

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

In the Matter of \_\_\_\_\_ § In the  
\_\_\_\_\_ § \_\_\_\_\_  
\_\_\_\_\_ § \_\_\_\_\_ 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,

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