

CAUSE NO. CR _____

INCIDENT NO./TRN: _____

THE STATE OF TEXAS

V.

§
§
§
§
§
§

IN THE

COUNTY COURT AT LAW NO. 2

STATE ID No.: _____

OF HUNT COUNTY, TEXAS

ORDER OF DEFERRED ADJUDICATION

Judge Presiding: **HON. JOEL D. LITTLEFIELD**

Date Proceedings
Deferred:

Attorney for
State: **G. CALVIN GROGAN, V**

Attorney for Defendant:

Offense:

Charging Instrument:

Statute for Offense:

Information

Date of Offense:

Defendant waived the right to trial by jury and entered the plea below:

Degree of Offense:

Terms of Plea Bargain (if any): Terms of Plea Bargain are attached and incorporated herein by this reference.

1st Enhancement
Paragraph:

Finding on 1st Enhancement
Paragraph:

2nd Enhancement
Paragraph:

Finding on 2nd Enhancement
Paragraph:

ADJUDICATION OF GUILT DEFERRED;

DEFENDANT PLACED ON DEFERRED ADJUDICATION COMMUNITY SUPERVISION.

PERIOD OF DEFERRED ADJUDICATION COMMUNITY SUPERVISION: _____ MONTHS.

(The document setting forth the conditions of community supervision is incorporated herein by this reference.)

Fines:

Court Costs:

Reimbursement Fees:

\$

\$270.00

\$

Restitution:

Restitution Payable to:

\$

(See special finding or order of restitution which is incorporated herein by this reference.)

Was the victim impact statement returned to the attorney representing the State?

This cause was called and the parties appeared. The State appeared by her County Attorney as named above.

A. **Counsel / Waiver of Counsel** (select one)

- Defendant appeared with counsel.
- Defendant appeared without counsel and knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

B. **General Announcements / Findings / Orders**

Both parties announced ready for trial. Defendant waived the right of trial by jury and entered the plea indicated above. The Court admonished Defendant. It appeared to the Court that Defendant was mentally competent to stand trial, made the plea freely and voluntarily, and was aware of the consequences of the plea. The Court received the plea and entered it of record. Having heard the evidence submitted, the Court **FINDS** that such evidence substantiates Defendant's guilt. However, the Court **FINDS** that it is in the best interest of society and Defendant to defer proceedings without entering an adjudication of guilt and to place Defendant on deferred adjudication community supervision. Therefore, the Court **ORDERS** no judgment entered at this time. The Court further **ORDERS** Defendant placed on deferred adjudication community supervision for the period of time indicated above as long as Defendant abides by the conditions of the deferred adjudication community supervision. The Court **FINDS** that the Presentence Investigation, if so ordered, was done according to the applicable provisions of Subchapter F, Chapter 42A, Tex. Code Crim. Proc.

C. **Defendant's Ability to Pay Monetary Obligations** (select as appropriate)

After having conducted an inquiry into Defendant's ability to pay as directed by Articles 26.05, 42.15, 42A.301 and 42A.655 of the Code of Crim. Pro., the Court **FINDS**:

- Defendant has financial resources that enable Defendant to offset in part or in whole the cost of the legal services provided to Defendant. Therefore, the Court **ORDERS** Defendant to pay all costs, or the partial amount of \$ _____ as a reimbursement fee to the County for legal services provided.
- Defendant does not have sufficient resources or income to immediately pay all or part of the fine, court costs, and reimbursement fees. Therefore, the Court **ORDERS** Defendant shall pay the fine, court costs, and reimbursement as indicated above in _____ equal payments before the 15th day of each month hereafter to the Hunt County Community Supervision Office until paid in full. The Court **ORDERS** the Hunt County Community Supervision Office to calculate monthly payments. Payments shall be made: (a) in person to the Hunt County Community Supervision Office by cash, cashier's check, or money order only (no personal checks), or (b) by mail to the Hunt County Community Supervision Office, P.O. Box 977, Greenville, Texas 75404-0977, by cashier's check or money order only (no personal checks).
- Defendant is indigent or does not have sufficient resources to pay and each alternative method of discharging the fine, court costs, and reimbursement fees would impose an undue hardship and therefore hereby **ORDERS** the waiver of the payment of the fine, court costs, and reimbursement fees.

