

Cause No. _____

(1)

In the Matter of

§ In the

§ _____
(2)

_____ § _____ County, Texas
(3) (4)

Petition for Order of Nondisclosure **Under Section 411.0735**

_____ (5) (“Petitioner”) respectfully petitions the court for an order of nondisclosure under Government Code Section 411.0735 for the misdemeanor described below.

1. The Underlying Order and Completion of the Sentence

Petitioner was convicted of the misdemeanor offense of _____ (6) in Criminal Cause No. _____ (7) in this court on _____ (8).

Following the conviction, Petitioner was sentenced to _____ (9). Petitioner completed the sentence on _____ (10). A copy of the judgment or other document showing Petitioner’s sentence _____ (11) attached. Evidence of Petitioner’s completion on the sentence, including any term of confinement imposed and payment of all fines, costs, and restitution, if any, _____ (12) attached.

2. Petitioner Satisfies the Requirements of Section 411.0735, Government Code

Petitioner satisfies the requirement under Section 411.0735, Government Code, in that:

- Petitioner is ineligible for an order of nondisclosure under Government Code Section 411.073;
- Petitioner was convicted of a misdemeanor, but not a misdemeanor for any of the following:
 - Driving/Operating Watercraft Under the Influence of Alcohol By a Minor under Alcoholic Beverage Code Section 106.041;
 - DWI under Penal Code Section 49.04;
 - Flying While Intoxicated under Penal Code Section 49.05;
 - Boating While Intoxicated under Penal Code Section 49.06;
 - Assembling or Operating an Amusement Ride While Intoxicated under Penal Code Section 49.065; or
 - An Organized Crime under Penal Code Chapter 71;
- Petitioner completed the sentence for the misdemeanor, including any confinement imposed and payment of all fines and costs and any restitution imposed;
- 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's misdemeanor is not violent or sexual in nature, unless it is a misdemeanor under Penal Code Section 22.01 for an assault; and
- Petitioner waited the requisite time before filing this petition. If Petitioner's misdemeanor is not punishable by fine only, Petitioner waited 2 years after completing the sentence before filing this petition.

3. Petitioner Satisfies the Requirements of Government Code Section 411.074

Petitioner satisfies the requirements of Section 411.074, Government Code, in that:

- Petitioner was not convicted of or placed on deferred adjudication community supervision for another offense, other than a traffic offense punishable by fine only, after the court pronounced the sentence for the misdemeanor or during the two-year waiting period, if applicable, following completion of the sentence for the misdemeanor (The two-year waiting period is applicable if Petitioner’s misdemeanor is a Class A or B misdemeanor);
- Petitioner was not and has not ever been previously convicted of or placed on deferred adjudication community supervision for any of the offenses listed below:
 - (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 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 did not make an affirmative finding that Petitioner's misdemeanor 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 411.0735 if the person satisfies the requirements of Sections 411.0735 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 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 (13)

the required fees and costs.

a Statement of Inability to Afford Payment of Court Costs.

7. Prayer for Relief

Petitioner respectfully asks the court to grant Petitioner’s request for an order of nondisclosure under Government Code Section 411.0735.

Respectfully submitted,

Signature (14)

Printed Name (15)

Address (16)

City, State, Zip (17)

Telephone Number (18)