

Cause No. _____

(1)

In the Matter of

§ In the

§ _____

(2)

§ _____

County, Texas

(3)

(4)

Petition for Order of Nondisclosure
Under Section 411.0728

_____ (5) (“Petitioner”) respectfully petitions the court for an order of nondisclosure under Government Code Section 411.0728 for the offense detailed below.

1. The Underlying Order

Petitioner was convicted of or placed on deferred adjudication community supervision for the offense indicated below (6) in Criminal Cause No. _____ (6) by this court on _____. (7)

Prostitution (felony or misdemeanor)

Delivery of Marihuana (Class B misdemeanor only)

Possession of Marihuana (Class B misdemeanor only)

Theft (Class C or B misdemeanor only) (8)

A copy of the order or document showing that Petitioner was convicted or placed on deferred adjudication _____ (9) attached to this petition.

2. **Petitioner Satisfies the Requirements of Section 411.0728, Gov't Code**

Petitioner satisfies the requirements of Section 411.0728, Gov't Code, in that:

- Petitioner was convicted of or placed on deferred adjudication for a qualifying offense, to wit:⁽¹⁰⁾
 - Delivery of Marihuana under Health & Safety Code Section 481.120(b)(1), punishable as a Class B misdemeanor;
 - Possession of Marihuana under Health & Safety Code Section 481.121(b)(1), punishable as a Class B misdemeanor;
 - Theft under Penal Code Section 31.03, punishable as a Class C or B misdemeanor; or
 - Prostitution under Penal Code Section 43.02;
- Petitioner committed the offense for which the order is requested solely as a victim of the offense of trafficking of persons, continuous trafficking of persons, compelling prostitution, or other similar federal offense;
- If this is Petitioner's second or subsequent petition for an order under the section, Petitioner committed the offense for which the order is requested prior to submitting Petitioner's first petition for an order of nondisclosure under the section;
- Petitioner assisted law enforcement or the prosecuting attorney, if such assistance was requested, or was unable to assist due to Petitioner's age or a physical or mental disability resulting from being a victim of the offense of trafficking of persons, continuous trafficking of persons, compelling prostitution, or other similar federal offense; and
- Petitioner satisfies the requirements of Government Code Section 411.074(b).

3. Petitioner Satisfies the Requirements of Section 411.074(b), Gov't Code

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

- 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 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 411.0728, Gov't Code

A person is entitled to file a petition for an order of nondisclosure under Government Code Section 411.0728 if the person satisfies the requirements of Sections 411.0728 and 411.074(b) 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 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 ⁽¹¹⁾

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 411.0728.

Respectfully submitted,

Signature (12)

Printed Name (13)

Address (14)

City, State, Zip (15)

Telephone Number (16)