D. **Fines Imposed Include** (check each fine and enter each amount as pronounced by the Court)

- | | | | |
|-----|-------------------------------------|---|------------|
| 1. | <input checked="" type="checkbox"/> | General Fine (§12.21 and 12.22 Penal Code, or any other Code) (not to exceed \$4,000) | \$ |
| 2. | <input type="checkbox"/> | Additional Monthly Fine for Certain Sex Offenders (CCP, art. 42A.653)
\$5.00 per month of community supervision | \$ |
| 3. | <input type="checkbox"/> | EMS, Trauma Fine (For Intoxication Convictions) (CCP, Art. 102.0185) | \$100.00 |
| 4. | <input type="checkbox"/> | Family Violence Fine to Women in Need (CCP, art. 42A.504(b)) | \$100.00 |
| 5. | <input type="checkbox"/> | Juvenile Delinquency Prevention Fine (CCP, Art. 102.0171(a)) | \$50.00 |
| 6. | <input type="checkbox"/> | Local Traffic Fine (Transportation Code § 542.403) (All offenses listed in TC §541 thru 600) | \$3.00 |
| 7. | <input type="checkbox"/> | State Traffic Fine (Transportation Code § 542.4031) (All offenses listed in TC §541 thru 600) | \$50.00 |
| 8. | <input type="checkbox"/> | Repayment of Reward Fine to Hunt County Crime Stoppers (CCP, art. 42A.301(b)(20)) (Not to exceed \$50.00) | \$25.00 |
| 9. | <input type="checkbox"/> | DWI 1st (Transportation Code § 709.001) | \$3,000.00 |
| 10. | <input type="checkbox"/> | DWI 2nd (Transportation Code § 709.001) | \$4,500.00 |
| 11. | <input type="checkbox"/> | DWI with BAC >.15 (Transportation Code § 709.001) | \$6,000.00 |
| 12. | <input type="checkbox"/> | Judge finds Defendant indigent and waives all fines and costs imposed under Transp. Code § 709.001. | |

E. Furthermore, the following marked special findings or orders apply

1. **Family Violence:** The Court enters an affirmative finding that Defendant's offense involved family violence, as defined by Section 71.004, Family Code.
2. **Driver's License Suspension:** The Court **ORDERS** Defendant's driver's license suspended for a period of _____ days. Said Suspension shall begin thirty (30) days from Judgment.
3. **Drug-Free Zones:** The Court **FINDS** that the offense occurred in a drug free zone, to wit: _____.
4. **Unadjudicated Offenses:** (*Tex. Penal Code §12.45*) The Court **FINDS** that, with the consent of the State's attorney, Defendant admitted guilt as to the following unadjudicated offense(s) _____, and the Court agreed to take the unadjudicated offense(s) into account in determining the sentence for the offense of which Defendant was adjudged guilty. Accordingly, the Court **FINDS** prosecution is barred for the unadjudicated offense(s) listed herein.
5. **Restitution:** The Court **FINDS** that Restitution shall be paid to the Community Supervision Office on behalf of _____ at a rate of \$ _____ on or before the 15th day of each month hereafter until paid in full. Payments may be made by cash, cashier's check, or money order (no personal checks).
6. **Temporary Suspension of Payment:** The Court **ORDERS** all court-ordered payments, if any, suspended while Defendant is in custodial supervision, and such payments shall be reinstated thirty days after the date of Defendant's discharge from custodial supervision.
7. **Discharge of Fines, Costs & Reimbursement Fees:** The Court **ORDERS** that for each day's confinement served, the Defendant shall receive credit toward payment of the fine and credit toward payment of costs adjudged against the Defendant in this case. Additionally, the Court **ORDERS** that the Defendant receive credit for each day's confinement served by the Defendant as punishment for this offense.
8. **Subsequent DWI – Interlock:** (*Tex. Penal Code §49.09(h)*) The Court **FINDS** that Defendant is a person convicted of a second or subsequent offense relating to the operation of a motor vehicle while intoxicated within five years of the date on which the most recent proceeding was committed. The Court **ORDERS** that Defendant have installed (at his/her own cost) on each motor vehicle owned or operated by Defendant, a device that uses a deep-lung breath analysis mechanism (with camera feature) to make impractical the operation of a motor vehicle if ethyl alcohol is detected in the breath of the operator, and Defendant may not, before the first anniversary of the ending date of the period of license suspension under Section 521.344 of the Transportation Code, operate any motor vehicle not equipped with that device. Defendant shall provide evidence to the Court of the installation.
9. **Other:**

Judgment entered on the following date: _____.

JUDGE PRESIDING

Receipt is hereby acknowledged on the date shown above of one copy of the above order.

XX _____
DEFENDANT

DEFENDANT'S ATTORNEY

CERTIFICATE OF THUMBPRINT

This is to certify that the fingerprints attached to this Judgement are the above-named Defendant's fingerprints taken at the time of disposition of the above styled and numbered cause on _____.

*Indicate here if print other than **Defendants right thumbprint** is placed in box:

Defendant's right thumbprint*

- left thumbprint
- left/right index finger
- other _____

BAILIFF/DEPUTY SHERIFF/NOTARY PUBLIC