidnapping, Unlawful Restraint, Smuggling Of Persons),
- 21 (Sexual Offenses),
- 22 (Assaultive Offenses),
- 25 (Offenses Against The Family),
- 42 (Disorderly Conduct And Related Offenses),
- 43 (Public Indecency Offenses),
- 46 (Weapons Offenses), or
- 71 (Organized Crime Offenses).

B. The court made an affirmative finding that it is not in the best interest of justice that Petitioner receive an automatic order of nondisclosure under Section 411.072 and filed that finding with the papers in Petitioner's case.

C. Petitioner's offense is a felony.

D. Petitioner has been previously convicted of or placed on deferred adjudication for an offense other than a traffic offense punishable by fine

only. (A list of offenses and dates of Petitioner's previous convictions and deferred adjudications \_\_\_\_\_ (16) attached to the petition.)

E. Petitioner received a discharge and dismissal prior to September 1, 2017.

Petitioner also satisfies the requirements of Section 411.0725 in that: (1) Petitioner received a discharge and dismissal for the offense for which the order is requested; and (2) the offense for which the order is requested is not an offense under Penal Code Section 49.04 or 49.06 for driving or boating while intoxicated, respectively.

Finally, Petitioner satisfies the requirements of Section 411.0725 in that Petitioner waited the requisite time, as indicated below, before filing this petition. (17)

On or after the fifth anniversary of the discharge and dismissal if the offense for which the order of nondisclosure is requested is a felony.

On or after the second anniversary of the discharge and dismissal if the offense for which the order of nondisclosure is requested is a misdemeanor offense under Chapter 20, 21, 22, 25, 42, 43, or 46 of the Penal Code.

On or after the dismissal and discharge if the offense for which the order of nondisclosure is requested is a misdemeanor offense but not a misdemeanor offense under Chapter 20, 21, 22, 25, 42, 43, or 46 of the Penal Code.

### **3. Petitioner Satisfies the Requirements of Section 411.074, Gov't Code**

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

- During the period after the court placed Petitioner on deferred adjudication, and during any applicable waiting period (as indicated in Section 2 above) following the discharge and dismissal, 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 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, child abuse or neglect, sexual assault or abuse, indecent assault, stalking, or trafficking case);
      - 25.072 (Repeated Violations of Certain Court Orders or Conditions of Bond in a family violence, child abuse or neglect, 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 the offense for which the order is requested involved family violence, as defined by Family Code Section 71.004.

**4. Petitioner is Entitled to File a Petition for an Order of Nondisclosure Under Section 411.0725, Gov't Code**

A person is entitled to file a petition for an order of nondisclosure under Government Code Section 411.0725 if the person satisfies the requirements of Sections 411.0725 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 an order is in the best interest 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 (18)

the required filing fees and court 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 411.0725.

Respectfully submitted,

\_\_\_\_\_  
Signature (19)

\_\_\_\_\_  
Printed Name (20)

\_\_\_\_\_  
Address (21)

\_\_\_\_\_  
City, State, Zip (22)

\_\_\_\_\_  
Telephone Number (23)